

The NEW City of
**CANTERBURY
BANKSTOWN**

Agenda for the

**Independent Hearing
And Assessment
Panel Meeting**

6 June 2016 – 6.00pm

Function Room

137 Beamish Street, Campsie

IHAP Chairperson and Panel Members

Notice is hereby given that a meeting of the Independent Hearing and Assessment Panel will be held in the Function Room, 137 Beamish Street, Campsie on Monday 6 June 2016 at 6.00 p.m.

Disclosure of Interest: Section 451 of the Local Government Act 1993 requires a panel member who has a pecuniary interest in any matter with which the Council is concerned and who is present at the meeting at which the matter is being considered must disclose the interest, and the nature of that interest, to the meeting as soon as practicable. The panel member is required to leave the room while the matter is being discussed and not return until it has been voted on.

Matthew Stewart
GENERAL MANAGER

30 May 2016

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CENTRAL WARD

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REPORT SUMMARIES

1 349-351 BEAMISH STREET, CAMPSIE: DEMOLITION, CONSTRUCTION OF SIX STOREY MIXED USE DEVELOPMENT WITH RESIDENTIAL UNITS ABOVE RETAIL/COMMERCIAL GROUND FLOOR AND TWO LEVEL BASEMENT PARKING

- The applicant is seeking approval for the construction of a six storey 'Shop Top Housing' development containing 209.9m² of commercial floor space on the ground floor with 26 residential units above and 26 carparking spaces within two basement levels.
- The application is referred to IHAP because the proposal involves the construction of a building that exceeds four storeys in height.
- The site is zoned B2 Local Centre under Canterbury Local Environmental Plan 2012. The proposed development, defined as shop top housing, is permissible in the zone, subject to our approval.
- The development application has been assessed against the provisions contained in the relevant environmental planning instruments and Canterbury Development Control Plan 2012. The proposal is found to be generally in compliance with the requirements of these policies, with the exception of building height, deep soil planting and balcony depth. These non-compliances are discussed in detail in the body of this report.
- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Canterbury Development Control Plan 2012. Four objections and a petition with 56 signatures were received. One of the objections was later withdrawn.
- The Director City Planning has recommended the application be approved subject to conditions.

CENTRAL WARD**1 349-351 BEAMISH STREET, CAMPSIE: DEMOLITION,
CONSTRUCTION OF SIX STOREY MIXED USE DEVELOPMENT
WITH RESIDENTIAL UNITS ABOVE RETAIL/COMMERCIAL
GROUND FLOOR AND TWO LEVEL BASEMENT PARKING**

FILE NO: 73/349D
REPORT BY: DIRECTOR CITY PLANNING
WARD: CENTRAL

D/A No:	DA-343/2015
Applicant:	CD Architects
Owner:	Gee N Gee Pty Ltd
Zoning:	B2 Local Centre under Canterbury Local Environmental Plan 2012
Application Date:	7 August 2015, amended plans received by Council on 24 February 2016

Summary:

- The applicant is seeking approval for the construction of a six storey 'Shop Top Housing' development containing 209.9m² of commercial floor space on the ground floor with 26 residential units above and 26 carparking spaces within two basement levels.
- The application is referred to IHAP because the proposal involves the construction of a building that exceeds four storeys in height.
- The site is zoned B2 Local Centre under Canterbury Local Environmental Plan 2012. The proposed development, defined as shop top housing, is permissible in the zone, subject to our approval.
- The development application has been assessed against the provisions contained in the relevant environmental planning instruments and Canterbury Development Control Plan 2012. The proposal is found to be generally in compliance with the requirements of these policies, with the exception of building height, deep soil planting and balcony depth. These non-compliances are discussed in detail in the body of this report.
- The development application was publicly exhibited and adjoining land owners notified in accordance with Part 7 of Canterbury Development Control Plan 2012. Four objections and a petition with 56 signatures were received. One of the objections was later withdrawn.
- The Director City Planning has recommended the application be approved subject to conditions.

349-351 BEAMISH STREET, CAMPSIE: DEMOLITION, CONSTRUCTION OF SIX STOREY MIXED USE DEVELOPMENT WITH RESIDENTIAL UNITS ABOVE RETAIL/COMMERCIAL GROUND FLOOR AND TWO LEVEL BASEMENT PARKING (CONT.)

Council Delivery Program and Budget Implications:

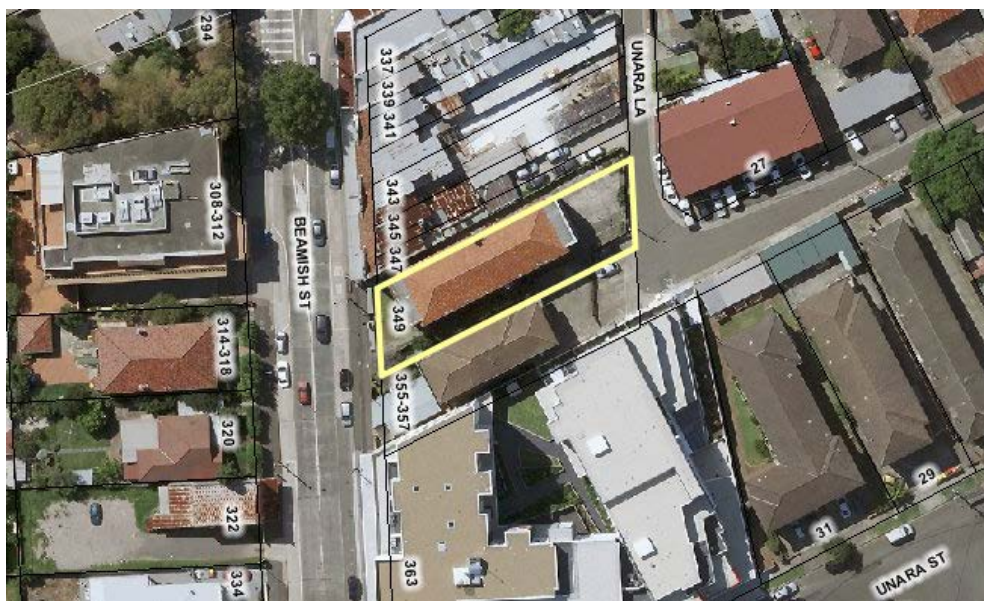
This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

Report:

Site Details

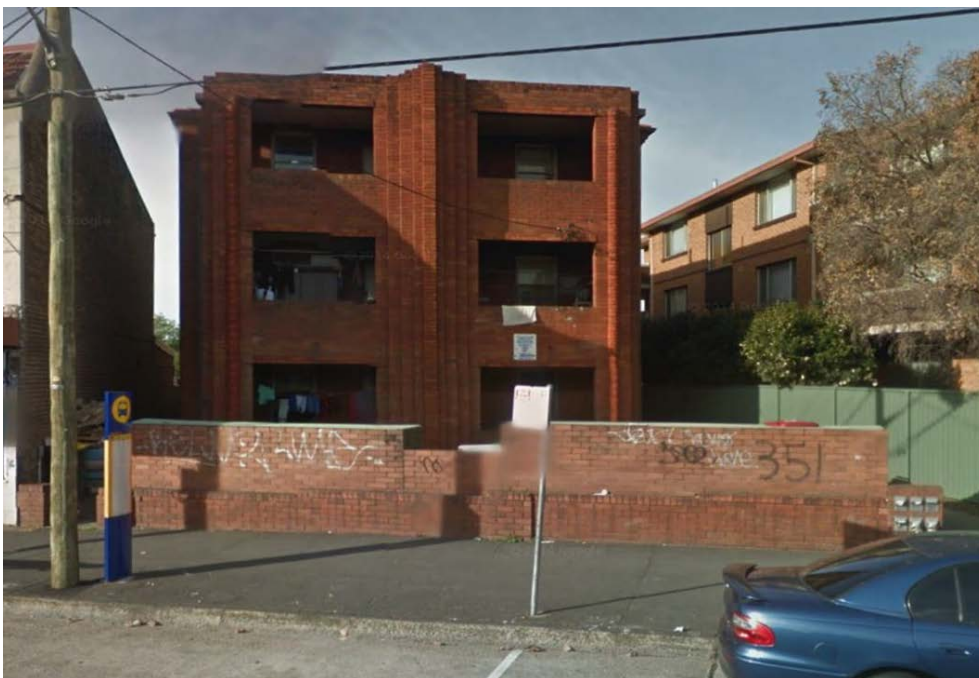
The subject site being Lot 21 in DP2970 and known as 349-351 Beamish Street, Campsie, is located on the eastern side of Beamish Street, approximately 60m north of the intersection of Beamish Street and Unara Street. The subject site is a trapezoidal shaped narrow land parcel comprising of a single allotment with a 14.86m frontage to Beamish Street, a 14.86m frontage to Unara Lane, an average depth of 50.29m and a total site area of 676.6m².

A three storey residential building containing twelve apartments occupies the site. The site is bounded by a two storey commercial building to the north at 347 Beamish Street, a three storey mixed use building with a single retail tenancy on the ground floor with units above to the south at 355-357 Beamish Street, Campsie. Further to the south is a recently constructed six storey mixed use development. To the south east are a mixture of three storey residential flat buildings, single storey commercial buildings and dwellings.



Aerial view of site

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Subject Site

Proposal

The proposal is for the demolition of the existing building and for the construction of a six storey 'Shop Top Housing' development containing approximately 210m² of commercial floor space on the ground floor with 26 residential units (six studio; three x one bedroom units; 16 x two bedroom units; and one x three bedroom unit) and with 26 carparking spaces (excluding tandem spaces) within two basement levels.

Detailed aspects of the proposal are shown in the table below.

Floor	Proposal
Basement Level 2 (lower)	15 residential car parking spaces inclusive of an accessible car parking space and a dedicated car wash bay, with six in a tandem arrangement. Wall rack accommodating four bicycle parking spaces. 13 separate resident storage areas. Lift core and stair well.
Basement Level 1 (upper)	Access to the upper basement is via a double width driveway access through the at grade parking from Unara Lane. 13 residential car parking spaces including six in a tandem arrangement. Wall rack accommodating five bicycle parking spaces. 13 separate resident storage areas. Lift core and stair well.
Ground Floor	Commercial tenancy 1: 110.80 m ² Commercial tenancy 2: 99.10 m ² Four carparking spaces for the retail/commercial tenancies. Residential lobby, residential/waste storage. Lift core and stair well. Double width driveway access via Unara Lane and vehicular ramp to basement.

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Floor	Proposal
First Floor	Two studios with balcony. Four x two bedroom units with balcony. 104.34m ² of centrally located communal open space. Lift core and stair well.
Second Floor	Two studios with balcony. Four x two bedroom units with balcony. Lobby area with a lift core and stairwell.
Third Floor	Two studios with balcony. Two x one bedroom units with balcony. Two x two bedroom units with balcony. Lobby area with a lift core and stairwell.
Fourth Floor	Three x two bedroom units with balcony. One x three bedroom unit with balcony. Lobby area with a lift core and stairwell.
Fifth Floor	One x one bedroom unit with balcony. Three x two bedroom units with balcony. Lift core and stair well. Lobby area with a lift core and stairwell.
Roof	183.97m ² of communal open space. Non-accessible landscaped area. Lobby area with a lift core and stairwell.

Statutory Considerations

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

- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013

Assessment

- **State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**
The object of this Policy is to provide a State-wide approach to the remediation of contaminated land for the primary purpose of reducing the risk of harm to human health or any aspect of the environment. The land has in the past been used exclusively for residential purposes and there is no history to suggest that any contaminating uses previously occurred on this site. Council can therefore be satisfied that the land is not contaminated and no remediation of the land is required.
- **State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)**
This policy aims to improve the design quality of residential flat buildings. The proposed development falls within the definition of a residential flat building under

349-351 BEAMISH STREET, CAMPSIE: DEMOLITION, CONSTRUCTION OF SIX STOREY MIXED USE DEVELOPMENT WITH RESIDENTIAL UNITS ABOVE RETAIL/COMMERCIAL GROUND FLOOR AND TWO LEVEL BASEMENT PARKING (CONT.)

this SEPP as it involves the construction of a six storey building containing more than four residential units. The SEPP requires that registered architects carry out the design of residential flat buildings. A registered architect has designed the proposal. The SEPP requires consideration of the following matters prior to determining the application:

Design Quality Principles

The applicant has addressed these principles as follows:

Context

The surrounding area is characterised by a mix of building forms and styles including, residential flat buildings of varying ages and densities and single dwellings and commercial/retail buildings. The zoning and relevant built form controls allow for the style of building proposed in reference to our DCP. It is likely that the area will experience a transition in densities such as that proposed in this application. Within this context the proposal will sit well and contribute in a positive manner to the quality and identity of the precinct. The proposed building responds to the desired future character as articulated by our local planning provisions.

Scale

There is no FSR standard for the site. The height is marginally non-compliant with the development standard. The variation in height is only for a roof feature and it does not significantly increase the bulk and scale of the building, nor create any unreasonable impacts. The bulk and scale of the proposed building will not be out of character with the surrounding area, including the main front façade to Beamish Street, which will be sympathetic with its immediate context and respond adequately to a setting that is due to become more diversified and complex over time.

Built Form

The built form of the proposed development is appropriate for this site and the units are arranged to maximise the solar access and provide good natural ventilation throughout. The proposal defines and activates the public domain by having two commercial lots on the ground floor fronting Beamish Street. The building massing and façades are articulated to break down the scale and create a building identity, while maintaining the surrounding amenity. The building is designed to minimise any impact of over shadowing. The built form and articulation reduces any perception of impact on surrounding properties. The separation proposed between habitable spaces and adjoining properties allows for their future redevelopment without compromising privacy and amenity. The proposal will deliver a suitably designed building that is consistent with the provisions of our planning controls.

Density

The density of the proposed development is considered to be satisfactory and a reasonable response to the desired future character of the site and the precinct. The proposal draws upon the provisions of our planning controls in relation to design requirements. Consideration has been given to the character of the area as well as our strategic objectives. The proposal demonstrates good urban design through a well-articulated façade that includes an interesting palette of materials and finishes.

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Resource, Energy and Water Efficiency

Beyond the requirements of the BASIX commitments which are addressed below, the Apartment Design Guide requires specific additional energy efficiency measures relating to cross ventilation and solar access. The Apartment Design Guide requires a minimum of 60% of the apartments be cross ventilated. The proposed development provides 76% of apartments that achieve natural cross-flow ventilation. 19 of the 26 units (73%) receive greater than two hours solar access which exceeds the 70% required under the Apartment Design Guide.

Landscape

All of the proposed units have access to outdoor balconies and/or terraces. Due to the commercial zoning of the site, being mixed use and allowing buildings to be built to the side boundaries, there is no soft landscaped area provided. Substantial communal open space areas are incorporated at the rooftop, providing a range of recreational opportunities for future residents. These areas are designed to create visual interest and attract occupants as active spaces.

Amenity

The proposed units will have considerable internal amenity and achieve the minimum sizes contained within the Apartment Design Guide. They are of sufficient size and appropriate room dimensions to meet the needs of future occupants. Storage is provided within all units and with some additional space within the basements. The outdoor areas (communal and private) are of sufficient size to meet the recreational needs of future occupants. The building has been designed in compliance with the principal development standards contained in our planning controls in order to achieve good levels of internal and external amenity such as solar access and cross ventilation.

Safety and Security

The principles of Crime Prevention through Environmental Design include the consideration of Natural Surveillance and Natural Access Control as demonstrated below:

– **Surveillance**

The development embodies good levels of casual surveillance from within the building and from the street.

– **Access**

The ground level has an entry from Beamish Street to the residential levels between the two commercial premises which will be secured and fitted with an intercom for visitors. The entry to the building lobby is accessed from the street frontage of the property maximising the potential for casual surveillance. Access to the basement is by a secured roller door which will be fitted with an intercom entry system for visitors. Adequate lighting to be provided for the lobby, car parks and communal open spaces.

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The proposed development has been suitably designed in accordance with the objectives and better design practice of Crime Prevention Through Environmental Design.

Social Dimensions

The proposed design incorporates various dwelling sizes and shapes, with units capable of adaption, thereby promoting diversity, affordability and access to housing choice.

Aesthetics

The proposal incorporates a variety of materials and finishes, including rendered and painted finishes for the façade walls, a combination of solid balustrades as well as frosted glass and solid balustrade and special cladding for partial walls. Glazing will be fixed to powder-coated aluminium frames. The overall external colour scheme helps to give the proposal a sharp appearance, but part of the coloured angled strips on the side walls will overpower surroundings. A condition of consent will require the coloured angled strips to be deleted.

Apart from the above, the articulation and the use of different material to the façade complements the proposed development, is considered to be satisfactory and a reasonable response to the desired future character of the site and the precinct in terms of the aesthetics, scale and bulk.

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 (ADG) in accordance with Clause 28 (2) (c) of SEPP 65.

The applicant's designer has provided a design verification statement demonstrating how these objectives are achieved.

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

Section	Design Criteria	Proposed	Complies
Siting the Development			
Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site (169m ² required).	288.27m ² provided comprising a roof top common open space area of 183.97m ² and 104.3m ² on level 1.	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9 am and 3 pm on 21 June (mid-winter).	The rooftop communal open space is not overshadowed.	Yes

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Section	Design Criteria	Proposed	Complies						
Deep Soil Zones	<p>Deep soil zones are to meet the following minimum dimensions:</p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>650m² – 1,500m²</td> <td>3m</td> <td>7%</td> </tr> </tbody> </table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	650m ² – 1,500m ²	3m	7%	No deep soil zone.	No – See Comment [1]
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)							
650m ² – 1,500m ²	3m	7%							
Visual Privacy	<p>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 required.</p> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room. Hence, in this case building separation should be 12m (6m + 6m).</p>	<p>Nil setback or blank walls provided to side boundaries.</p> <p>11m separation provided between the two towers within the site.</p>	<p>Yes</p> <p>No – See Comment [2]</p>						
Bicycle and Car Parking	<p>This site is 480m from Campsie Station and therefore the car parking requirement for residents and visitors set out within the Guide to Traffic Generating Developments applies and is considered below.</p> <table border="1"> <thead> <tr> <th>Development Type</th> <th>Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>High Density Residential Flat Buildings (20 or more dwellings).</td> <td> <p>Metropolitan sub-regional centres</p> <ul style="list-style-type: none"> • Three x one bedroom units @ 0.6 spaces per one bedroom unit = 1.8 spaces • 16 x two bedroom @ 0.9 spaces per two bedroom unit = 14.4 spaces • One x three bedroom @ 1.40 spaces per three bedroom unit = 1.4 • One visitor space per five units = 5.2 spaces <p>Total = 22 spaces</p> </td> </tr> <tr> <td>Commercial premises component where use is part of application</td> <td> <p>The parking requirement is the lesser of that for the use/s set out in the controls within the RTA’s Guide to Traffic Generating Development or Council’s requirements.</p> <p>209m² @ 1 space/66.7m² = 4 spaces.</p> <p>Total spaces required is 26.</p> </td> </tr> </tbody> </table> <p>The total car parking required for the development is 26 spaces and must be provided off street.</p>	Development Type	Parking Requirement	High Density Residential Flat Buildings (20 or more dwellings).	<p>Metropolitan sub-regional centres</p> <ul style="list-style-type: none"> • Three x one bedroom units @ 0.6 spaces per one bedroom unit = 1.8 spaces • 16 x two bedroom @ 0.9 spaces per two bedroom unit = 14.4 spaces • One x three bedroom @ 1.40 spaces per three bedroom unit = 1.4 • One visitor space per five units = 5.2 spaces <p>Total = 22 spaces</p>	Commercial premises component where use is part of application	<p>The parking requirement is the lesser of that for the use/s set out in the controls within the RTA’s Guide to Traffic Generating Development or Council’s requirements.</p> <p>209m² @ 1 space/66.7m² = 4 spaces.</p> <p>Total spaces required is 26.</p>	26 car parking spaces are provided off street.	Yes
Development Type	Parking Requirement								
High Density Residential Flat Buildings (20 or more dwellings).	<p>Metropolitan sub-regional centres</p> <ul style="list-style-type: none"> • Three x one bedroom units @ 0.6 spaces per one bedroom unit = 1.8 spaces • 16 x two bedroom @ 0.9 spaces per two bedroom unit = 14.4 spaces • One x three bedroom @ 1.40 spaces per three bedroom unit = 1.4 • One visitor space per five units = 5.2 spaces <p>Total = 22 spaces</p>								
Commercial premises component where use is part of application	<p>The parking requirement is the lesser of that for the use/s set out in the controls within the RTA’s Guide to Traffic Generating Development or Council’s requirements.</p> <p>209m² @ 1 space/66.7m² = 4 spaces.</p> <p>Total spaces required is 26.</p>								

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Section	Design Criteria	Proposed	Complies										
Designing the Building													
Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9 am and 3 pm at mid-winter.	19 of the 26 units (73%) receive more than two hours solar access.	Yes										
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All units receive direct sunlight.	Yes										
Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	20 of the 26 units (76.9%) are cross ventilated.	Yes										
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Cross-through apartments do not exceed 18m in depth.	Yes										
Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Ceiling height is 2.7m.	Yes										
	<table border="1"> <thead> <tr> <th colspan="2">Minimum Ceiling Height for Apartment and Mixed Use Buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> </tbody> </table> <p>These minimums do not preclude higher ceilings if desired.</p>			Minimum Ceiling Height for Apartment and Mixed Use Buildings		Habitable rooms	2.7m	Non-habitable	2.4m				
Minimum Ceiling Height for Apartment and Mixed Use Buildings													
Habitable rooms	2.7m												
Non-habitable	2.4m												
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All units comply with the minimum size.	Yes
	Apartment Type	Minimum Internal Area											
	Studio	35m ²											
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												
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.	All habitable rooms 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.	Yes											
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Habitable room depths are more than 2.5 x the ceiling height. Figure 4D.3 of the ADG indicates that an 8.1m depth (3 x ceiling height) is satisfactory for open plan apartments.	Yes											

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Section	Design Criteria	Proposed	Complies															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The maximum habitable room depth is 8m from a window.	Yes															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Master bedrooms have a minimum area of 12m ² and other bedrooms have a minimum area 10m ² (excluding wardrobe space).	Yes															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have a minimum dimension of 3m.	Yes															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and one bedroom apartments • 4m for two and three bedroom apartments 	Minimum width of combined living/dining rooms is 4m.	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The cross-over/cross-through apartments are at least 4m wide.	Yes															
Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table border="1" data-bbox="411 1070 949 1355"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>One bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>Two bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>Three+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	One bedroom apartments	8m ²	2m	Two bedroom apartments	10m ²	2m	Three+ bedroom apartments	12m ²	2.4m	The two bedroom units at the rear (Unit 06, Unit 12, and Unit 18) have angled balconies where a small part does not satisfy the 2m minimum depth at the narrowest point. The variation is marginal and the size and depth are considered to be useable and satisfactory.	No
	Dwelling type	Minimum Area	Minimum Depth															
Studio apartments	4m ²	-																
One bedroom apartments	8m ²	2m																
Two bedroom apartments	10m ²	2m																
Three+ bedroom apartments	12m ²	2.4m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	No units at ground level.	N/A															
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Maximum six units per floor.	Yes															
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" data-bbox="411 1796 928 1989"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>One bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>Two bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>Three+ bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio apartments	4m ³	One bedroom apartments	6m ³	Two bedroom apartments	8m ³	Three+ bedroom apartments	10m ³	While each unit has been provided with the required volume of storage space, less than 50% of the required storage is located within the apartment.	No – See Comment [3]					
	Dwelling type	Storage size volume																
Studio apartments	4m ³																	
One bedroom apartments	6m ³																	
Two bedroom apartments	8m ³																	
Three+ bedroom apartments	10m ³																	

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The proposed development complies with the design criteria of the ADG apart from a variation from deep soil zone, visual privacy and storage. The following matters require further discussion:

[1] Deep Soil Zone

The ADG acknowledges that it may not be possible to achieve the design criteria on some sites including where the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) or where there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.

This application has 100% site coverage with commercial units on the ground floor level. The proposal incorporates appropriate stormwater disposal that includes an on-site detention system that will ensure that stormwater is temporarily stored on site and slowly released into our drainage network to minimise flooding. A podium on level 1 provides a soil depth of 1400mm to facilitate appropriate landscaping that will provide a pleasant vegetated setting for future occupants. This in combination with the stormwater system ensures that the objectives of the deep soil zone are satisfied.

[2] Visual Privacy

Section 3F of the Apartment Design Guide relates to building separation, and requires that windows and balconies up to the fourth storey should have 12m separation or a 6m setback to the boundary between habitable rooms.

The proposed 11m separation between bedrooms and between bedroom and study between the two blocks is one metre short of the 12m requirement. The rooms which have less than the suggested separation distance are secondary areas such as bedrooms and are not afforded the same protection measures as primary living rooms which are more readily utilised. Appropriate privacy measures have been incorporated into the design of the proposal including highlight windows with awnings to reduce overlooking from and into the rooms. The windows within each tower have been offset to avoid direct view lines between the towers.

[3] Storage

The proposed dwellings do not contain the required 50% storage space within each apartment. Despite the provision of basement storage, a condition of consent shall apply to require suitable storage be provided within each dwelling.

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 20004**

BASIX Certificate No. 651159M accompanies this application. The Certificate makes a number of energy and resource commitments in regard to landscaping, provision of a central hot water heating system, natural lighting and thermal comfort. These commitments have been shown on the plans and satisfy the requirements of the SEPP.

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- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

This site is in Zone B2 Local Centre under our Canterbury Local Environmental Plan 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	B2 Local Centre	Shop top housing is permissible with consent	Yes
Building height	18m	21.2m	No – see comment [1]

[1] Building Height

The proposal seeks a 17% (18m permitted, 21.2m proposed) departure from the Building Height standard in order to accommodate the lift overrun and access to the roof top communal open space area.

Pursuant to Clause 4.6 of our LEP, the applicant has requested an exception to Clause 4.3 Height of Building development standard in our LEP. The applicant has addressed the objectives of Clause 4.6 and has made the following submission in support of the application:

- *The development proposal is consistent with the intent of the maximum height control and is predominantly below the 18m height limit with the majority of the non-compliance contained to non-habitable areas (in terms of living space/residential dwellings);*
- *The overall height of the development presents as a compatible form of development with the lift shaft and structures associated with the common open space on the rooftop recessed back to downplay visual dominance as viewed from the public domain and adjoining properties- thus ensuring the building presents a maximum height of 18m relative to the public domain;*
- *The proposal has been designed to ensure that privacy impacts are mitigated and that the proposal will not obstruct existing view corridors;*
- *Reducing the building height to 18m would not result in improved solar penetration to the adjoining mixed use development at 355 Beamish Street;*
- *The proposal is designed with a recessed element above the podium to align with DCP controls to reinform the site frontage and appearance within the town centre.*

Clause 4.6 of our LEP states:

- (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.

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

 - (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
 - (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
 - (b) the concurrence of the Secretary has been obtained.

 - (5) In deciding whether to grant concurrence, the Secretary must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

 - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

 - (8) This clause does not allow development consent to be granted for development that would contravene any of the following:

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- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4.

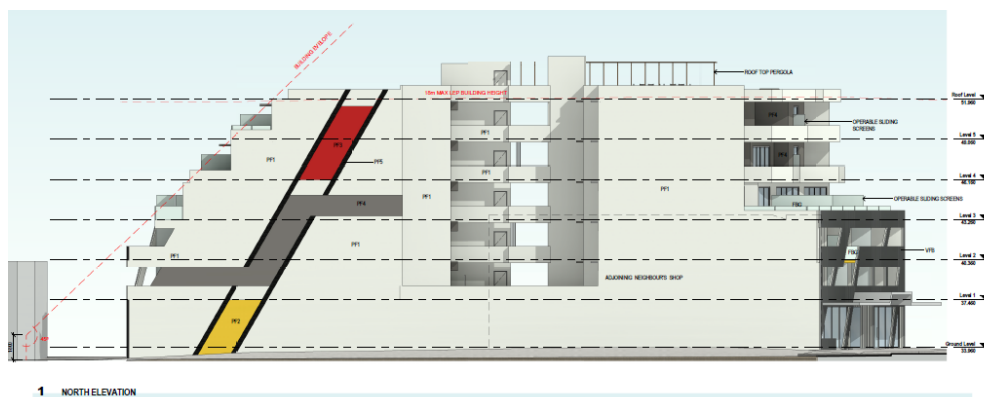
Each aspect of Clause 4.6 and other relevant case law is assessed below:

Clause 4.6 of our LEP states:

- (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

Comment

The extent of which the proposal exceeds the maximum building height of 18m is shown in the diagram below and is over a portion of the proposal comprising part of the uppermost residential level, the lift and stairwell over-run, structures associated with the communal open space on the rooftop level, and, a small proportion of the roof structure. The extent of variation is 3.2m which equates to 17% of the control.



Variation from 18m height standard along elevation

The design elements described above (in particular the provision of rooftop communal terrace) are clearly a preferred design outcome as it ensures the likelihood the roof terrace would be utilised throughout the year.

It is considered that an appropriate degree of flexibility in applying the Height of Building standard is warranted in this instance as the proposed development is consistent with the desired outcome for the site and will provide a building that exhibits good articulation and will improve the streetscape presentation and building form for the location.

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The overall mass of the development is considered to be consistent with the desired future character of the area as envisaged in our LEP, and inclusion of rooftop terrace and associated structures is considered to be a better outcome for the development.

- 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

As stated above, the proposal seeks consent for a maximum height of 21.2m, which is a 3.2m departure (maximum allowable height is 18m). The departure is largely attributed to the lift and stairwell over-run, structures associated with the communal open space on the rooftop level and a small protrusion of the roof structure. This clause allows us to vary the height setback.

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

Comment

Compliance with the Height of Building development standard is unreasonable and unnecessary in the circumstances of this case for reasons described below.

The objectives under Canterbury LEP 2012 for the Height of Building standard are as follows:

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

Objective (a) refers to the desirable attributes and character of the area. The attributes and character are established by the land use zone, FSR, height and any other statutory or strategic policy that indicates the type of built form that is envisaged for the site.

Notwithstanding the proposed variation, the proposal is of a built form that is reflective of the desirable attributes and character of the area. The proposed height and bulk of the proposal is considered to be consistent with the desired future character of the area, which is that of a medium/high density mixed use area as reflected through the planning controls. Accordingly, the proposal satisfies objective (a).

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Objective (b) refers to the need to mitigate overshadowing and provide a desired level of solar access. The owner of the subject site has recently purchased the mixed use development at 355-357 Beamish Street and has provided written proof of purchase. Notwithstanding this, the applicant has provided shadow diagrams which show how the proposed development will overshadow 355-357 Beamish Street. The existing building onsite essentially overshadows the adjoining three storey mixed use building and its surrounds at mid-winter between 9am-3pm. The proposed development will cast a similar shadow over the adjoining building to the south albeit extending further southwards. The applicant has provided a solar study diagram demonstrating the anticipated future built form likely to be developed on the adjoining property at 355-357 Beamish Street (which the owner of the subject property in this application has purchased) and the relationship between the proposed and adjoining future development. The study shows that there is sufficient solar penetration into the adjoining property to allow it to be developed and maintain Solar Access in accordance with ADG requirements.

With regard to Objective (c), the proposal will deliver a medium development option for the site that is consistent with the zone provisions, and shall provide a built form that contributes positively to the streetscape and visual amenity of the locality. The development is of a built form that would be reasonably contemplated for the site, and the height departure does not generate an adverse impact on the streetscape or visual amenity of the area.

Objective (d) encourages active street frontages. Accordingly, the proposal is not in conflict with Objective (d) because the ground floor has two commercial units fronting the street.

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

Comment

The proposed development is in the public interest as it provides an increase in housing stock and is a development that is consistent with the objectives of the Height of Building development standard.

This Clause 4.6 Exception has considered relevant Planning Principles of the Land and Environment Court in adequately addressing the matters required under sub-clause (3) and has adequately addressed the requirements of sub-clause (3). Concurrence from the Director-General is not required in this instance.

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- 5) In deciding whether to grant concurrence, the Director-General must consider:
- a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - b) the public benefit of maintaining the development standard, and
 - c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Comment

The proposed variation to the development standards does not raise any matters of significance for state or regional planning.

There is no public benefit in maintaining the development standard in this instance as the site represents an opportunity to provide a highly articulated built form that will improve the streetscape whilst delivering additional housing opportunities for the locality. The design exhibits a high quality design response which is a public benefit and provides high levels of residential amenity for the occupants and maintaining residential amenity to the adjoining dwellings. Maintaining the height at the expense of providing a roof top terrace and therefore no communal space is considered a worse outcome.

Relevant Caselaw

It is also considered relevant to assess this Clause 4.6 variation against the recent case of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 the Court held that the proposed development in that case (which sought a variation to the maximum height standard in the B4 Zone) was consistent with the zone objectives and also in the public interest because it was consistent with the objectives of the standard. However, the Court held that consideration also needs to be given to whether there are sufficient environmental planning grounds to justify contravening the development standard.

In this appeal, the Applicant's written clause 4.6 submission put forward the proposition that the environmental planning grounds justifying contravening the standard were the benefits arising from the additional housing and the employment opportunities that would be delivered by the development having regard to its close proximity to railways, schools, the town centre, etc. The Court accepted that the proposed development would provide those public benefits but noted that any development for a shop top housing in the B4 zoned land would provide those same benefits. The Court therefore found that the grounds advanced by the applicant in its clause 4.6 submission are not particular only to the proposed development site.

Comment

This proposal seeks consent for a maximum height of 21.2m measured to the top of the roof structure. On this basis the proposed departure equates to 3.2m, however the departure is solely attributed to the lift and stairwell over-run, structures associated with the communal open space on the rooftop level and a small proportion of the roof structure. In this case the variation predominantly stems from the provision of the rooftop common open space area and the associated lift and stairwell overrun and

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pergola over part of the communal area. This is a preferred design outcome on the site as the communal area on the rooftop will provide the residents with usable outdoor recreation space. The additional height will not result in significant adverse impacts on the amenity of surrounding development in terms of privacy and solar access. The additional height will result in a better environmental outcome for future residents of the site, without significantly impacting on the amenity of adjoining properties. There are sufficient environmental planning grounds to justify contravening the development standard and 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.

The applicant’s Clause 4.6 submissions have addressed the issues raised in the recent *Four2Five v Ashfield Council* matters.

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

Clause 5.10 (Heritage Conservation)

The site is not identified as a heritage item, however there is a heritage item, being the Campsie Fire Station at 294 Beamish Street which is approximately 50m to the north-west of the subject site. The proposal will not impact upon the heritage significance of the item when considering the separation distance, the existing built form and the higher mixed use densities envisioned for the area by virtue of the B2 Zone which permits buildings of up to 18m.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**

The proposed development has been compared to the requirements of Canterbury Development Control Plan 2012 as follows:

Standard	Requirement	Proposed	Complies
Isolation of sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed.	No isolation of neighbouring properties will result should the application be approved. The site to the south at 355-357 Beamish Street, contains a three storey mixed use building and has a street frontage of approximately 14m which exceeds Council minimum frontage control of 12m. The applicant has provided a possible likely development of 355 -357 Beamish Street which demonstrates that the redevelopment of this site will not be hindered should this proposal be approved.	Yes

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Standard	Requirement	Proposed	Complies
Minimum Frontage	12m-18m	The site has a frontage of 14.86m to both Beamish Street and Unara Lane.	Yes
Building Height	Floor to ceiling height in commercial min. 3.3m	3.3m (min)	Yes
	Floor to ceiling height in residential min. 2.7m	2.7m (max)	Yes
	Floor to ceiling height in car parking min. 2.8m	Upper basement: 3.4m Lower basement: 2.8m	Yes Yes
Building Depth	Commercial component 10m-24m	18m-24m	Yes
	In general, an apartment building depth of 10-18 metre is appropriate.	The majority of the residential portions of the development have a depth of less than 18m. Four units being dwellings 3, 4, 9 and 10 have a depth of 19m.	No – See Comment [1]
Building Setbacks	1 to 3 storeys, build to front boundary.	1 to 3 storeys built to front boundary.	Yes
	> 3 storeys – 5m	5m above three storeys.	Yes
	Side - No setback to be provided when desired character is for a continuous street frontage. Rear - 45 degree height plane projected at 1.8m from residential boundary.	No side setbacks. 45 degree height plane from rear boundary that abuts a laneway.	Yes Yes
Building Separation (between buildings on adjoining sites)	Zero building separation permitted.	The development adopts a built to boundary form to provide a consistent street edge form that is appropriate for land within a business zone.	Yes
		A minimum of 10.9m is provided between bedrooms in each of the towers.	Yes
Building Configuration	At ground floor level viable shop fronts for business activities are to be created.	Viable commercial and retail tenancies have been provided at the ground floor level.	Yes
Car and Bicycle Parking (B2 – Large Centre)	<u>Residential</u> <ul style="list-style-type: none"> • Six studio @ 0.25 spaces/unit = 1.5 • Three x one bedroom @ 0.8 space/ unit = 2.4 • 16 x two bedroom @ 1 space/unit=16 • One x three bedroom @ 1 space/unit =1 • Visitor spaces – not required • 1 car wash bay Total spaces: 21 spaces (rounded up from 20.9 spaces)	See total below.	Yes

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Standard	Requirement	Proposed	Complies
	<u>Shops/Commercial</u> 209m ² @ 1 space/66.7m ² = 4 Loading bay – on merit Total: 25 spaces	See total below. No loading bay provided - A condition of consent that the two commercial premises on the ground floor to be used only as office and /or business premises and not retail premises. Total: 26 spaces	Yes Yes
	<u>Bicycle Parking</u> <u>Residential</u> 1 space per five dwellings (residents) = 5.2 spaces required 1 space per ten dwellings (visitor) – 2.6 spaces <u>Commercial</u> 1 space per 300m ² = 1 space Total: 8.8 spaces	9 spaces	Yes
Design Controls	Clearly identifiable entries, provide main common entry.	Clear entry provided as main common entry.	Yes
	Habitable room windows to face street and communal areas.	Habitable windows facing streets at the front and rear and into communal area.	Yes
	No obstruction to views from street to development and vice versa.	Natural surveillance provided for surrounding streets.	Yes
Façades – New multi storey buildings	To be in accordance with articulation controls of this DCP.	Façade is in accordance with the articulation requirements.	Yes
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath.	Dimensions not shown in plan but can be conditioned.	Yes
	Width of 3m.	Dimensions not shown in plan but can be conditioned.	Yes
Articulation	Buildings should generally have a base and upper elements.	Building has a base and upper levels in accordance with its height.	Yes
	The design of the façade, including the quality and durability of its materials, should be emphasised.	The façade is of a high architectural standard. Materials used are of a high quality and are durable.	Yes
	The ‘façade’ should have a strong sense of verticality, emphasised on the ground floor by modulation at intervals of 6-8 metres with some variation. Modulation above the ground floor may take the form of party walls, small bays, as well as variations in materials and colours.	Vertical emphasis is provided with appropriate modulation through the use of varying materials and external finishes and vertical elements.	Yes
	A visual finish using expressed eaves, cornice or parapet elements with shadow lines are desirable.	Shadow lines to be created through the use of building design elements.	Yes

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Standard	Requirement	Proposed	Complies
	No blank walls are to face the public realm.	No blank walls to public realm.	Yes
	Balconies should be used in moderation and be integrated into the overall composition of the façade.	Balconies are integrated into the overall design of the façade. There is adequate variety in the balconies configuration between the lower and upper levels of the development.	Yes
	The majority of windows shall be vertically rectangular.	Majority of windows are to be vertically rectangular.	Yes
Roof Design	Relate roof design to the desired built form and or context.	The proposal incorporates a contemporary, predominantly flat roof design that provides articulation and not dominating the streetscape. Roof design is consistent with the desired built form and context of the area.	Yes
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to solar access.	Roof structure takes advantage of site orientation.	Yes
Service and Utility Areas	Integrated into the design of development and are not visually obtrusive.	Service and utility areas integrated into the design adequately.	Yes
	Unscreened appliances not to be visible from the street, communal area of driveway on the site. Air con units behind balustrades, screened recesses for water heaters, meters in service cabinets.	Appliances not visible from public areas by condition.	Yes – condition imposed
	Communal rooftop antenna to be provided.	Antenna to be provided through condition of consent.	Yes – condition imposed
	Screen clothes drying areas from public view, storage space screened and integrated into design.	To be adequately screened by condition.	Yes – condition imposed
	Discretely locate mailboxes in front of property.	To be provided.	Yes – condition imposed
Performance Controls			
Visual Privacy	Locate and orientate new developments to maximise visual privacy between buildings.	Design has adequately addressed visual privacy issue through window placements, screening and sufficient setbacks within the building.	Yes
Balconies	Primary 8m ² balconies for one bedroom dwellings and 12m ² for two and three bedroom dwellings.	Some of the two bedroom units on Levels 1, 2 and 3 have balconies that are less than 12m ² (eg 10.05m ² each).	No – See Comment [2]

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Standard	Requirement	Proposed	Complies
	Full length balconies without articulation are not permitted.	Articulation and building design elements incorporated to provide relief to balconies.	Yes
	Primary balconies to be located adjacent to main living areas.	All primary balconies are accessible directly off living room.	Yes
	Primary balconies to have minimum depth of 2m and be functional in dimensions.	Minimum depth of 2m and functional in design.	Yes
	One area at least 2.5m x 2.5m which is suitable for outdoor dining.	The size of some of the units on Levels 1, 2 and 3 have an area of less than 2.5m x 2.5m.	No – See Comment [2]
	Design and detail balconies in response to local climate.	Most balconies have been designed where achievable to have eastern orientation to maximise solar access.	Yes
Storage	6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling.	Storage opportunities available. To be imposed as a condition of consent.	Yes – condition imposed
Communal Open Space	Communal Area: Min. 10% of site area as communal open space (96.28sqm)	185.96m ² (19% of site area).	Yes
Internal Dwelling Space and Design	Dimensions and design of interiors to accommodate furniture typical for purpose of room.	Typical furniture layout on plans.	Yes
	Living room and main bedroom min 3.5m dimension.	Minimum 3.5m	Yes
	Secondary bedrooms to have minimum 3m width.	Minimum 3m	Yes
Part 6.3 - Crime Prevention			
Site and Building Layout	Address the street, or both streets and corners.	The building and dwellings are orientated towards the front and rear streets.	Yes
	Habitable rooms with windows at front of dwellings.	Dwellings have been orientated to ensure windows front the common atrium through the development.	Yes
	Avoid blind corners in pathways, stairwells, hallways and car parks.	The building layout avoids blind corners.	Yes
Access Control	Access to the individual units be clearly marked and apparent to visitors.	The entry is to be clearly numbered with the dwellings accessible through that entry.	Yes
	Install intercom, code or card locks or similar to main entries to buildings, including car parks.	Intercoms and controlled access measures to be installed at building entry point, including basement car park.	Yes – condition imposed
	That concealment points be eliminated.	The proposal eliminates concealment points by controlling access to the site.	Yes

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Standard	Requirement	Proposed	Complies
Ownership	Dwellings and communal areas to provide sense of ownership.	Sense of ownership achieved through the use of design features, building materials and site layout.	Yes
Part 6.2 - Climate and Energy			
Site layout and building orientation	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Building orientated to maximise number of dwellings with east facing windows and cross ventilation.	Yes
	Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor space and solar cells on the site and on adjoining land (see solar access below).	Building has been designed to minimise shadow impact on adjoining properties, with adequate separation proposed.	Yes
	Coordinate design for natural ventilation with passive solar design techniques.	Cross ventilation enabled design and roof elements.	Yes
Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building.	Building configured to maximise solar access.	Yes
Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer.	Placement of windows on the eastern side has been incorporated into the design.	Yes
Insulation and thermal mass	Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows: - Roof: minimum 2.0 R-value - Wall: minimum 1.0 R-value Floor: minimum 1.0 R-value	This has been addressed in the BASIX Certificate.	Yes
Daylight and sun access	At least 70% of proposed apartments to living room areas and private open space to receive two hours sunlight between 9.00 am and 3.00 pm in mid-winter.	73% of apartments receive two hours sunlight between 9am and 3pm in mid-winter.	Yes
	Living room windows and principal ground level open space of adjoining dwellings receive at least two hours sunlight.	Proposal allows two hours solar access to existing living room windows and private open space areas of neighbouring property.	Yes

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Standard	Requirement	Proposed	Complies
Ventilation	Provide natural cross ventilation to at least 60% of dwellings and natural ventilation to 25% of kitchens.	Cross ventilation is provided to 76.9% of dwellings and natural ventilation to all the kitchens within the dwellings.	Yes

[1] Residential Building Depth

Section 3.1.7 of the DCP indicates that residential dwellings should have a maximum depth of 18m from glass line to glass line. The majority of the residential units have a depth of less than 18m, with only four units (being dwellings 3, 4, 9 and 10) having a depth of 19m.

The units that have the departure are all dual aspect apartments and the width of the apartments complies with the widths required in the Apartment Design Guide to facilitate sufficient natural ventilation and daylight access. All primary living areas within the units will not require any artificial lighting during the day.

[2] Balcony size and balconies to have one area at least 2.5m x 2.5m

The size of the balconies satisfies the ADG design criteria apart from a minor departure in respect of the two bedroom units at the rear (Unit 06, Unit 12, Unit 18) having angled balconies where a small part does not strictly satisfy the 2m minimum depth. Nevertheless, these balconies maintain enough area to make them usable.

Part 6.1 – Access and Mobility

The application was assessed against part 6.1 of our DCP and found to be satisfactory. Relevant conditions will be attached to any consent issued.

Part 6.2 – Climate, Energy and Resource Efficiency

Standard	Requirement	Proposal	Complies
Site layout and building orientation	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building’s heat load.	Building designed and orientated to maximise solar access and natural lighting.	Yes
	Where the shape of a lot permits face the long side of the building to the north to allow winter sun in, and then block it out during summer with shading devices and landscaping.	Site configuration lends itself to face the long side of the building to the north, but it is built to the side boundaries with an open area in the middle of the site to maximise sunlight into the units.	Yes
	Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor space and solar cells on the site and on adjoining land (see solar access below).	Orientation of the site results in overshadowing of the southern property.	Yes
	Coordinate design for natural ventilation with passive solar design techniques.	Design allows for natural ventilation and incorporates passive solar design techniques.	Yes

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Standard	Requirement	Proposal	Complies
Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and lunchrooms). Locate service areas to the south and west of the building.	Building configured to maximise solar access.	Yes
Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer.	Due to orientation of the site and that the building is built to the northern and southern side boundaries, windows are orientated to the east and west.	Yes
Insulation and thermal mass	Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows: - Roof: minimum 2.0 R-value - Wall: minimum 1.0 R-value - Floor: minimum 1.0 R-value	This has been addressed in the BASIX Certificate.	Yes
Daylight and sun access	At least 2 hours sunlight between 9.00am and 3.00pm on 21 June should be received daily: - to indoor living areas and principal areas of private open space for at least 75% of the proposed dwellings.	73% of units achieve a minimum of two hours at the winter solstice.	Yes
Ventilation	Provide natural cross ventilation to at least 60% of dwellings and natural ventilation to 25% of kitchens.	76% units achieve natural ventilation and 30% of kitchens are naturally ventilated.	Yes

Part 6.3 – Crime Prevention

The application was assessed against Part 6.3 of our DCP and found to be satisfactory. Relevant conditions will be attached to any consent issued.

Part 6.4 – Development Engineering Flood and Stormwater

The stormwater plan submitted with the application has been assessed by our Development Engineer and no objection was raised subject to conditions being attached to any consent granted.

Part 6.6 – Landscaping

The application has been reviewed by our Landscape Architect and was found to satisfy the requirements of Part 6.6 of the CDCP 2012. Conditions relating to landscaping have been recommended.

Part 6.8 – Vehicle Access and Parking

The quantum of parking on site has been addressed in the Residential Neighbourhoods section of this report and is deemed to be satisfactory.

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Part 6.9 – Waste Management

The application has been reviewed by our Waste Services Coordinator and was found to satisfy the requirements of Part 6.9 of the CDCP 2012.

- **Canterbury Development Contributions Plan 2013**

The provisions of our Section 94 Contribution plan apply to the proposed development in that it will provide residential dwellings on the subject site. Based on the existing six x one bedroom and six x two bedroom units, the provision of six studio, three x one bedroom, 16 x two bedroom, and one x three bedroom units, the proposed development attracts a contribution of \$220,886.70.

Other Considerations

- **Suitability of Site for the Development**

The site is located within a commercial zone which permits this type of shop top housing. The proposed development is permissible in the subject site's current zoning. The proposal has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and, as demonstrated throughout this report, the proposal is generally compliant with the provisions our codes and policies. The application has been assessed by relevant Council officers, with any issues raised being resolved through additional information or conditions recommended for inclusion in any consent issued. On this basis it is considered that, notwithstanding some minor departures from some of our controls, the site is suitable for the proposed development.

- **The Public Interest**

The public interest was taken into consideration whilst assessing this development application. It is considered that the current proposal will not have a negative impact on the residential amenity of the neighbourhood and is therefore considered to be acceptable.

Notification

The development application was advertised and notified to all adjoining land owners and occupiers in accordance with Part 7 of the Canterbury Development Control Plan 2012. During the notification period, four objections and a petition with 56 signatures were received. One of the objections was later withdrawn. The issues arising from the notification period have been addressed below:

- **Unsatisfactory Overshadowing**

Concerns have been raised that the proposed development will overshadow the property across the street (west) and over the adjoining properties to the south. A submission was received from the owners of this property but this has since been withdrawn.

Comment

The proposed building will overshadow the property across the road to the west for a period of two hours from 9am to 11am. Consequently, this property will receive more than the minimum two hours solar access during mid-winter.

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The property most likely to be affected is to the immediate south at 355-357 Beamish Street, which contains a three storey mixed use building with commercial tenancy on the ground floor and units above. The potential impacts in regard to overshadowing of this property have been discussed previously in this report.

The proposal will also overshadow the residential flat building at 359-363 Beamish Street which is located further to the south. A number of the units within the building are orientated to the northern side boundary. These units will be overshadowed by the proposed building from 11.30am onwards in mid-winter, but will receive at least two hours of sun between 9.00am to 11.30 in mid-winter, and satisfies the DCP control requiring the living room windows and principal ground level open space of adjoining dwellings receive at least two hours sunlight, in accordance with solar access required.

- **Loss of Privacy**

The living room of some of the units at 359-363 Beamish Street will be completely overlooked.

Comment

There are no windows on the side elevations of the proposed building. There will be some potential overlooking from the rear balconies and from the walkway in the middle of the proposed building connecting the two blocks on the subject site. However, the balcony of the objector is orientated towards the side boundary. There are frosted glass balustrades proposed along the southern edge of the rear balconies to prevent any overlooking to the sides. There is a separation of over 18m between the connecting walkway and the objector's property. The privacy between buildings is satisfactory.

- **Loss of View**

The proposed six storey building will block views of the upper level units of 359-363 Beamish Street.

Comment

The proposed height, apart from the roof structures complies with the 18 maximum height standard. The variation from the height standard has been addressed in consideration of the Clause 4.6 variation in this report and is not considered to block any recognised or significant views.

- **Unsympathetic to Streetscape**

Concerns have been raised in relation to the height, bulk and scale of the proposed development.

Comment

The development's bulk and scale respond adequately to its setting which is due to become more diversified and complex over time. The variation to the height has already been addressed above.

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- **Loss of Business**

Concern has been raised in relation to possible loss of business to the local community when development/construction starts.

Comment

Whilst there will be some disruption to the immediate locality at time of construction, the impact will be no different from the many other developments that are being constructed. Suitable standard conditions will apply to minimise impact of construction works. There is no evidence to support this development as representing a potential loss of business to existing commercial enterprise in Campsie.

- **Loss of Property Value**

Due to the loss of amenity to some of the adjoining properties, there will be a loss of property values.

Comment

There is no evidence to support this development as representing a loss property value.

- **Strain on Local Community**

Concerns have been raised in relation increased demand for services like garbage, public transport and increased cars, traffic and congestion in the area.

Comment

The site has been identified for higher density residential accommodation and the proposed development is generally in accordance with the planning strategy for the locality. This development does not represent an unreasonable impact on local services.

- **Fire Safety Issues**

Concerns have been raised in relation to the number of deaths resulting from fire associated with high density living.

Comment

The proposed development will have to meet the requirements of the National Construction Code and will have to meet all fire regulations.

Conclusion

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

The proposed development is permissible in the zone subject to consent under the provisions of Canterbury Local Environmental Plan 2012. As demonstrated, the proposed development is generally consistent with the provisions of our LEP and DCP.

As outlined throughout this report, the site is capable of accommodating the proposed residential development and is not expected to have any detrimental impacts on the amenity of the locality despite some departure from our controls on height, deep soil landscaping,

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balcony size and privacy. In this regard the proposal is considered to be a suitable development for the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT development application DA-343/2015 be **APPROVED** subject to the following:
PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety schedule
- Landscape Plan
- Hydraulic Plan
- Firewall separation
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement carpark

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

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$3,328.00
Section 94 Contributions	\$220,886.70
Certificate Registration Fee	\$36.00
Long Service Levy	\$24,476.90

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

Construction Certificate Application Fee	\$22,145.00
Inspection Fee	\$4,560.00
Occupation Certificate Fee	\$1,522.00

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

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

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

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;

2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and

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- 2.2. you must appoint a Principal Certifying Authority (either Canterbury Bankstown City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

SITE SIGNAGE

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

DEMOLITION

4. Demolition must be carried out in accordance with the following:
 - a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m.	Mondays to Fridays
7.00 a.m. – 12.00 noon	Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
 - f) Burning of demolished building materials is prohibited.
 - g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a

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

GENERAL

5. The development being carried out in accordance with the following plans, specifications and details except where amended by the conditions specified in this Notice.

Drawing No.	Revision	Prepared by	Date received
DA000 Cover Sheet	A	CD Architects	Dated 24 July 2015, received by Council on 23 February 2016
DA001 Site plan and Site Analysis	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015
DA002 Demolition Plan	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015
DA100 Basement 1 & 2 Floor Plan	B	CD Architects	Dated 17 February 2016, received by Council on 23 February 2016
DA101 Ground Floor Plan	B	CD Architects	Dated 17 February 2016, received by Council on 23 February 2016
DA102 Level 01 Floor Plan	B	CD Architects	Dated 17 February 2016, received by Council 23 February 2016
DA103 Level 02 Floor Plan	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015
DA104 Level 03 Floor Plan	B	CD Architects	Dated 17 February 2016, received by Council 23 February 2016
DA105 Level 04 Floor Plan	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015

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DA106 Level 05 Floor Plan	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015
DA107 Roof Plan	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015
DA200 North & South Elevations	B	CD Architects	Dated 17 February 2016, received by Council 23 February 2016
DA201 Beamish Street & Unara Lane Elevations	A	CD Architects	Dated 24 July 2015, received by Council on 6 August 2015
DA300 Section A	B	CD Architects	Dated 17 February 2016, received by Council 23 February 2016
DA301 Section B	B	CD Architects	Dated 17 February 2016, received by Council 23 February 2016
DA302 Driveway Section	B	CD Architects	Dated 17 February 2016, received by Council 23 February 2016

- 5.1. The coloured angled strips on both the side walls be deleted.
 - 5.2. The depth of the cantilevered awning to be at least 3.3m above footpath level and to have a depth of at least 3m.
 - 5.3. The two commercial premises on the ground floor to be used only as office and /or business premises and not retail premises due to the non-provision of any loading facilities.
 - 5.4. At least 50% of the required storage under the Apartment Design Guide must be located within each apartment.
 - 5.5 All appliances like air conditioning units and water heaters must be suitable screened and not be visible from the street and communal areas.
 - 5.6 A communal rooftop antenna must be provided.
 - 5.7 Any clothes drying areas must be suitably screened from public view.
 - 5.8 All mailboxes must be discreetly located in front of the property.
 - 5.9 Intercoms and other controlled access measures must be installed to main entry to building, including basement carpark.
6. Twenty six (26) off street car parking spaces (exclusive of stacked spaces) being provided in accordance with approved DA plans. Car parking within the development shall be allocated as follows:
- Twenty-two (22) residential spaces including one (1) car wash bay;
 - Four commercial spaces;
 - One (1) car wash bay.
- If the development is to be strata subdivided, the car park layout must respect the above allocation.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's 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 monetary contribution of \$220,886.70 shall be paid to Canterbury Bankstown City Council before a Construction Certificate can be issued in relation to the

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development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Open Space and Recreation	\$195,285.42
• Community Facilities	\$19,979.62
• Plan Administration	\$5,621.66

Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined.

8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. 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.
10. All building construction work must comply with the National Construction Code.
11. 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.
12. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at all floor levels and roof indicating the finished levels to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
13. 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."
14. 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.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. 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.
17. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.

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18. 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.
The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
19. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

LANDSCAPING REQUIREMENTS

20. The landscaping must be completed according to the submitted landscape plan (drawn by Greenland Design., drawing no. 1108.L.01, 1108.L.02, 1108.L.03 and 1108.L.04 submitted to council on the 23rd of February 2016) except where amended by the conditions of consent.
21. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
22. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
23. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
24. The proposed planting to all podium levels shall comply with the following as required in the CDCP 2012 Part 6.6: Landscape:
Raised planters:
- 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.
- Minimum soil depth:
- 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.
25. A full set of landscape plans showing all proposed landscape works including the amendments outlined below is to be submitted to Council or certifier prior to the issue

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of the Construction Certificate:

- New planter beds and tree planting to Level 1 as shown on Architectural drawing DA102 revision B;
- Planter boxes and planting added to Unit 13, 14 and 15 as shown on Architectural drawing DA104 revision B;
- All finished surface levels including levels to tops of walls are to be shown on the Landscape Plan;
- All additional planting is to be shown in an amended Plant Schedule on the Landscape Plan.

ENGINEERING REQUIREMENTS

26. Stormwater management and OSD details, three (3) copies of plans and calculations must be submitted Canterbury Bankstown City Council to be approved by council prior to issue of Construction Certificate, the amended documentation must include the following-
 - a) The PSD 1:10 ARI value of 10.2 l/s is to be achieved by H.ED, O.S.D facility. Amend the OSD details to specify H.E.D control chamber.
 - b) Connection details to council stormwater pit are to be included the details to comply with AUS-SPEC Specification D5 “Stormwater Drainage Design”, AS/NZS3500.3 and Council’s Stormwater Management Manual - Specification 9 “A Guide for Stormwater Drainage Design.”
 27. All overflows and emergency overflows from the site stormwater system must be directed to the overland path, the flowpath must **not** cause flood damage or flood nuisance to the site or neighbouring properties. Amended plans are to provide details and levels demonstrating the protection from the ingress of emergency overflow into the basement.
 28. The overflow capacity of the proposed overflow path is to be (2x) two times the 1:100 ARI peak flow rate. Provide details to demonstrate the clear flowpath from the O.S.D tank to the street.
 29. All downpipes are to be located on the plan and set to maintain minimum head clearance in the basement carparking.
 30. All downpipes, pits and drainage pipes shall be designed and specified to ensure that stormwater is conveyed from the site and into Council’s stormwater system in accordance with AUS-SPEC Specification D5 “Stormwater Drainage Design”, AS/NZS3500.3 and Council’s Stormwater Management Manual - Specification 9 “A Guide for Stormwater Drainage Design”.
 - a) All guttering are to be sized according to AS/NZS3500.3 2015. Roof area and Rainwater tank size equivalent to that noted on the Basix certificate to be included. All water reuse is to comply with said Basix certificate.
 - b) All external surfaces to be graded to facilitate subterranean drainage and all excess surface waters to the overland flow path(s).
 - c) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.
 - d) All plumbing within the site must be designed and specified to be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
 - e) All pits to be minimum 450 x 450 with childproof lockable grated lids.
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- f) Grated trench drain to be min 200mm wide.
 - g) The charged system for the rainwater tanks (if any) must be a closed system without any pits or discharge points other than that at the clean out pit where the lines are terminated and capped for cleaning/clearing out after storms/rainfall. The system must comply with section 6.4.14 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
 - h) The location of pits and inspection/cleaning points must be designed and specified to comply with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
 - i) Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's DCP 2012, Part 6.4.
31. Pump-out drainage system is to be designed, specified and certified to comply with Council's DCP 2012, Part 6.4.11. All waters pumped from the site must be those generated by rainfall and seepage. If a groundwater table is present, the basement and pits must be tanked and structurally designed to cater for hydrostatic forces and to prevent the ingress of water from the ground table. Pumped waters from the pit are to be directed to the Silt arrestor pit prior to connection to the legal point of discharge.
- a) The pumps are **not** to drain any groundwater table encountered on the site.
 - b) A geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. Groundwater must not be captured by the drainage system of the basement. The basement must be tanked to at least 1000 mm above measured groundwater levels.
32. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
33. Maintenance of Basement Pump out system and OSD facility, the amended documentation are to include -
- a) A maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facilities, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
 - c) The Plan must be prepared by a an appropriately qualified and practising Civil Engineer and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
 - d) The amended documents are to direct the occupiers / managers that the maintenance plan must be kept in a visible place on-site at all times.
34. 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.
35. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and

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survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.

36. 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 driveway circulation access to all basements does not facilitate a B85 Vehicle to pass a B99 Vehicle as per Australian Standard AS 2890.1 – 2004, Section 2.5.2 amended plans must demonstrate compliance with this section.
 - b) The location of disabled share zone in basement 2 is not supported. The shared zone is to be located where it will not impede on the manoeuvring of traffic.
 - c) A waiting bay shall be located in the parking aisle to facilitate manoeuvring form in and out of basement.
 - d) All swept path analysis do not comply with the required swept path clearances as per Australian Standard AS 2890.1 – 2004 Section B3.2 in particular to the B99 sweep path. All circulation roadways intersections require a further 300mm structural clearance as per AS 2890.1 – 2004 Section 2.5.2(C).
 - e) The proposed entry/ exit at Urara Lane do not comply with the Section 3.2.4(a) Site distance at access driveway.
 - f) A driveway long section scaled at 1:20 (both vertical & horizontal) is to be submitted indicating the appropriate grades, lengths, transitions and height clearances above the driveway. The existing street levels are to be included in the design of the driveway (The existing street levels include kerb & gutter, footpath and boundary line levels which cannot be altered). The driveway widths, grades, lengths and transitions shall be in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".
 - g) The critical headroom to be measured according to figure 5.3 of AS2890.1 and comply with s5.3 of the same.
 - h) The amended plans /report must be prepared and certified by an appropriately qualified and practising Civil Engineer (with experience in traffic management) and include levels reduced to Australian Height Datum (AHD) dimensions and sweep paths in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".

All washing of vehicles/boats/trucks/buses etc is to be conducted in a car wash bay, which is to be roofed and bundled to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or re-used on the site. Any such alternative option is to comply with all relevant Standards. Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

37. 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.
38. The basement excavation must be stabilised and a safe working platform to be maintained during construction. The works must be duly designed and certified by an

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- appropriately qualified and practising Civil Engineer.
39. The basement excavation works provide an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged with Canterbury Bankstown City Council.
- a) 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.
 - b) Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.
 - c) Permanent rock anchors are not permitted in Beamish Street or Unara Lane.
 - d) Where temporary anchors are proposed to be used in council road, an Application must be made to Canterbury Bankstown City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:
 - 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.
40. Prior to issue of construction certificate the applicant is to prepare a pictorial survey of the surrounding infrastructure depicting the condition of the roadway, pathways kerb and guttering, driveways and other structures, a post development survey is to be carried out prior to completion, cracked and damaged paved areas of the site are to be repaired and or replaced to the satisfaction of Councils Director of Environmental Services.
41. Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council for a Road Opening Permit under Section 138 of the Roads Act 1993 for approval to undertake works on council roads.
- a) The Road Opening Permit must be provided prior to the issue of a Construction Certificate.
 - b) These works must be constructed in accordance with the conditions of the Road Opening Permit and be completed prior to the issue of an Occupation Certificate.
 - c) Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

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42. 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.

43. 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".
44. The reconstruction of the kerb and gutter along all areas of the site fronting Beamish Street and Urana Lane 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

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- Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
45. The amended plans must be prepared by an appropriately qualified and practising Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.
 46. An appropriately qualified and practising Civil Engineer is to be registered on the NER of Engineers Australia or be appropriately qualified to be on the register and be experienced in the design of stormwater drainage.
 47. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can affect layout of garden beds and plantings.
 48. Prior to issue of Occupation Certificate, the stormwater drainage works are to be inspected during construction by the Principal Certifying Authority at the following stages:
 - a) Prior to backfilling of trenches
 - b) Prior to pouring concrete in OSD areas
 - c) On completion of drainage works
 49. Prior to issue of Occupation Certificate, private contractors/applicants shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
 50. Prior to issue of Occupation Certificate, a Works-as-Executed plan must be submitted to Canterbury Bankstown City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system.
 51. The plan shall be prepared by a registered surveyor. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards.
 52. Prior to issue of Occupation Certificate, certification from an appropriately qualified and practising Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
 - a) An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council's Stormwater Management Manual – Specification 9.
 - b) The applicant shall provide an as-built drawing to Councils City Works Division detailing the public drainage system. The plan shall be prepared by a registered surveyor.
 - c) The plan shall record all the relevant existing, proposed and actual levels and dimensions relative to the constructed drainage system.
 - d) The required certification must be issued by an appropriately qualified and practising Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
 - e) A sign shall be installed over every tap connected to the proposed rainwater
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- stating “This water is not for drinking. This water is for landscaping purposes only”.
- f) A sign adjacent to and clearly visible at the OSD facility is to be placed permanently notifying the location of OSD tank/basin and its filling with stormwater after storms.
 - g) The OSD tank must comply with relevant work cover codes and confined space legislation.
 - h) Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the [on site detention / on-site retention/re-use] facilities. The Plan must set out the following at a minimum:
 - The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
 - i) The Plan must be prepared by a an appropriately qualified and practising Civil Engineer and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
 - j) The maintenance plan produced for the Occupation certificate must be kept in a visible place on-site at all times.

SYDNEY WATER REQUIREMENTS

53. 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/SW/plumbing-building-developing, 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.

WASTE MANAGEMENT

54. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP.
55. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.

CRITICAL INSPECTIONS

56. Class 2, 3 or 4 Buildings
- 56.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 56.2. prior to covering any stormwater drainage connections, and
 - 56.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Class 5, 6, 7, 8 or 9 Buildings
- 56.4. prior to covering any stormwater drainage connections, and
 - 56.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
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57. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.

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

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE:

59. This application has been assessed in accordance with the National Construction Code.
60. 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.
61. 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
 - Waterproofing
 - Glazing
 - BASIX completion
62. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
63. 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.
64. 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.
65. 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.
66. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
67. If you are not satisfied with this determination, you may:
- 67.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
- 67.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.