



# **AGENDA FOR THE INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING**

**1 May 2017 – 6.00pm**

**Location:**

**Council Chambers  
137 Beamish Street, Campsie**

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# ORDER OF BUSINESS

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| <b>1</b> | <b>5-9 CROYDON STREET, LAKEMBA</b><br><b>Planning proposal to change maximum permissible building height and floor space ratio..... 3</b>  |
| <b>2</b> | <b>107 CHAPEL ROAD, BANKSTOWN</b><br><b>Demolition of existing site structures and construction of a boarding house containing 45 boarding rooms, one manager’s room with associated basement level car parking, landscaping and site works under the provisions of State Environmental Planning policy (Affordable Rental Housing) 2009 ..... 7</b> |
| <b>3</b> | <b>689 PUNCHBOWL ROAD, PUNCHBOWL</b><br><b>Demolition of existing structures and construction of a four storey mixed commercial/residential development comprising of ground floor commercial tenancy, eleven residential units and basement parking .....57</b>   |



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## Independent Hearing and Assessment Panel - 1 May 2017

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**ITEM 1**                      **5-9 Croydon Street, Lakemba**

**Planning Proposal to change maximum permissible building height and floor space ratio**

**AUTHOR**                      **Planning**

### **ISSUE**

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To seek the views of the Independent Assessment and Hearing Panel on the merits of the Planning Proposal prior to finalisation.

### **RECOMMENDATION**

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That the Independent Assessment and Hearing Panel provide Council with advice as to whether the Planning Proposal should proceed to finalisation with the Department of Planning and Environment in its proposed form or if an alternative approach should be applied to the matter.

### **REPORT**

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#### Background

The former Canterbury Council resolved in October 2014 to prepare a planning proposal to increase the maximum building height and applicable Floor Space Ratio (FSR) for the land at 5-9 Croydon Street, Lakemba. The site is located within the R4 High Density Residential Zone and is within the Sydenham to Bankstown Urban Renewal Corridor.

The site is located at 5-9 Croydon Street, Lakemba and is in close proximity to both Lakemba Station and the Lakemba business zone, centred on Haldon Street. The site has an area of 6847.5m<sup>2</sup>, and is one of the larger single holdings in the suburb. The existing zoning is R4 High Density Residential; with a current maximum building height for the site of 18m and FSR of 1.6:1 under Canterbury LEP 2012.

The site has development consent for six-storey residential flat buildings incorporating a medical centre and affordable housing, obtained in 2014. In 2013, as part of the exhibition of the Canterbury Residential Development Strategy, submissions were received in respect of individual sites seeking uplift in either zoning or development standards.

The owners of this site made a submission to the Residential Development Strategy seeking an increase in maximum allowable building height to 21m and Floor Space Ratio to 2.2:1. In

October 2014 the former Canterbury Council resolved to support the applicant's submission and prepare a site-specific Planning Proposal to implement this request.

The draft Planning Proposal was submitted to the Department of Planning and Environment in early 2015, however, the Department requested further information in the form of an Urban Design Study justifying the uplift of development standards for the subject site, prior to the site being allowed to proceed to Gateway. Peter Annand & Associates were engaged by the former Canterbury Council to undertake the Urban Design Study. The study identified a number of issues with the adopted strategy of a blanket 21m height limit with the increased FSR across the entire site, as it created unacceptable amenity impacts (such as overshadowing and loss of privacy) due to the seven-storey 'slab' apartment forms proposed. These impacts were both within the subject site and to neighbouring properties.

At the direction of the then Director City Planning, an alternative design strategy was proposed by Peter Annand & Associates, preserving the 2.2:1 FSR outcome. This resulted in a complex building form with building heights ranging from 6m to 33m so as to preserve internal and external amenity. A revised planning proposal incorporating the amended building height map was submitted in September 2015.

A Gateway Determination was subsequently issued in October 2015.

Whilst the above process was underway, the draft Sydenham to Bankstown Urban Renewal Corridor Draft Structure Plan for the Lakemba precinct was placed on public exhibition by the Department of Planning and Environment from 15 October 2015 until 7 February 2016. The exhibited draft structure plan indicated a proposed mixed-use land use outcome for the subject site, indicating a proposed maximum building height in excess of nine storeys (shown as 9+ storeys in the exhibition material). The indicative controls proposed to apply to the site did not alter in the revised version of the Sydenham to Bankstown Draft Urban Renewal Structure Plan released by Department of Planning and Environment post-exhibition.

#### Comments Received During Exhibition

In November 2016, the draft planning proposal was exhibited in accordance with the Gateway Determination and five submissions were received (including one on behalf of the property owner and another from Transport for NSW). Three of the submissions were from local residents (including petitions) and were generally unfavourable towards the proposal, citing issues such as loss of sunlight, loss of amenity, loss of privacy as well as concerns about traffic, pedestrian safety at the junction of Croydon Street with Railway Parade and potential for increased anti-social behaviour in the precinct from increased population.

#### Advice Being Sought

In order to assist Council in its further consideration of this planning proposal, the views of IHAP are sought:

- Advice on the appropriateness of the proposed controls
- Advice in relation to any aspect of the proposal that the Panel may wish to comment on, but in particular, advice in relation to urban design and the likely built form outcomes of the proposal

- The planning proposal has sufficient merit to proceed as currently proposed, or
- The planning proposal has sufficient merit to proceed, but requires modification, or
- The planning proposal has insufficient merit to proceed, and should not be considered further.

#### Additional Site Acquired by the Applicant

In addition, the applicants have held a Pre-DA meeting for the site on 5 April 2017, where they presented an early version of a possible development outcome post-planning proposal. Importantly, they have acquired the site immediately to the north on the Croydon Street frontage, namely the corner site addressed as 194-198 Lakemba Street, Lakemba. This site is contained within the B2 Local Business Zone, has an area of 2,461m<sup>2</sup>, making for a combined area of 9,305.5m<sup>2</sup> – one of the largest single landholdings in the suburb. They are investigating various strategies to develop the site including staged development applications. We are also interested in obtaining some feedback on the approach to the site by the applicants and likely compliance with the Apartment Design Guide, by way of comment on the Pre-DA material.

In order to assist the IHAP in providing the requested advice, the following material is provided by way of background to the proposal:

- Copy of the exhibited planning proposal
- Copy of proposed building height map (post exhibition)
- Copy of urban design report by Peter Annand & Associates
- Copy of Pre-DA plans submitted by the Applicant for 5-9 Croydon Street and 194-198 Lakemba Street, Lakemba

Lastly, we wish to know if there are any other comments or opinions on these matters that the Panel would like to pass on to Council.

### **FINANCIAL IMPACT**

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This matter has no financial implications for Council.

### **RECOMMENDATION**

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That the Independent Assessment and Hearing Panel provide Council with advice as to whether the Planning Proposal should proceed to finalisation with the Department of Planning and Environment in its proposed form or if an alternative approach should be applied to the matter.

### **ATTACHMENTS**

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Nil



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## Independent Hearing and Assessment Panel – 1 May 2017

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|                          |   |
|--------------------------|---|
| <b>ITEM 2</b>            | <b>107 Chapel Road, Bankstown</b>   |
|                          | <b>Demolition of existing site structures and construction of a boarding house containing 45 boarding rooms, one manager’s room with associated basement level car parking, landscaping and site works under the provisions of State Environmental Planning policy (Affordable Rental Housing) 2009</b> |
| <b>FILE</b>              | <b>DA-325/2016 - Bankstown Ward</b>   |
| <b>ZONING</b>            | <b>R4 High Density Residential</b>  |
| <b>DATE OF LODGEMENT</b> | <b>14 April 2016</b>  |
| <b>APPLICANT</b>         | <b>Urban Link Pty Ltd</b>   |
| <b>OWNERS</b>            | <b>Peter Kalithrakas and Jane Smaragdis</b>   |
| <b>ESTIMATED VALUE</b>   | <b>\$4,386,933</b>  |
| <b>SITE AREA</b>         | <b>828.4sqm</b>   |
| <b>AUTHOR</b>            | <b>Planning</b>   |

### **RECOMMENDATION**

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It is recommended that:

1. The submission made pursuant to Clause 4.6 of the Bankstown Local Environmental Plan 2015 be supported;
2. Development Application No. DA-325/2016 be approved subject to the attached conditions.



## **SUMMARY REPORT**

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This matter is reported to the Independent Hearing and Assessment Panel due to the proposed variation to lot width and site area for a boarding house within the R4 High Density Residential zone. Development application DA-325/2016 proposes the demolition of existing site structures and construction of a boarding house containing 45 boarding rooms, one manager's room with associated basement level car parking, landscaping and site works under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

DA-325/2016 has been assessed against *Bankstown Local Environmental Plan (BLEP) 2015* and *Bankstown Development Control Plan (BDCP) 2015* and the application fails to comply in regard to BLEP 2015 Clause 4.1B(2) and the variations to the controls contained within the BDCP Part B1 and Part B5. The variations relate to the lot width and site area for a boarding house in the R4 High Density Residential zone, the number of storeys in a building, variations to the secondary frontage, side and rear setbacks and application of the State Environmental Planning Policy 65 (SEPP 65) - Design Quality of Residential Apartment Development and the Apartment Design Guideline (ADG).

As detailed in this report, where non-compliances with the relevant development controls are proposed, they have been addressed and are considered worthy of support.

The application was advertised and notified for a period of 21 days from 27 April to 17 May 2016 and re-advertised with amended plans from 28 September to 18 October 2016. One submission was received, which raised concerns relating to the character of the neighbourhood, traffic impacts, overlooking and overshadowing and bulk and scale. The concerns raised in the submission have been adequately addressed and do not warrant refusal or further modification of the proposed development.

## **POLICY IMPACT**

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This matter has no direct policy implications.

## **FINANCIAL IMPACT**

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This matter has no direct financial implications.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

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- A. Section 79C Assessment Report
- B. Conditions of Consent

## DA-325/2016 ASSESSMENT REPORT

### SITE AND LOCALITY DESCRIPTION

The application as proposed seeks consent for the demolition of the existing structures on site, and the construction of a four storey, 45 boarding rooms and one manager's room, boarding house with basement car parking, landscaping and associated site works. The existing lot is a corner lot with a primary frontage of 17.59 metres to Chapel Road and a secondary frontage of 42.195 metres to Hixson Street. The site has an area of 828.4sqm and is generally rectangular in shape. The site contains a single storey cottage with associated parking. Six trees are present on site. Two of the trees straddle the boundary between 113A Chapel Road and 107 Chapel Road. Of these two trees, the one to the western frontage on Chapel Road is required to be retained and protected, however the tree located to the north is to be removed.

The context of the site is illustrated in the following aerial photo.



### PROPOSED DEVELOPMENT

DA-325/2016 proposes the following works:

- Construction of a four storey 46 room boarding house development containing 37 double rooms and eight single rooms and one manager's room.
- Basement car parking proposed for ten cars, ten motorcycles and ten bicycles.
- Front fence, and associated site works and landscaping.

The proposed development comprises a four storey building that presents to both Chapel Road and Hixson Street and is of a contemporary design with a mix of external finishes to provide an articulated building façade.

The development contains 37 double boarding rooms and eight single boarding rooms. The proposal incorporates four accessible boarding rooms. In accordance with the ARH SEPP 2009, a managers boarding room has been provided as the proposal provides in excess of 20 boarding rooms. Primary vehicular access is from Hixson Street, with a basement parking area that accommodates ten cars. A front fence is proposed to both the Chapel Road and Hixson Street frontages.

### **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

#### **Environmental planning instruments [section 79C(1)(a)(i)]**

##### **State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**

Clause 7 of SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The site has residential structures present dating back to the early 20<sup>th</sup> century. A partial use of the existing residence, in accordance with Council's records approved in 1988 was a 'medical practice in part of residence' within the existing dwelling, however the residence and associated structures were maintained. In accordance with the Managing Land Contamination Planning Guidelines, the historical uses of the site would not warrant the need for further consideration of contamination and testing.

As such, in light of the fact that there is no evidence of contamination in the historical use of the site, it is therefore considered that the consent authority can be satisfied that the development site is suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

##### **Greater Metropolitan Regional Environmental Plan 2—Georges River Catchment (GMREP2)**

It is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles, planning considerations and policies and recommended strategies.

##### **State Environmental Planning Policy - (Infrastructure) 2007 (Infrastructure SEPP) (ISEPP)**

In accordance with the provisions of the ISEPP the development application has been referred to Ausgrid.

The proposal has been referred to Ausgrid Pursuant to Division 5, Subdivision 2, Clause 45 'Determination of development applications – other development' as the works involved are within 5 metres of an exposed overhead powerline. Ausgrid have reviewed the proposal and

raise no objection, subject to a condition imposed in regards to work cover, electrical safety rules and network standards.

A condition of consent has been recommended to satisfy the Ausgrid requirements.

**State Environmental Planning Policy – (Affordable Rental Housing) 2009 (ARH SEPP)**

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) aims to 'facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards'. Division 3 (Clauses 25 to 30A inclusive) of the ARH SEPP applies to development for the purposes of a boarding house.

An assessment of the proposal against Division 3 is provided below.

| <b>State Environmental Planning Policy (Affordable Rental Housing) 2009.</b>   |  |                 |
|--|--|-----------------|
| <b>Requirement</b>   | <b>Provided</b>  | <b>Complies</b> |
| Clause 26: Land to which the division applies  |  |                 |
| This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:<br>(a) Zone R1 General Residential,<br>(b) Zone R2 Low Density Residential,<br>(c) Zone R3 Medium Density Residential,<br>(d) Zone R4 High Density Residential,<br>(e) Zone B1 Neighbourhood Centre,<br>(f) Zone B2 Local Centre,<br>(g) Zone B4 Mixed Use.   | The subject site is zoned R4 High Density Residential pursuant to the BLEP 2015.   | Yes             |
| <b>Clause 29: Standards that cannot be used to refuse consent</b>  |  |                 |
| <b>Floor Space Ratio</b><br>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:<br>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or<br>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or | The subject site is 828.4m <sup>2</sup> .<br><br>The subject site has a maximum FSR of 1:1 pursuant to the BLEP 2015. In accordance with SEPP ARH 2009, pursuant to Clause 29(1)c(i), the proposal can have a maximum FSR of 1.5:1 (gross floor area of 1242.6 m <sup>2</sup> ).<br><br>The proposed development has a gross floor area of 1242m <sup>2</sup> , being 1.5:1. | Yes             |

| <b>State Environmental Planning Policy (Affordable Rental Housing) 2009.</b>   |  |                 |
|--|--|-----------------|
| <b>Requirement</b>   | <b>Provided</b>  | <b>Complies</b> |
| <p><b>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</b></p> <p><b>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</b></p> <p><b>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</b></p> |  |                 |
| <p><b>Building Height</b><br/>If the building height of all proposed buildings is not more than the maximum building height permitted under another EPI for any building on the land.</p>  | <p>The maximum building height pursuant to the BLEP 2015 is 13m.</p> <p>The proposal has a maximum height of 13m.</p>  | Yes             |
| <p><b>Landscaped Area</b><br/>If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p>  | <p>The subject site is a corner allotment with a primary frontage to Chapel Road and a secondary frontage to Hixson Street. The area contains a mix of developments including low density residential dwellings, high density residential flat buildings and senior living developments.</p> <p>The landscaping treatment of adjoining sites includes landscaping within the front setback. Predominantly, the single dwellings, residential flat buildings and seniors living contain a single driveway and landscaping within the front setback.</p> <p>The proposal seeks to locate the basement parking entrance on the secondary frontage with landscaping located behind the fence proposed. The setback to the primary frontage from Chapel Road maintains a minimum building setback of 6m with the area</p> | Yes             |

| <b>State Environmental Planning Policy (Affordable Rental Housing) 2009.</b>  |   |                 |
|---|---|-----------------|
| <b>Requirement</b>  | <b>Provided</b>   | <b>Complies</b> |
|   | <p>forward of the building containing sufficient landscaping and access pathways that are in keeping with the surrounding area.</p> <p>The proposal is compatible with the existing streetscape and envisaged high density character of the area.</p>   |                 |
| <p><b>Solar Access</b><br/>Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.</p>  | <p>The proposed communal room is located on the ground floor to the north west.</p> <p>The room will receive unobstructed solar access from 12 midday to 3pm.</p>   | Yes             |
| <p><b>Private Open Space</b><br/>If at least the following private open space areas are provided (other than the front setback area):</p> <p>i) One area of at least 20sqm with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>ii) If accommodation is provided on site for a boarding house manager – one area of at least 8sqm with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p> | <p>i) Communal open space is provided to the north east of the site totalling 38m<sup>2</sup> with 21m<sup>2</sup> provided meeting the minimum 3m dimension.</p> <p>ii) A boarding house manager is provided due to the number of boarding rooms. Approximately 9m<sup>2</sup> has been provided adjacent to the managers room, with a minimum dimension of 2.7 metres</p>                       | Yes             |
| <p><b>Parking</b></p> <p>i) In the case of development in an accessible area – at least 0.2 parking spaces are provided for each boarding room.</p> <p>ii) N/A</p> <p>iii) in the case of any development – not more than one parking space is provided for each person employed in connection with the development and who is a resident on site.</p>  | <p>The proposed development is located within 400m of a bus stop that meets the requirements of ‘accessible area’.</p> <p>Accordingly, the applicable rate is 0.2 spaces per boarding room.</p> <p>0.2 x 45 (exc managers room) = nine spaces.</p> <p>One manager’s room is required, therefore one car parking space for the employee is required.</p> <p>Total parking spaces required ten.</p> | Yes             |

| State Environmental Planning Policy (Affordable Rental Housing) 2009.   |  |                    |         |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
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| Requirement   | Provided   |                    |         | Complies |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
|   | Ten car spaces are proposed, including one accessible space.   |                    |         |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| <p><b>Accommodation Size</b></p> <p>i) If each boarding room has a gross floor area of at least:<br/>12sqm in the case of a boarding room intended to be used by a single lodger, or</p> <p>ii) 16sqm in any other case</p> | <p>All rooms are self-contained with private bathroom and kitchen facilities. As per the definition, after excluding the kitchen and bathroom facilities, the room sizes do comply</p> <table border="1"> <thead> <tr> <th>Unit No.</th> <th>Type</th> <th>m<sup>2</sup></th> <th>Y/<br/>N</th> </tr> </thead> <tbody> <tr><td>G.01</td><td>Double</td><td>17m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.02</td><td>Double/Accessible</td><td>16.9m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.03</td><td>Double</td><td>16.2m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.04</td><td>Double</td><td>16.4m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.05</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.06</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.07</td><td>Single</td><td>13.8m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.08</td><td>Single</td><td>13.8m<sup>2</sup></td><td>Y</td></tr> <tr><td>G.09</td><td>Managers</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.01</td><td>Double</td><td>17.8m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.02</td><td>Double/Accessible</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.03</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.04</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.05</td><td>Double</td><td>16.1m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.06</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.07</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.08</td><td>Double</td><td>16.5m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.09</td><td>Single</td><td>16.2m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.10</td><td>Single</td><td>13.4m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.11</td><td>Double</td><td>13.4m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.12</td><td>Double</td><td>16.4m<sup>2</sup></td><td>Y</td></tr> <tr><td>1.13</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>2.01</td><td>Double</td><td>18m<sup>2</sup></td><td>Y</td></tr> 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<tr><td>3.03</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>3.04</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>3.05</td><td>Double</td><td>16m<sup>2</sup></td><td>Y</td></tr> <tr><td>3.06</td><td>Double</td><td>16.3m<sup>2</sup></td><td>Y</td></tr> <tr><td>3.07</td><td>Double</td><td>16.3m<sup>2</sup></td><td>Y</td></tr> </tbody> </table> |                    |         | Unit No. | Type | m <sup>2</sup> | Y/<br>N | G.01 | Double | 17m <sup>2</sup> | Y | G.02 | Double/Accessible | 16.9m <sup>2</sup> | Y | G.03 | Double | 16.2m <sup>2</sup> | Y | G.04 | Double | 16.4m <sup>2</sup> | Y | G.05 | Double | 16m <sup>2</sup> | Y | G.06 | Double | 16m <sup>2</sup> | Y | G.07 | Single | 13.8m <sup>2</sup> | Y | G.08 | Single | 13.8m <sup>2</sup> | Y | G.09 | Managers | 16m <sup>2</sup> | Y | 1.01 | Double | 17.8m <sup>2</sup> | Y | 1.02 | Double/Accessible | 16m <sup>2</sup> | Y | 1.03 | Double | 16m <sup>2</sup> | Y | 1.04 | Double | 16m <sup>2</sup> | Y | 1.05 | Double | 16.1m <sup>2</sup> | Y | 1.06 | Double | 16m <sup>2</sup> | Y | 1.07 | Double | 16m <sup>2</sup> | Y | 1.08 | Double | 16.5m <sup>2</sup> | Y | 1.09 | Single | 16.2m <sup>2</sup> | Y | 1.10 | Single | 13.4m <sup>2</sup> | Y | 1.11 | Double | 13.4m <sup>2</sup> | Y | 1.12 | Double | 16.4m <sup>2</sup> | Y | 1.13 | Double | 16m <sup>2</sup> | Y | 2.01 | Double | 18m <sup>2</sup> | Y | 2.02 | Double/Accessible | 16m <sup>2</sup> | Y | 2.03 | Double | 16m <sup>2</sup> | Y | 2.04 | Double | 16m <sup>2</sup> | Y | 2.05 | Double | 16m <sup>2</sup> | Y | 2.06 | Double | 16.3m <sup>2</sup> | Y | 2.07 | Double | 16.3m <sup>2</sup> | Y | 2.08 | Double | 16.3m <sup>2</sup> | Y | 2.09 | Single | 13m <sup>2</sup> | Y | 2.10 | Single | 13m <sup>2</sup> | Y | 2.11 | Double | 16m <sup>2</sup> | Y | 2.12 | Double | 16m <sup>2</sup> | Y | 3.01 | Double | 18m <sup>2</sup> | Y | 3.02 | Double/Accessible | 16m <sup>2</sup> | Y | 3.03 | Double | 16m <sup>2</sup> | Y | 3.04 | Double | 16m <sup>2</sup> | Y | 3.05 | Double | 16m <sup>2</sup> | Y | 3.06 | Double | 16.3m <sup>2</sup> | Y | 3.07 | Double | 16.3m <sup>2</sup> | Y | Yes |
| Unit No.  | Type   | m <sup>2</sup>     | Y/<br>N |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.01  | Double   | 17m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.02  | Double/Accessible  | 16.9m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.03  | Double   | 16.2m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.04  | Double   | 16.4m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.05  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.06  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.07  | Single   | 13.8m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.08  | Single   | 13.8m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| G.09  | Managers   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.01  | Double   | 17.8m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.02  | Double/Accessible  | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.03  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.04  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.05  | Double   | 16.1m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.06  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.07  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.08  | Double   | 16.5m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.09  | Single   | 16.2m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.10  | Single   | 13.4m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.11  | Double   | 13.4m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.12  | Double   | 16.4m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 1.13  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.01  | Double   | 18m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.02  | Double/Accessible  | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.03  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.04  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.05  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.06  | Double   | 16.3m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.07  | Double   | 16.3m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.08  | Double   | 16.3m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.09  | Single   | 13m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.10  | Single   | 13m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.11  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 2.12  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.01  | Double   | 18m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.02  | Double/Accessible  | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.03  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.04  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.05  | Double   | 16m <sup>2</sup>   | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.06  | Double   | 16.3m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |
| 3.07  | Double   | 16.3m <sup>2</sup> | Y       |          |      |                |         |      |        |                  |   |      |                   |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |          |                  |   |      |        |                    |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |      |        |                    |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |                   |                  |   |      |        |                  |   |      |        |                  |   |      |        |                  |   |      |        |                    |   |      |        |                    |   |     |

| State Environmental Planning Policy (Affordable Rental Housing) 2009.   |  |        |                    |   |          |
|---|--|--------|--------------------|---|----------|
| Requirement   | Provided   |        |                    |   | Complies |
|   | 3.08   | Double | 16.3m <sup>2</sup> | Y |          |
|   | 3.09   | Single | 13m <sup>2</sup>   | Y |          |
|   | 3.10   | Single | 13m <sup>2</sup>   | Y |          |
|   | 3.11   | Double | 16m <sup>2</sup>   | Y |          |
|   | 3.12   | Double | 16m <sup>2</sup>   | Y |          |
| A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.                 | All rooms contain private kitchen and bathroom facilities. |        |                    |   | Yes      |
| A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2). | The development complies with the above requirements.      |        |                    |   | Yes      |

### **Bankstown Local Environmental Plan 2015**

The following clauses of *Bankstown Local Environmental Plan 2015 (BLEP)* are relevant to the proposed development and were taken into consideration:

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.9 – Preservation of trees or vegetation
- Clause 6.1 – Acid sulfate soils
- Clause 6.2 – Earthworks

An assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*, with the exception of the variation proposed to Clause 4.1B 4.1B(2) *Minimum lot sizes and special provisions for certain dwellings*.

The below table is provided to demonstrate the proposals compliance with the numerical controls as set out in the BLEP 2015.



| STANDARD   | PROPOSED  | BLEP 2015 COMPLIANCE   |
|--|---|--|
| Clause 4.1B Minimum lot sizes and special provisions for certain dwellings | 19.1m frontage (front building line)<br>828.4m <sup>2</sup> | No – minimum 20m frontage and minimum 1000m <sup>2</sup> required, see Comment [1] below.  |
| Clause 4.3 Height  | 13m proposed  | Yes (13m max)  |
| Clause 4.4 FSR   | 1:1 proposed  | No 1.5:1, however SEPP ARH 2009, allows an additional 0.5:1, therefore the proposal is satisfactory in respect to floor space permitted pursuant to the SEPP ARH 2009. |

[1] Variations - Minimum lot sizes and special provisions for certain dwellings

The BLEP 2015 sets a minimum lot width and site area for boarding houses in the R4 zone, pursuant to Clause 4.1B(2), which is reproduced below.

4.1B(2) - Despite any other provision of this Plan, development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless:

- (a) the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and
- (b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.

| Column 1                                   | Column 2                         | Column 3            | Column 4  |
|--|----------------------------------|---------------------|-----------|
| Multi dwelling housing and boarding houses | Zone R4 High Density Residential | 1,000 square metres | 20 metres |

The subject site has a lot width (at the front building line) to Chapel Road of 19.11m and a secondary frontage to Hixson Street of 42.195m with an overall site area of 828.4sqm. The development site as proposed fails to comply with the requirements of the BLEP 2015, Clause 4.1B(2) as provided above. As a result a Clause 4.6 variation request has been submitted and is discussed below.

The BLEP 2015, amongst other things, seeks to provide guidance in the development of the controls in force through the use of objectives. The objectives of both Clause 4.1B 'minimum lot sizes and special provisions for certain dwellings' and the zone objectives are provided below:

4.1B Minimum lot sizes and special provisions for certain dwellings

(1) The objectives of this clause are as follows:

- (a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land,

- private open space and landscaped areas, driveways and vehicle manoeuvring areas,
- (b) to ensure that multi dwelling housing and boarding houses in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,
  - (c) to ensure that lots for non-residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, play areas, pedestrian access, set down and pick up areas, car parks, driveways and vehicle manoeuvring areas,
  - (d) to minimise any likely adverse impact of the development on the amenity of the area,
  - (e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.

#### Zone R4 High Density Residential

##### Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

#### **Clause 4.6 – Exceptions to development standards**

Pursuant to Clause 4.6 of the BLEP 2015, the applicant has made a submission seeking a variation to the provisions contained in Clause 4.1B of the BLEP 2015. An extract from the applicant's submission is provided below:

*In order to address the requirements of sub-clause 4.6(4)(a)(ii), each of the objectives of Clause 4.1B are addressed in turn below.*

*Objective (a) seeks to ensure that a development site has sufficient size to accommodate a proposed development and to create appropriate relationship with neighbouring properties. The lot is marginally less than full compliance and is of such a minor extent that it does not impact on functionality of the proposed development. The proposal will have street setbacks that create emphasis to the street corner, and will create landscaped setbacks and building separation to the eastern and northern boundaries. Vehicular and pedestrian access to the site is unaffected by the proposed setback variation. The proposal is therefore consistent with objective (a).*

*Objectives (b) and (c) is not relevant to the proposed development.*

*Objective (d) seeks to protect the amenity of an area through attainment of adequate lot widths. The proposal is consistent with Council's strategic planning vision for the locating which is for high density residential development. In addition, overshadowing from the proposed building will essentially fall on the adjacent street frontages and not on a primary living area or north facing window of a nearby property. Suitable privacy relationship with*

*the adjoining properties is achieved through incorporation of highlight windows, strategic placement of window openings and separation distance (in particular to the building to the north) that is compliant with the SEPP No. 65 Apartment Design Guide minimum of 12m. The proposed lot width will therefore no impact on the amenity of the locality and objective (d) is therefore satisfied.*

*In relation to Objective (e), the site to the north contains a strata subdivided residential flat building which is unavailable for inclusion with the subject site for redevelopment. There is no other site available that would make the site width compliant. Objective (e) is therefore satisfied.*

*As such, it is considered that strict compliance with the standard in Clause 4.1B is an unreasonable and unnecessary burden on the applicant because the lot is essentially isolated and is of appropriate width to accommodate the proposed development.*

*The proposal is also found to not only to be consistent with the standard and zone objectives, but also consistent with the objectives of the EP&A Act. Therefore, there are sufficient environmental planning grounds for Council to support the proposal.*

*There is planning benefit to support the proposal as it will facilitate a key attainment of the EP&A Act 1979, which is to achieve the orderly and economic use of land.*

*Therefore, insistence upon strict compliance with that standard would be unreasonable and on this basis, the requirements of sub-clause 4.6(3) are satisfied.*

*In our view Council can be satisfied that:*

- *this Statement has adequately addressed the matters required to be demonstrated by sub-clause 4.6(3), and*
- *the proposed development will be in the public interest because it is not inconsistent with the planning purpose of the particular standard (there being no objectives) and the objectives for development within the zone in which the development is proposed to be carried out.*

An assessment of the development against Clause 4.6(2) and 4.6(3) of the BLEP 2015 is provided below:

- (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.

Clause 4.1B (2) prescribes the minimum lot width and site area required for a boarding house development within R4 High Density Zoned land.

- (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.

An extract of the applicant's Clause 4.6 submission has been reproduced above, and the objectives for the minimum lot size sizes and special provisions for certain dwellings control as contained in Clause 4.1B(2) of the BLEP 2015 have also been provided above.

In addressing the proposed variation to the lot width and area, consideration must be given to the specific details and attributes of the development site in question. As outlined above, and reproduced here for context, the subject site is a corner allotment and has a primary frontage to Chapel Road of 17.59m and a secondary frontage to Hixson Street of 42.195m with an overall site area of 828.4sqm. The development site is bound to the north by 109 Chapel Road, which contains a three storey residential flat building with its associated car parking, access and landscaping. To the east, the adjoining sites 2-6 Hixson Street, are characteristic of low density residential development containing single storey cottages and associated residential structures on each lot. The lots are zoned R4 High Density Residential pursuant to the BLEP 2015. Further to the east of the subject site, adjoining 6 Hixson Street, a high density residential development incorporating four residential flat buildings are accommodated on this site (known as 7 De Witt Street). To the south at 101 Chapel Road, across Hixson Street, this is a two storey seniors living development.

It is considered that given the location of the site being a corner allotment, and the development that has occurred to the north of the site, containing a three storey apartment building, that the subject site is considered to be effectively isolated. The relationship between the subject site and the three adjoining allotments to the east, albeit they are yet to be developed for more than low density residential purposes, are not considered to represent a viable option for consolidation. The configuration that would result from Council requiring consolidation would be inconsistent with the objectives as set by the EP&A Act 1979, Clause 5(a)(ii), in that the development form that would result would not promote the co-ordination of or the orderly and economic use and development of land.

The proposal seeks consent for a four storey, 46 room boarding house including one manager's room, with basement parking, landscaping and associated site works. The proposal fails to meet the required lot area and width required for a development of this nature in the R4 High Density zone. It is considered that the lot area and width is insurmountable in this instance as no viable option for consolidation exists. The options for consolidation would result in a less desired development from that which has been achieved with the current proposal.

To insist on consolidation of 107 Chapel Road with 2-6 Hixson would create a 'wing' lot configuration. The built form that could be proposed as a result of the unconventional lot layout may result in a disjointed development layout which lacks a presence to the Chapel Road frontage. The resulting built form would likely see the location of any open space areas presented to Chapel Road, with the bulk of the building footprint contained within 2-6 Hixson Street, to ensure that a floor plan that was cohesive and practical was applied to the development.

The likely resulting built form would not be enhanced by acquiring 107 Chapel Road, rather the development of 107 Chapel Road independently ensures that a desired streetscape is afforded to Chapel Road, whilst still allowing 2-6 Hixson Street the ability to develop and present a typical design and built form given the location and layout of the sites.

It is considered the development as proposed is acceptable having regard to the objectives of the zone being ... “To provide for the housing needs of the community within a high density residential environment”...whilst “provide a variety of housing types within a high density residential environment”....and “to enable other land uses that provide facilities or services to meet the day to day needs of residents”. The nature of the development will assist in achieving the high density zone objectives in that it will introduce an affordable housing option to the area and assist in providing diversity in housing options in the locality. The development does not result in a development that is contrary to, or prevents the achievement of, the objective within the R4 zone.

It is considered in this instance there is sufficient environmental planning grounds to justify a contravention to the development standard given the proposed development results in a technical frontage and lot area failure with a minimum numerical standard. The site is effectively considered to be somewhat isolated (being a corner allotment) and the surrounding area will be unchanged as a result of the development of this site independently. Accordingly, it is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the development remains an appropriate built form outcome for the site, despite the contravention to the development standards.

**Draft environmental planning instruments [section 79C(1)(a)(ii)]**

There are no draft environmental planning instruments that are applicable in this instance.

**Development control plans [section 79C(1)(a)(iii)]**

**Bankstown Development Control Plan 2015 (BDCP 2015)**

The following table provides a summary of the development application against the controls contained in Part B1 and Part B5 of *Bankstown Development Control Plan 2015 (BDCP 2015)*.

| STANDARD  | BDCP 2015 PART B1 and B5   |                   |
|---|--|-------------------|
|   | <i>Provided</i>  | <i>COMPLIANCE</i> |
| <b>10.1</b> The consent authority must not grant consent to any development on land within Zone R4 High Density Residential if the proposed development will have the effect of isolating land with an area of less than 1,200m <sup>2</sup> and a width of less than 20 metres at the front building line so as to preclude the reasonable development of that land. | The proposal will result in lots 2, 4 and 6 Hixson Street remaining undeveloped for High Density purposes.<br><br>Each lot has an area of 461m <sup>2</sup> (total area 1383 m <sup>2</sup> ) and an overall frontage in excess of 20 metres | Yes               |

| STANDARD  | BDCP 2015 PART B1 and B5   |  |
|---|--|--|
|   | Provided   | COMPLIANCE   |
| <p><b>10.3</b> The storey limit for boarding houses in Zone R3 and boarding houses in Zone R4 is 3 storeys. Despite this clause, Council may allow boarding houses to have up to 4 storeys provided the allotment is located within:</p> <p>(a) the area bounded by Rookwood Road, Davis Lane, and school land (also known as Nos. 11–31 Rookwood Road, Yagoona, but not including No. 27C Rookwood Road; or</p> <p>(b) the area bounded by The Boulevarde and Kearns Lane (also known as Nos. 1–7 The Boulevarde and 1 Kearns Lane, Yagoona) subject to the provision of a two storey buffer along The Boulevarde street frontage.</p> | Four storeys proposed  | No, see comment [1] below.                                   |
| <p><b>Setbacks in Zones R3 and R4</b></p> <p><b>10.12</b> The minimum setback for a building wall to the primary road frontage is 6 metres.</p>   | 6m primary setback   | Yes  |
| <p><b>10.13</b> The minimum setback for a building wall to the secondary road frontage is 6 metres.</p>   | 6m secondary setback   | No, 3.6m proposed to a building wall, see comment [3] below. |
| <p><b>10.15</b> For a building with 3 or more storeys, the minimum setback to the side and rear boundaries of the allotment is 4.5 metres provided the average setback is 0.6 multiplied by the wall height.</p>  | 13 metre wall height, would require setbacks of up to 7.74 metres (0.6 x 12.9m) to both the northern and eastern boundaries. | No, see comment [3] below.                                   |
| <p><b>10.16</b> The minimum setback for a basement level to the side and rear boundaries of the allotment is 2 metres.</p>  | 2m   | Yes, a minimum of 2m provided                                |
| <p><b>10.17</b> The minimum setback for a driveway to the side and rear boundaries of the allotment is 1 metre.</p>   | 1m   | Yes  |
| <p><b>10.18</b> Boarding houses must provide:</p> <p>(a) one area of at least 20m<sup>2</sup> with a minimum dimension of 3 metres</p>  | a) Communal open space is provided to the north  | Yes  |

| STANDARD  | BDCP 2015 PART B1 and B5   |            |
|---|--|------------|
|   | Provided   | COMPLIANCE |
| <p>for the use of the lodgers; and</p> <p>(b) if accommodation is provided on site for a boarding house manager, one area of at least 8m<sup>2</sup> with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>   | <p>east of the site totalling 38m<sup>2</sup> with a 21m<sup>2</sup> provided meeting the minimum 3m dimension.</p> <p>b) A boarding house manager is provided due to the number of boarding rooms. Approximately 9m<sup>2</sup> has been provided adjacent to the managers room, with a minimum dimension of 2.7 metres</p> |            |
| <p><b>10.19</b> Development must locate the private open space behind the front building line. This clause does not apply to any balconies where it is used to provide articulation to the street façade.</p>   | <p>The private open space area is located to the north eastern corner of the site, behind the front building line.</p>   | Yes        |
| <p><b>10.20</b> At least 70% of boarding rooms must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</p>  | <p>32 of 45 units achieve three hours solar access</p> <p>32 / 45 = 71%</p>  | Yes        |
| <p><b>10.21</b> Where the development provides for one or more communal living rooms, at least one of those rooms must receive a minimum of 3 hours direct sunlight between 8.00am and 4.00pm at the mid-winter solstice.</p>   | <p>One communal living area provided and achieves solar access from 12 midday to 3pm.</p>  | Yes        |
| <p><b>10.22</b> At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> | <p>The dwelling to the east at 2 Hixson Street, will be impacted in the afternoon, however maintains compliant solar access to the north and western elevations.</p>   | Yes        |

| STANDARD  | BDCP 2015 PART B1 and B5   |                   |
|---|--|-------------------|
|   | <i>Provided</i>  | <i>COMPLIANCE</i> |
| <p><b>10.23</b> A minimum 50% of the private open space required for boarding houses and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p>   | <p>The private open space is located to the north at 2 Hixson, as such is not considered to be impacted by the proposed development.</p>   | <p>Yes</p>        |
| <p><b>10.24</b> Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>   | <p>No solar panels present to the southern property.</p>   | <p>Yes</p>        |
| <p><b>10.25</b> Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"> <li>(a) offset the windows between dwellings to minimise overlooking; or</li> <li>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</li> <li>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</li> <li>(d) use another form of screening to the satisfaction of Council.</li> </ul> | <p>The proposal is for the provision of a boarding house, being that all rooms are combined bedroom/living/kitchens. The proposal is considered to be satisfactory as the units to the north of the site maintain a minimum setback to 113A Chapel Road of 12m. This is considered satisfactory in maintaining visual privacy between developments.</p> <p>To the east, the proposal incorporates windows of varying setbacks being 5.8m or greater. The windows to the rooms are offset from the windows located at 2 Hixson Street, or provide a minimum sill height of 1.5m.</p> <p>To the south and west of the site is bound by Hixson Street and Chapel Road respectively.</p> | <p>Yes</p>        |



| STANDARD  | BDCP 2015 PART B1 and B5  |                           |
|---|---|---------------------------|
|   | <i>Provided</i>   | <i>COMPLIANCE</i>         |
| <p><b>10.26</b> Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(c) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p> | The windows do not look directly into the private open space on the adjoining properties.   | Yes                       |
| <p><b>10.28</b> Council does not allow boarding houses to have roof-top balconies and the like.</p>   | No roof top balconies proposed  | Yes                       |
| <p><b>10.29</b> Council applies the design quality principles of State Environmental Planning Policy No 65–Design Quality of Residential Apartment Development and the Apartment Design Guide to boarding houses. This includes buildings that are two storeys or less, or contain less than four dwellings.</p>  | No, see discussion below  | No, see comment [4] below |
| <p><b>10.30</b> Boarding houses must satisfy each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided; and</p> <p>(b) if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 m<sup>2</sup> in the case of a boarding room intended to</p>   | <p>One communal living area provided</p> <p>Each room meets the applicable requirements</p> | <p>Yes</p> <p>Yes</p>     |

| STANDARD   | BDCP 2015 PART B1 and B5   |  |
|--|--|--|
|  | Provided   | COMPLIANCE   |
| <p>be used by a single lodger, or</p> <p>(ii) 16 m<sup>2</sup> in any other case; and</p> <p>(c) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 m<sup>2</sup>; and</p> <p>(d) no boarding room will be occupied by more than 2 adult lodgers; and</p> <p>(e) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger; and</p> <p>(f) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager; and</p> <p>(g) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p> | <p>No boarding room exceeds 25m<sup>2</sup></p> <p>To be conditioned</p> <p>Provided</p> <p>Provided</p> <p>Provided and conditioned</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <b>10.31</b> The maximum roof pitch for boarding houses is 35 degrees.   | 3 degrees proposed   | Yes  |
| <b>10.32</b> Council does not allow boarding houses to have attics.  | No attics proposed   | Yes  |
| <p><b>10.33</b> The siting of a plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must:</p> <p>(a) integrate with the architectural features of the building to which it is attached; or</p> <p>(b) be sufficiently screened when viewed from the street and neighbouring properties.</p>   | The lift integrates with the design of the proposal.   | Yes  |
| <b>10.34</b> Development for the purpose of boarding houses must demolish all  | Proposed and conditioned   | Yes  |

| STANDARD   | BDCP 2015 PART B1 and B5   |                   |
|--|--|-------------------|
|  | <i>Provided</i>  | <i>COMPLIANCE</i> |
| existing dwellings (not including any heritage items) on the allotment.  |  |                   |
| <b>10.35</b> Boarding houses with 10 or more boarding rooms must provide at least one adaptable boarding room plus an adaptable boarding room for every 50 boarding rooms in accordance with AS 4299–Adaptable Housing.  | Four accessible boarding rooms proposed  | Yes               |
| <b>10.38</b> The design and siting of car parking structures and driveways must ensure vehicles can leave the allotment in a forward direction.  | The proposal includes a basement car park located off Hixson Street and will allow for vehicles to enter and exit in a forward direction.  | Yes               |
| <b>10.39</b> Development must locate the car parking spaces behind the front building line.  | Basement proposed located behind the front building line   | Yes               |
| <b>10.40</b> Council must ensure the garage architecturally integrates with the development and does not dominate the street façade.   | Basement proposed  | Yes               |
| <b>10.41</b> Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of boarding houses.   | The proposal has been designed to ensure that the significant tree at the north western corner of the site is retained and protected. Council have reviewed the proposal and incorporated conditions of consent to satisfy the requirements of retention and protecting of the significant tree on site. | Yes               |
| <b>10.42</b> Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):<br>(a) a minimum 45% of the area between the boarding house and the primary frontage; and<br>(b) a minimum 45% of the area between the boarding house and | The proposal has been designed and conditioned to meet the landscaping requirements of this control. As such it is considered that the proposal is satisfactory.   | Yes               |

| STANDARD  | BDCP 2015 PART B1 and B5   |                   |
|---|--|-------------------|
|   | <i>Provided</i>  | <i>COMPLIANCE</i> |
| <p>the secondary frontage; and</p> <p>(c) plant more than one 75 litre tree between the boarding house and the primary frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown); or</p> <p>(i) if the allotment adjoins the Hume Highway and the minimum setback to the Hume Highway is less than 20 metres, the development must plant a row of 75 litre trees at 5 metre intervals along the length of the Hume Highway boundary and must select the trees from the list in Appendix 6; or</p> <p>(ii) if the allotment adjoins the Hume Highway and the minimum setback to the Hume Highway is 20 metres, the development must plant two rows of 75 litre trees at 5 metre intervals along the length of the Hume Highway boundary and must select the trees from the list in Appendix 6; and</p> <p>(d) for development in the foreshore protection area (refer to map in Appendix 1), the development must plant native trees with a mature height greater than 12 metres adjacent to the waterbody.</p> |  |                   |
| <b>Front fences</b>   |  |                   |
| <b>14.1</b> The maximum fence height for a front fence is 1.8 metres.   | Maximum height of 1.8m proposed  | Yes               |
| <b>14.2</b> The external appearance of a front fence along the front boundary of an allotment or facing a classified road must ensure:<br>(a) the section of the front fence that comprises solid construction (not including solid piers) must not exceed a fence height of 1 metre above natural ground level; and<br>(b) the remaining height of the front fence must comprise open style construction such as spaced  | Maximum solid component 1m with remaining height to 1.8m to be open louvred. | Yes               |

| STANDARD   | BDCP 2015 PART B1 and B5       |   |
|--|--------------------------------|---|
|  | <i>Provided</i>                | <i>COMPLIANCE</i>   |
| <p>timber pickets or wrought iron that enhance and unify the building design.</p> <p>Despite this clause, the solid construction of a fence behind the front building line of dwelling houses and dual occupancies on corner allotments may achieve a fence height up to 1.8 metres.</p> |                                |   |
| <p><b>14.3</b> Council does not allow the following types of front fences along a classified road:</p> <p>(a) chain wire, metal sheeting, brushwood, and electric fences; and</p> <p>(b) noise attenuation walls.</p>  | Brick and open louvre proposed | Yes   |
| <b>B5 Parking</b>  |                                |   |
| Boarding houses 1 car space per 3 bedrooms.  | Ten car parking spaces         | No, however provision of SEPP ARH (2009) Clause 29, 2(e) prevails |

The departures to the BDCP 2015 are discussed in further detail below:

[1] Storeys

The proposal seeks consent for a four storey building. The control as set by Part B1, Clause 10.3 is reproduced below:

- 10.3 The storey limit for boarding houses in Zone R3 and boarding houses in Zone R4 is 3 storeys. Despite this clause, Council may allow boarding houses to have up to 4 storeys provided the allotment is located within:
- (a) the area bounded by Rookwood Road, Davis Lane, and school land (also known as Nos. 11–31 Rookwood Road, Yagoona, but not including No. 27C Rookwood Road; or
  - (b) the area bounded by The Boulevard and Kearns Lane (also known as Nos. 1–7 The Boulevard and 1 Kearns Lane, Yagoona) subject to the provision of a two storey buffer along The Boulevard street frontage.

The site is subject to a maximum building height as set by the BLEP 2015 of 13 metres. The building proposed has a maximum height of 12.96m. It is considered that the BLEP maximum height control is not consistent with the maximum storeys control as contained within the BDCP 2015, as a 13 metre height limit could permit a four storey building comfortably, whilst still allowing for a roof design alternative to a flat roof within the height standard. Council previously approved a four storey residential flat building at 133-139 Chapel Road in 2014.

The design proposed is not inconsistent with the number of storeys previously supported by Council in the locality.

As a result, Council is satisfied that the proposal is consistent with the overall objectives and controls set by the BLEP 2015 and the variation to the DCP is supported on the basis of compliance with the overarching LEP standard.

### [2] Secondary setback

The proposal seeks consent for a reduced secondary setback. The control as set by Part B1, Clause 10.13 is reproduced below:

10.13 The minimum setback for a building wall to the secondary road frontage is 6 metres.

The current design proposes a minimum secondary setback (the southern setback) to a building wall of 3.6 metres, with minor balcony encroachments on levels 1-3 for building articulation.

The proposal fails to meet the minimum setback requirements to the secondary frontage, however it is considered that achievement of strict compliance would be difficult even with a 20m frontage. The proposed setback is consistent with a typical setback expected to a secondary frontage within a general residential area, being in excess of 3 metres. Assuming a setback of 6m to the secondary frontage and minimum 4.5 metres side and rear setbacks, the effective width of the building footprint that would be afforded to the site would be 8.6m. The resulting building form would be a narrow building which would compromise functionality and usability in terms of the floor plan proposed.

The reduced setback is not considered to result in any loss of sight lines for motorists, nor does it inhibit the functionality of the driveway and access proposed off Hixson Street. The location of the building wall within the setback is considered acceptable having regard to the site and the development type proposed.

The proposal as designed presents a cohesive and site responsive design, in that the corner allotment has addressed both street frontages and provides a functional floor plan. The setback proposed, given the nature of the site and the existing isolation, is considered worthy of support.

### [3] Side and rear setbacks

The proposal seeks consent for a reduced side and rear setback. The control as set by Part B1, Clause 10.15 is reproduced below:

10.15 For a building with 3 or more storeys, the minimum setback to the side and rear boundaries of the allotment is 4.5 metres provided the average setback is 0.6 multiplied by the wall height.

The proposal seeks approval for a reduced side and rear setback. The northern elevation side setback proposed is 2.8 metres to the building wall and 2m to the balconies located on levels

1-3. The rear setback to the east achieves the minimum 4.5 metres required, however both the side and rear setbacks proposed fail to achieve the average setback. This would require setbacks of up to 7.74 metres (0.6 x 12.9m) to both the northern and eastern boundaries.

The northern setbacks proposed are less than 4.5m and fail to achieve the average of 7.74 metres. The existing site to the north at 109 Chapel Road, contains a three storey residential flat building with an existing generous setback to the southern boundary varying from 8.8m to 10m.

When the proposal is considered in context with the property to the north, the setback provided between the two buildings would be no less than 12 metres at any point. It is considered that the setback, whilst not compliant with the numerical controls set out, provides sufficient separation distances between the two structures, ensuring that visual privacy and building separation are achieved. If the development on site was for the construction of a residential flat building and consideration of SEPP 65 and the ADG were to apply to this development type, the proposal would comply with the required visual privacy and separation distances for habitable room to habitable rooms.

The development in the context of the site is afforded a reasonable setback given the existing development to the north; as such, insisting on strict compliance is considered unreasonable in this instance.

The proposed development satisfies the minimum setback distance to the eastern boundary specified by the BDCP 2015 with the minimum 4.5m setback provided, but fails the DCP provision when wall height is considered. Land immediately to the east on the site is currently used for driveway, services and deep soil plantings.

To consider enforcing the requirement of the control for the average setback based on the height of the building wall, given the maximum building height is 13 metres, would render most sites difficult to develop, where the opportunity does not exist for the site to consolidate with the adjoining properties.

The proposed development is for a boarding house pursuant to ARH SEPP 2009 and is afforded an additional 0.5:1 floor space on site. The maximum floor space ratio resulting from the proposal on site is 1.5:1 pursuant to the provisions of the SEPP. The additional floor space permitted as a result of compliance with the minimum requirements as set out by the SEPP has resulted in a built form, greater than what would typically be expected of the site pursuant to the BLEP 2015 alone. However, the development of the site and the retention of both the secondary frontage, side and rear setbacks would have been difficult to maintain in any proposal lodged. Assuming the minimum 4.5 metre side and rear setbacks in addition to the secondary frontage of 6 metres, the effective width of the building footprint that would be afforded for the site would be 8.6m. The resulting building form, by insisting on strict compliance, would be a narrow building which would compromise functionality and usability in terms of the floor plan proposed.

It is considered given the isolated nature of the subject site, the opportunities afforded to the site to accommodate a fully compliant development with all required setbacks, is not viable and therefore the variations proposed are considered worthy of support.

[4] Building design

The control as set by Part B1, Clause 10.29 in relation to SEPP 65 and its application is reproduced below:

*10.29 Council applies the design quality principles of State Environmental Planning Policy No 65–Design Quality of Residential Apartment Development and the Apartment Design Guide to boarding houses. This includes buildings that are two storeys or less, or contain less than four dwellings.*

Despite the above, Clause 4(4) of SEPP 65 states as follows:

*(4) Unless a local environmental plan states otherwise, this Policy does not apply to a boarding house or a serviced apartment to which that plan applies.*

The Bankstown Local Environmental Plan 2015 (BLEP 2015) does not state that SEPP 65 applies to boarding house development, therefore SEPP 65 and the ADG do not strictly apply in this instance. General principles in terms of built form and design have been considered to ensure a desired built form outcome is provided for on site. The design proposed is considered satisfactory in this regard.

**Planning agreements [section 79C(1)(a)(iia)]**

There are no planning agreements applicable to this development application.

**The regulations [section 79C(1)(a)(iv)]**

The proposed development is not considered to be inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

**The likely impacts of the development [section 79C(1)(b)]**

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, where non-compliances with the relevant development controls are proposed, they have been addressed and are considered worthy of support. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

**Suitability of the site [section 79C(1)(c)]**

The site is considered suitable for the proposed development.

**The public interest [section 79C(1)(e)]**

Having regard to the relevant planning considerations, the proposed development is in the public interest. The proposed development would not contravene the public interest. It responds appropriately to the standards contained in *State Environmental Planning Policy (Affordable Rental Housing) 2009*, as well as the relevant provisions of the *Bankstown Local Environmental Plan 2015*. Matters raised in public submissions have been satisfactorily



addressed, and the proposed development would contribute to housing diversity within the City of Canterbury Bankstown.

### **NOTIFICATION**

The application was advertised and notified for a period of 21 days from 27 April to 17 May 2016 and advertised with amended plans from 28 September to 18 October 2016. One submission was received, which raised concerns relating to the character of the neighbourhood, traffic impacts, overlooking and overshadowing and bulk and scale. The concerns raised in the submission have been adequately addressed and do not warrant refusal or further modification of the proposed development.

*Objection: The area is a predominately residential area with the proposal being out of keeping with such a neighbourhood character. The proposed use as a boarding house is an overdevelopment of the site.*

**Comment:** The proposed development is for the construction of a 45 room boarding house with one manager's room. The site is located within an R4 High Density zone. The proposal is a permitted land use within the zone and is considered to be consistent with the objectives of the zone.

The proposal has been assessed against and designed in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Bankstown Local Environmental Plan 2015. The proposal generally complies with the requirements set out under the relevant legislation and is considered a satisfactory development type given the isolated nature of the development site.

*Objection: Lack of parking existing in the area and the potential for this to be worsened by introducing 50 room boarding house. The development will create a significant traffic hazard, particularly given the location at the intersection.*

**Comment:** The proposal has been assessed against and designed in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009. The parking provided for onsite meets the requirements under the state legislation and is considered satisfactory. The location of the driveways and access have been reviewed and are considered satisfactory to meet the requirements for access on site.

*Objection: Overlooking and over shadowing*

**Comment:** The proposal has been reviewed and it is considered that the proposal will not result in any unreasonable amenity impacts on the property at 2 Hixson Street as a result of the development, by way of overshadowing or visual privacy.

The dwelling located at 2 Hixson Street will maintain three hours of solar access to a living area located on the northern elevation of the dwelling. Further, it is considered that the proposed windows on the eastern elevation of the boarding house are sufficiently located to provide for a sufficient level of visual privacy in accordance with Council's Development Control Plan 2015.

*Objection: The bulk and scale is out of character for the streetscape*

**Comment:** The proposal does not exceed the maximum building height or floor space ratio as set by the relevant legislation. It is considered a development of this size, is not inconsistent with the development in the surrounding area, and the desired future character of the R4 High Density zone.

## **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy 55 (Remediation of Land)*, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *Greater Metropolitan Regional Environmental Plan 2 - Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The proposed development represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions. Approval of this application is considered to be consistent with the R4 High Density zoning for the locality and would not result in an unacceptable or unreasonable impacts on the surrounding locality.

## CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-325/2016, submitted by Urban Link Pty Ltd, accompanied by Drawing No. A001, A010, A100, A101, A102, A103, A104, A200, A300, A530 all Issue D, prepared by Urban Link Pty Ltd, dated 13 April 2017 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the north and east of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
- 4) Ausgrid has both overhead & underground cables in the vicinity of this development. The developer is to ensure that the works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

Any work undertaken near overhead power lines needs to be done in accordance with:

- Workcover Document ISSC 23 "Working Near Overhead Power Lines".
- Ausgrid's Network Standards. In particular NS220 "Overhead Design Section 13 Clearances"
- Ausgrid's Electrical Safety Rules.

Excavation works near underground cables needs to be done in accordance with Ausgrid Network Standard 156 "Working Around Ausgrid Cables"

In addition, the developer will need to submit an "Application for Connection" to determine the method of supply to the development as a substation maybe required on the premises. Applications for Connections can be made to Ausgrid's Connections Group using their email "[contestability@ausgrid.com.au](mailto:contestability@ausgrid.com.au)"

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

Prior to the release of a Construction Certificate the following conditions **MUST** be satisfied and nominated fees/contributions/bonds paid:

- 5) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 6) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The Landscape Plan shall be modified in accordance with the following conditions:

- i. 2 x tree, 100 litre specimens known to attain a minimum height of 10 metres at maturity in the front setback

The amended Landscape Plan shall be submitted to the principal certifying authority for final approval prior to the issue of the Construction Certificate.

- 7) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 8) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

### **A. General modifications – Basement Construction**

- (a) The basement shall be constructed using methods that do not expose tree roots to the elements for a period greater than 1 hour (eg contiguous piling methods or the like).

**B. General modifications – Removal of neighbouring trees**

- (a) Approval is granted for the removal of trees on the southern boundary of the neighbouring site of 113A Chapel Road providing that written permission from the owner of the trees is provided and the individual trees meet at least one of the following criteria:
- i. **Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;**
  - ii. **Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order.**
- (b) **If the trees are not removed then additional monitoring of the trees or vegetation by the owner or applicant to maintain their health and safety is recommended during the construction period and on completion of the approved works, as the condition of these trees may change over time.**

**C. Tree Planting: Nature Strip / Council Reserve**

The applicant is to plant the following replacement trees on the nature strip forward of the property. The tree/s shall have a container size not less than 75 litres, shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality* (2003) or *Australian Standard AS 2303 – 2015 Tree stock for landscape use* and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201.

| <b>Species</b>   | <b>Location</b>   |
|--|---|
| <i>Tristaniopsis laurina</i> 'Luscious' (Watergum); or<br><i>Lagerstroemia indica</i> 'Natchez' (Dwarf Crepe Myrtle) or similar cultivar; or<br><i>Melaleuca linariifolia</i> (Snow in Summer) | 2 x trees on the Hixon Street nature strip providing they are located: <ul style="list-style-type: none"><li>• No closer than 10.0 metres from the corner</li><li>• At a minimum of 8 metre spacing's</li><li>• No closer than 2.5 metres from the edge of the vehicle footpath crossing (including layback)</li><li>• So that the existing street signs are not going to be obscured by current of future growth of the trees.</li></ul> |

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to

- a) Carry out engineering works to protect those services from damage; or
- b) Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or

- c) Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The tree/s shall be planted by a qualified landscape contractor in accordance with the tree delivery, planting preparation –general, planting, mulching and staking specifications included in Standard Drawing No. S-202 and to the satisfaction of Councils Tree Management Officer.

Once the trees have been planted, a tree protection fence located at a 2.0 metre radius from the trunk of each tree shall be installed to protect the trees during the demolition and construction phases. The fences shall be constructed of chain wire mesh 1.80 metres high supported by steel posts, shall not be removed or altered, and are to remain in place for the duration of the site works.

During the construction phase the trees shall be watered and maintained in accordance with the tree establishment and maintenance requirements included in Standard Drawing No. S-202.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting once the tree protection fence has been installed, and again once the works have been completed prior to issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

- 9) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 10) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin)

For Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://www.sydneywater.com.au) 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate the applicant must obtain from Sydney Water either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 11) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.

- 12) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 13) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$43,869.33 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

**Note:** The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 14) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 15) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
  - a) A medium duty VFC at the property boundary.
  - b) Drainage connection to Council's system.
  - c) 1.2 metre wide concrete footway paving along the sites entire frontage to Chapel Road and Hixson Street.
  - d) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - e) Repair of any damage to the public road including the footway occurring during development works.
  - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 16) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. A6455 – SW01 to SW06, rev B dated 30/03/2016 prepared by ALPHA ENGINEERING & DEVELOPMENT. The final plan shall be certified by the design engineer that it

complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 17) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 18) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 19) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;



- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 20) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 21) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,

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

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

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

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

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

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

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

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the

Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

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

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

- 22) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 23) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 24) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 25) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 26) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 27) The all motorcycle and bicycle spaces must be protected from vehicular encroachment. This needs to be shown on the construction certificate plans.

- 28) The plans must show 10 required motorcycle spaces the 10 bicycle spaces on the construction certificate plans in accordance with AS2890.3:2015. This may require the storage area in the basement to be removed. All spaces need to be protected from vehicular encroachment.
- 29) The sight distance triangle, as shown in Fig 3.3 from AS 2890.1:2004 must be shown on the Construction Certificate plans and must be kept clear at all times.
- 30) The Accessible Parking Space, with Shared Area should be relocated to be next to the lift. All construction certificate plans must be consistent with this requirement.
- 31) **The acoustic assessment submitted in support of this development application, prepared by Acoustic Noise & Vibration Solutions Pty Ltd titled, 'Acoustic Report - Impact Noise Assessment - For Proposed Boarding House at 107 Chapel Road, Bankstown', Reference Number 2016-395, dated 23 August 2016 and the noise attenuation recommendations stated in Section 6 on pages ten (10) through to thirteen (13) of the assessment, forms part of the development consent.**
- 32) The plan of management prepared by Planning Ingenuity titled, '*Operational Plan of Management (Incorporating the House Rules) for a Boarding House at 107 Chapel Road South, Bankstown*' dated February 2016, must be amended to reflect the updated architectural and resulting reduced number of rooms, boarders, car parking spaces and motorcycle/bicycle spaces. The management plan must ensure that no double room within the boarding house has more than 2 boarders and that all single rooms contain only 1 boarder. The amended plan of management must forms part of the development consent.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

- 33) The building / subdivision work in accordance with the development consent must not be commenced until:
  - a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
  - b) the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building / subdivision work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

- ii. notified the principal certifying authority of any such appointment, and
  - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 34) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

**Trees to be retained and protected**

The following trees are to be retained and protected as per the conditions below. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution.

| Species                                   | Location   | Protection Measures  |
|---|--|--|
| <i>Eucalyptus botryoides</i> , (Bangalay) | Front setback, southern boundary of 113A Chapel Road | <p>*TPZ – 9.6 metres, SRZ – 3.6 metres</p> <p><b>During demolition.</b><br/>A tree protection fence of a minimum of 6.5 metres from and running parallel to the front boundary and 7.5 metres from and running parallel to the northern boundary shall be installed as per the conditions below.</p> <p><b>During construction</b><br/>The tree protection fence is to remain in place with ground protection is to be installed between the fence and the building line in the form of a layer geotextile fabric covered by mulch to a depth of 100mm.</p> <p>Ground protection shall be installed in accordance with AS4970- 2009, Section 4.5.3. Where there is a requirement for joins in the geotextile fabric it is to be overlapped by 0.5 metres.</p> <p>Scaffold is to be installed as per AS4970- 2009, Section 4.5.6.</p> |

\* TPZ (Tree Protection Zone) and SRZ (Structural Root Zone) in metres measured from the centre of the trunk of the tree.

Tree protection measures shall comply with *Australian Standard AS4970-2009 Protection of trees on development sites*, together with the following conditions:

- a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- c) A 1.8m chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected around the above trees to be retained and protected during all approved works. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.
- d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing:
  - i. The Development Consent number;
  - ii. The name and contact number of the nominated consultant arborist or site manager;
  - iii. Indication that access into the Tree Protection zone is not permitted.
- e) The above notice is to be in place prior to commencement of demolition or construction.
- f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.
- g) The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering, weed control.
- h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- i) All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- j) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- k) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
- l) If any tree roots are exposed during any approved works then roots smaller than 50mm are to be pruned. They shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). Any roots greater than 50mm are to be

assessed by a qualified arborist before any pruning is undertaken. If required, changes in design may need to be considered.

### **Trees requiring pruning**

- m) If trees or vegetation on the neighbouring property require pruning and are covered by Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order; an Application to Prune or Remove Trees is to be presented to Council for processing.

### **Trees to be removed**

There are no trees to be retained on the site. All tree removal works must comply with the *Amenity Tree Industry – Code of Practice, 1998* (Workcover, NSW).

- 35) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 36) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 37) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 38) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

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

- 40) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.

- 41) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 42) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a) **in the case of work for which a principal certifying is required to be appointed:**
    - i. **the name and licence number of the principal contractor, and**
    - ii. **the name of the insurer by which the work is insured under Part 6 of the Act,**
  - b) **in the case of work to be done by an owner-builder:**
    - i. **the name of the owner-builder, and**
    - ii. **If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.**

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 43) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) **showing the name, address and telephone number of the principal certifying authority for the work, and**
  - b) **showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
  - c) **stating that unauthorised entry to the work site is prohibited.**

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.



44) Permission is granted for the demolition of all structures currently existing on the property, subject to strict compliance with the following: -

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
  - i. A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
  - ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

**NOTE:** Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.

- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the

precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 45) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 46) If unexpected soil contaminants are unearthed during excavation and/or construction works which has the potential to alter previous conclusions made regarding site contamination all work is to cease and Council notified immediately.

The contaminated land situation is to then be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner, which is agreed to by Council, prior to the commencement of works. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information. The cost of these investigations and the involvement of the accredited site auditor, if required, will be borne by the proponent.

- 47) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 48) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 49) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 50) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 51) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 52) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a) **protect and support the adjoining premises from possible damage from the excavation, and**

- b) where necessary, underpin the adjoining premises to prevent any such damage.**
- 53) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 54) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 55) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 56) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 57) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 58) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 59) Prior to the issue of any Occupation Certificate, verification from a qualified acoustic engineer shall be submitted to the Principal Certifying Authority to verify that the development complies with the requirements of Condition 29 of this development consent, and that any measures required to be installed to comply with the requirements of that condition, have been installed.
- 60) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans

and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.

- 61) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 62) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 63) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 64) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 65) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.

- 66) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 67) The applicant is to apply to the Traffic Committee for the installation of No Parking on Waste Night signage in Hixson Street, at the applicant's cost prior to the issuing of an Occupation Certificate.
- 68) 10 off street car parking spaces, 10 motorcycle spaces and 10 bicycle spaces shall be provided and maintained for the use of visitor and residents to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.
- 69) Replacement Trees: On-Site - In line with Council's policy to maintain and increase tree cover in the Council area, the applicant is to plant a minimum of 2 replacement trees as outlined below:
- i. 2 x tree, 100 litre specimens known to attain a minimum height of 10 metres at maturity in the front setback
  - a) Replacement trees are to be a minimum container size of 75 litres. They shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)* or *Australian Standard AS 2303 – 2015 Tree stock for landscape use (2003)* and be planted and maintained in accordance with Councils standard specification.
  - b) Tree species used are not to include conifers, palms, Casuarinaceae, or any of the exempted plant species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order.
  - c) The trees are to be planted no closer than 3.5 metres from the wall of any approved dwelling on the property. Trees/shrubs proposed for planting along the rear boundaries shall be located no closer than 1.0 metres from the rear boundary.
  - d) All new plantings shall be located so future growth will not be in conflict with electricity wires. Consideration should be given to the location of new electricity poles and wires so that sufficient space is provided.
  - e) The replacement trees are to be planted prior to the issue of an occupation certificate.
  - f) The replacement trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order.
  - g) If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Bankstown Development Control Plan 2015 Part B11– Tree Preservation Order; the tree/s shall be replaced with the same species at no cost to Council.
- 70) **Any lighting of the premises shall be installed in accordance with *Australian Standard AS 4282: Control of the Obtrusive Effects of Outdoor Lighting* so as to**

avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

- 71) The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and on-going inspections in accordance with the *Boarding Houses Act 2012* subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

## USE OF THE SITE

- 72) The premises must comply with the requirements of the:
- a) **Local Government (General) Regulation 2005, Schedule 2, Part 1 Standards for places of shared accommodation;**
  - b) **Boarding Houses Act 2012;**
  - c) **Boarding Houses Regulation 2013;**
  - d) **Protection of the Environment Operations Act 1997 and Regulations; and**
  - e) **Australian Standard 1668.1 and 1668.2.**
- 73) The plan of management prepared by Planning Ingenuity titled, '*Operational Plan of Management (Incorporating the House Rules) for a Boarding House at 107 Chapel Road South, Bankstown*' dated February 2016, must be amended to reflect the updated architectural and resulting reduced number of rooms, boarders, car parking spaces and motorcycle/bicycle spaces. The management plan must ensure that no double room within the boarding house has more than 2 boarders and that all single rooms contain only 1 boarder. The amended plan of management must form part of the development consent for ongoing operations on site.
- 74) **The premises shall be operated so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints and if it is considered by Council that excessive noise is emanating from the premises, the person(s) in control of the premises shall, at their own cost arrange, for an acoustic investigation to be carried out (by an accredited acoustic consultant) and submit a report to Council specifying the proposed methods for the control of excessive noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.**
- 75) **Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.**
- 76) **The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a**

**person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.**

**-END-**





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## Independent Hearing and Assessment Panel - 1 May 2017

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|--------------------------|--|
| <b>ITEM 3</b>            | <b>689 Punchbowl Road, Punchbowl</b>   |
|                          | <b>Demolition of existing structures and construction of a four storey mixed commercial/residential development comprising of ground floor commercial tenancy, eleven residential units and basement parking</b> |
| <b>FILE</b>              | <b>DA-817/2016 - Bankstown Ward</b>  |
| <b>ZONING</b>            | <b>B2 Local Centre</b>   |
| <b>DATE OF LODGEMENT</b> | <b>23 August 2016</b>  |
| <b>APPLICANT</b>         | <b>William Karavelas</b>   |
| <b>OWNERS</b>            | <b>Alberto Punchbowl Pty Ltd and Estephan Company Pty Ltd and G. J. N. R. Holdings Pty Ltd</b>   |
| <b>ESTIMATED VALUE</b>   | <b>\$3,540,000</b>   |
| <b>SITE AREA</b>         | <b>697.20m<sup>2</sup></b>   |
| <b>AUTHOR</b>            | <b>Planning</b>  |

### RECOMMENDATION

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It is recommended that:

1. The submission made pursuant to Clause 4.6 of Bankstown Local Environmental Plan 2015 be supported; and
2. Development Application No. DA-817/2016 be approved subject to the attached conditions.

## SUMMARY REPORT

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In accordance with the Canterbury Bankstown Independent Hearing and Assessment Panel Charter, this matter is reported to Council's Independent Hearing and Assessment Panel (IHAP) for determination.

Development Application DA-817/2016 proposes the demolition of existing structures and the construction of a four storey mixed commercial/residential development comprising of a ground floor commercial tenancy, eleven residential units and basement car parking for 25 vehicles.

The Development Application has been assessed in accordance with the requirements of Section 79C of the EP&A Act 1979 including an assessment against State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, SEPP 55 – Remediation of Land, SEPP (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan 2– Georges River Catchment, Bankstown Local Environmental Plan (BLEP) 2015 and Bankstown Development Control Plan (BDCP) 2015. The proposal generally complies with the relevant legislation except for the following variations:

- Clause 4.4 – Floor space ratio (FSR) of BLEP 2015.
- Clause 3.2 – Lot widths of Part B2 of BDCP 2015.
- Clause 3.4 – Storey limit of Part B2 of BDCP 2015.
- Clause 3.6 – Setbacks to the primary and secondary frontages of allotments of Part B2 of BDCP 2015.
- Clause 3.10 – Setbacks to side and rear boundaries of allotments of Part B2 of BDCP 2015.
- Objective 3D-1 – Communal and public open space of the Apartment Design Guide (ADG), as per SEPP 65.
- Objective 3F-1 Visual privacy of the ADG, as per SEPP 65.
- Objective 4D-2 Environmental performance of the ADG, as per SEPP 65.

The applicant has submitted a request to vary the FSR development standard to 1.97:1 , made pursuant to the provisions of Clause 4.6 of the BLEP 2015. The FSR for sites within 'Area 1' on the FSR Map is determined by their respective widths at the front building line, with those with a front building line width greater than 20 metres having an FSR of 2:1 and those with less than 20 metres, such as the development site, having an FSR of 1:1. The site is bordered to both side boundaries by sites that are occupied by four storey shop top housing developments meaning there is no opportunity for lot consolidation. When considering the site's isolation and the fact that a compliant development would appear out of character with surrounding built form, it is recommended that a variation to the FSR control is permitted.

Clause 3.2 of Part B2 of BDCP 2015 requires an allotment width of 26 metres for mixed use development. Given that there is no opportunity to consolidate with neighbouring allotments, and given the building form and proposed use are consistent with surrounding development, it is recommended that a variation to this requirement is granted.

Clause 3.4 of Part B2 of BDCP 2015 provides a three storey limit for the site. Despite reaching four storeys, the proposal maintains compliance with the 14 metre height limit under Clause 4.3 of BLEP 2015 and reaches a maximum height below both neighbouring buildings.

Clause 3.6 of Part B2 of BDCP 2015 requires a setback of 3m and 5m from the primary frontage at the third and fourth storeys. The proposed development adopts a setback of 0.20 metres at both storeys. A variation to the requirement is considered appropriate in this instance given that the setback to the actual building wall is a minimum of 3m and given the high quality architectural design which presents attractively to the streetscape. Furthermore, the setback to the building wall remains generally consistent with that of 685 Punchbowl Road to the north-east.

Clause 3.10 of Part B2 of BDCP 2015 requires a rear setback of 3 metres at the first and second storey and 5 metres at the third and fourth storeys. The proposal provides a setback at the first and second storey of 2.50 metres and 1.50 metres respectively. To the third and fourth storey a rear setback of 1.90 metres is provided to the rear balconies, with a minimum setback to a building wall of 3 metres and a predominant building wall setback of 4.70 metres. Similarly to the front setback, the rear setback is generally consistent with that of the neighbouring property at 685 Punchbowl Road and the reduced setback will have no discernible adverse impacts.

Objective 3D-1 of the ADG requires that a communal open space area be provided that is equivalent to a minimum of 25% of the site area. The proposal provides a communal open space area equivalent to 12% of the site area. Despite this non-compliance, it is recommended that a variation be permitted in this instance as each apartment is provided with the required private open space and the site is located directly opposite Warren Reserve, a park that adjoins Punchbowl Train Station.

Objective 3F-1 of the ADG requires a 6 metre separation to the rear boundary from habitable rooms and balconies. The proposal adopts a 1.90 metre separation at the second, third and fourth storeys. Considering the reduced rear separation of both neighbouring buildings, and given that the rear property boundary of the site is bordered by a right of way and a car parking area for properties fronting Highclere Avenue, the reduced separation will not result in any adverse privacy impacts and is considered appropriate in this instance.

Objective 4D-2 of the ADG requires units with an open plan layout to have a maximum habitable room depth of 8 metres from a window. Two of the eleven units do not satisfy this requirement, with part of the kitchen to Unit 4 and Unit 8 being 8.70 metres from a window. Despite this non-compliance, it is considered that both units maintain a functional and well arranged layout which achieve a high standard of amenity.

The application was neighbour notified and advertised for a period of 21 days between 7 September 2016 and 27 September 2016 and no objections were received during this period.

## **POLICY IMPACT**

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This matter has no direct policy implications.

## **FINANCIAL IMPACT**

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This matter has no direct financial implications.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

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- A. Section 79C Assessment Report
- B. Conditions of Consent

## DA-817/2016 ASSESSMENT REPORT

### SITE & LOCALITY DESCRIPTION

The subject site is known as 689 Punchbowl Road, Punchbowl and is located within the B2 Local Centre Zone. It is a regular allotment with an area of 697.20m<sup>2</sup> and a primary frontage of 15.24 metres to Punchbowl Road. There is a fall of approximately 2.65 metres from the rear (north-west) to the front (south-east). The site is currently occupied by two attached buildings, being a two storey shop and residence and a single storey shop with a residence. Both dwellings no longer appear to be used. To the rear of the site there is a concrete shed, a metal shed and a carport, as well as two trees which are proposed for removal. Additionally, the rear boundary abuts a right of way which provides access to the rear of several properties fronting Highclere Avenue, Punchbowl.

The site is located to the north-western side of Punchbowl Road being bordered to the north-east by 685 Punchbowl Road and to the south-west by 691 Punchbowl Road. Both sites are occupied by four storey shop top housing developments with 685 being constructed in 2014 and 691 being constructed in 2011. Further north-east of the site are dwelling houses, whilst south-west of the site exists a further shop top housing development and smaller commercial development.

To the south-eastern side of Punchbowl Road is Punchbowl Train Station, Warren Reserve and a Community Centre, with the remaining development being predominately dwelling houses.



## **PROPOSED DEVELOPMENT**

Development Application DA-817/2016 proposes the demolition of existing structures and the construction of a four storey mixed commercial/residential development comprising of a ground floor commercial tenancy, eleven residential units and two levels of basement carparking for 25 vehicles.

The proposal has a mix of apartment types containing nine x two bedroom units, one x three bedroom unit and one x one bedroom unit. There are four units each located at the second and third storeys, with the fourth storey comprising three units.

The proposal has indicated the ground floor commercial unit as a retail shop but use of the premises will be subject to a future application. The ground floor also incorporates the residential entry, waste rooms for the future commercial use and the residential use, and an outdoor terrace to the rear.

The lower basement level incorporates twelve car spaces for residential use whilst the upper basement level has 13 spaces associated with the retail tenancy. Vehicular access to the site is to be granted via a right of way through the basement of 685 Punchbowl Road. The provision of a right of way to the development site was a requirement under DA-177/2013 at Condition 55 for No. 685 Punchbowl Road.

## **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C(1) of the Environmental Planning and Assessment Act, 1979. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

### **Environmental planning instruments [section 79C(1)(a)(i)]**

#### **Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment (GMREP 2)**

The site is located within land identified as being affected by the *Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment*, being a deemed SEPP under Clause 120 of Schedule 6 of the *EP&A Act, 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

#### **State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**

The provisions of Clause 7 of *State Environmental Planning Policy 55 – Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site has long been used for commercial and residential purposes and this will not change as part of the development application. There is no evidence to suggest that the site is contaminated, nor is it considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the development application and therefore satisfies the provisions of SEPP 55.

**State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)**

SEPP 65 applies to residential flat buildings having four or more units and three or more storeys. Accordingly an assessment against the nine Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) has been carried out.

The proposed development is considered to be consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site’s context. Moreover, the application generally conforms with the key ‘design criteria’ contained in the Apartment Design Guide, as illustrated in the table below, with the exception of communal open space, visual privacy and unit performance.

| <b>‘DESIGN CRITERIA’</b>   | <b>PROPOSED</b>   | <b>COMPLIES?</b> |
|--|---|------------------|
| <p><b>Overshadowing of neighbouring properties</b></p> <p>Solar access to living rooms, balconies and private open space of neighbours should be considered</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures that solar access to neighbouring properties is not reduced by more than 20%</p> | <p>The proposed development will reduce the number of compliant units within the development to the south-west, approved under DA 2073/2003 at 691 Punchbowl Road from 12/28 to 10/28. This is a reduction of only 16%.</p> | <p>Yes</p>       |



| 'DESIGN CRITERIA'  | PROPOSED   | COMPLIES?  |
|--|--|--|
| <p><b>Communal open space</b></p> <p>25% of the site area is to be communal open space (COS) (174.30m<sup>2</sup>), and 50% of the COS must receive at least two hours direct sunlight between 9am-3pm on 21 June.</p> | <p>85m<sup>2</sup> (12%) of the site area is provided as communal open space between the ground floor and the roof top. At least 50% of the COS is able to achieve at least two hours direct sunlight between 9am-3pm on 21 June.</p>  | <p>No, see Comment [1] below.</p>  |
| <p><b>Visual Privacy (Building separation)</b></p> <p>6m setback up to four storeys (3m to non-habitable rooms).</p> <p>0m to blank walls</p>  | <p><b><u>North-East (Side)</u></b></p> <p>Storeys 1 - 4, 0m setback to blank walls, 2.50m - 4.30m setback to the mechanical ventilation risers, fire stairs and lift and 6.10m to the breezeways.</p>  | <p>Yes</p>   |
|  | <p><b><u>South-West (Side)</u></b></p> <p>1<sup>st</sup> Storey – 0m to blank wall</p> <p>Storeys 2 – 3 , 0m – 3m setback to blank walls and 6.10m to the breezeways.</p> <p>4<sup>th</sup> Storey, 6.10m setback to the breezeway and 7.50m to the entry window of Unit 11. 3m to side balcony of Unit 9.</p> | <p>Yes</p> <p>Yes (condition to be imposed deleting kitchen window to Unit 4 and Unit 8).</p> <p>Yes (condition to be imposed requiring a solid wall to replace privacy screen to side of balcony of Unit 9)</p> |
|  | <p><b><u>North-West (Rear)</u></b></p> <p>Storeys 2 -4 – 1.9m</p>  | <p>No – see comment [2] below</p>  |
|  | <p><b><u>Within the Site</u></b></p> <p>Level 2 – 6.20m between 1.80m blank walls separating balconies.</p>  | <p>Yes</p>   |
|  | <p>Level 2 – 4, 12m between habitable room windows and balconies.</p>  | <p>Yes</p>   |
| <p><b>Car Parking</b></p> <p>Minimum car parking requirement must be provided on site</p>  | <p>Eleven residential car spaces are required under Part B5 of BDCP 2015 and 13 are required pursuant to Roads and Maritime Services (previously Roads and Transport Authority) Guide to Traffic</p>   | <p>Yes</p>   |

| 'DESIGN CRITERIA'  | PROPOSED   | COMPLIES?             |
|--|--|-----------------------|
|  | <p>Generating Developments. The ADG applies the lesser requirement.</p> <p>Seven commercial car spaces are required for a 'shop' under Part B5 of BDCP 2015.</p> <p>The proposal includes twelve residential car spaces and 13 commercial car spaces, thereby complying with Part B5 of BDCP 2015.</p> |                       |
| <p><b>Solar access</b></p> <p>70% of units should receive 2hrs solar access between 9am – 3pm midwinter.</p>   | <p>Eight of eleven (72%) units receive 2hrs direct solar access between 9am – 3pm midwinter.</p>   | <p>Yes</p>            |
| <p><b>Solar access</b></p> <p>A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid winter</p>  | <p>0 (0%) apartments receive no direct sunlight at the relevant time</p>   | <p>Yes</p>            |
| <p><b>Natural cross-ventilation</b></p> <p>60% of units to be naturally cross-ventilated.</p> <p>Overall depth cross-over or cross-through apartment does not exceed 18m, when measured glass line to glass line</p> | <p>Eleven (100%) of the apartments are naturally cross-ventilated.</p> <p>All cross through apartments less than 18m</p>   | <p>Yes</p> <p>Yes</p> |
| <p><b>Ceiling heights</b></p> <p>Min. 2.7m for habitable rooms. If variation is sought then satisfactory daylight access must be demonstrated.</p> <p>Min. 3.3m to ground floor commercial</p>                       | <p>Floor-to-ceiling heights are 2.7m to all floors.</p> <p>Minimum 3.3m provided</p>   | <p>Yes</p> <p>Yes</p> |
| <p><b>Unit size</b></p> <p>1 bed – min. 50m<sup>2</sup><br/> 2 bed – min. 70m<sup>2</sup><br/> 3 bed – min. 90m<sup>2</sup></p>  | <p>1 bed - min. 65 m<sup>2</sup><br/> 2-bed, 2 bath – min 75m<sup>2</sup><br/> 3-bed, 2 bath – min. 98m<sup>2</sup></p>  | <p>Yes</p>            |

| 'DESIGN CRITERIA'   | PROPOSED   | COMPLIES?  |
|---|--|--|
| <p>Add 5m<sup>2</sup> for each additional bathroom/WC</p> <p>Every habitable room must have a window in an external wall</p>  | <p>All habitable rooms have a window in an external wall</p>   | <p>Yes</p>   |
| <p><b>Unit Performance maximised</b></p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>   | <p>Nine of the eleven apartments achieve compliance. Unit 4 and 8 fail the control and provide an 8.7m setback to the kitchen wall, however achieve 8m when measured to the kitchen bench.</p> | <p>No, the non-compliances are considered supportable as the design and functionality of the unit will accommodate a usable layout and sufficient level of amenity.<br/>See comment [3] below.</p> |
| <p><b>Apartment layouts</b></p> <ul style="list-style-type: none"> <li>• Master Beds: 10m<sup>2</sup> min</li> <li>• Other beds: 9m<sup>2</sup> min</li> <li>• Bedrooms min dimension of 3m</li> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul> | <p>Compliance is achieved for all rooms within the development.</p>  | <p>Yes</p>   |
| <p><b>Private Open Space</b></p> <p>1 bed: Min 8m<sup>2</sup>, 2m depth<br/> 2 bed: Min. 10m<sup>2</sup>, 2m depth<br/> 3 bed: Min 12m<sup>2</sup>, 2.4m depth to primary balconies.<br/> Ground level units: Min 15m<sup>2</sup>, 3m depth</p>   | <p>All units meet required minimum areas and dimensions</p>  | <p>Yes</p>   |
| <p><b>Internal circulation</b></p> <p>Max. 8 units accessed from a single corridor.</p>   | <p>A maximum of four units are accessed from a single corridor.</p>  | <p>Yes</p>   |
| <p><b>Storage</b></p> <p>1 beds: 6m<sup>3</sup>,<br/> 2 beds: 8m<sup>3</sup>,<br/> 3 beds: 10m<sup>3</sup><br/> (At least half to be provided within the unit)</p>  | <p>All units provided with sufficient storage, and at least half provided within the unit</p>  | <p>Yes</p>   |

The following comments are provided in respect to the departures from the ADG as identified in the table above:

[1] Communal Open Space

The ADG Objective 3D-1 requires that a communal open space area be provided that is equivalent to a minimum of 25% of the site area, being 169.80m<sup>2</sup>. The proposal incorporates a communal open space area of approximately 85m<sup>2</sup>, being 12%.

When the required communal open space cannot be provided on site, the design guidance of the ADG requires that additional private open space is afforded to a development and that close proximity should be achieved to public open space. The proposed development satisfies the minimum requirement for private open space to each apartment and apartments 1, 2, 4, 6, 7, 9, 10 and 11 have been provided with additional balconies. Furthermore, the site is located directly opposite Warren Reserve, a park that adjoins Punchbowl Train Station. On that basis and given the relatively small scale of the development, being for only eleven apartments, it is considered that the provision of open space both on the site and in the immediate vicinity of the site provides an appropriate level of amenity to the future residents of the development. It is therefore recommended that a variation is permitted to the size of communal open space on site.

[2] Visual Privacy (Building Separation)

The ADG Objective 3F-1 requires a separation from windows and balconies to a rear boundary of 6 metres for buildings up to four storeys. The proposed development does not satisfy this requirement at the second, third and fourth storey, adopting a setback of 2 metres to balconies. The applicant has provided the following justification for the non-compliance:

*While the proposed balconies and windows are setback less than 6m from the rear boundary the development overlooks a right of way, car parking area and the end of a commercial building fronting Highclere Avenue. The closest residential development is located between 30-50m from the subject site at No. 37-39 Highclere Avenue. This is of sufficient distance to meet the objectives of Part 3F of the ADG in achieving reasonable levels of external and internal visual privacy.*

*Despite not achieving strict compliance with the numerical setback requirement for windows and balconies to the rear boundary, the building line is consistent with the immediately adjoining properties and the balconies are designed with a mix of solid balustrades and framing to limit the extent of overlooking. The Site does not overlook the private open space of any adjoining property and is setback a considerable distance (30-50m) from any existing residential neighbours.*

*In light of the above, the proposal ensures that an appropriate degree of visual privacy is maintained to the adjoining properties and for future residents. The built form and setbacks are consistent with existing development within the Local Centre zone and will ensure casual surveillance of the laneway and a car parking area to the rear of Highclere Avenue... the proposal represents an efficient allocation of the permitted density and variation to the ADG requirement is therefore justified.*

It is considered that the applicant's justification is well founded as the rear of the site is bordered by a right of way and a car parking area for properties fronting Highclere Avenue, meaning that the reduced separation distance will not result in any adverse privacy impacts. Additionally, the separation from the rear boundary is generally consistent with 685 Punchbowl Road, resulting in a development which is appropriate for its context without adversely impacting on surrounding development.

[3] Unit Performance

Objective 4D-2 of the ADG requires units with an open plan layout to have a maximum habitable room depth of 8 metres from a window. Two of the eleven units do not satisfy this requirement, with part of the kitchen to Unit 4 and Unit 8 being 8.70 metres from a window. Despite this non-compliance, it is considered that both units achieve a functional and well-arranged layout which maintain a high standard of amenity.

**Bankstown Local Environmental Plan 2015 (BLEP 2015)**

The following clauses of the Bankstown Local Environmental Plan 2015 were taken into consideration:

- Aims of Plan
- Maps
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- 2.7 Demolition requires development consent
- Zone B2 Local Centre
- 4.3 Height of buildings
- 4.4 Floor space ratio
- 4.5 Calculation of floor space ratio and site area
- 4.6 Exceptions to development standards
- 5.9 Preservation of trees or vegetation
- 6.1 Acid sulfate soils
- 6.2 Earthworks

The following table provides a summary of the development application against the primary numerical controls contained within BLEP 2015.

| <b>STANDARD</b>     | <b>PERMITTED</b> | <b>PROPOSED</b> | <b>COMPLIANCE</b> |
|---------------------|------------------|-----------------|-------------------|
| Height of Buildings | Max 14m          | 14m             | Yes               |
| Floor space ratio   | Max. 1:1         | 1.97:1          | No                |

The table indicates that there is one non-compliance with respect to BLEP 2015 in relation to the FSR. Clause 4.4(2) of the BLEP 2015 refers to the FSR Map which identifies a maximum FSR of 2:1 for the subject site. Clause 4.4(2C) provides area specific requirements and reads as follows:

Despite subclause (2), the maximum floor space ratio for development on land in Zone B2 Local Centre:

- (a) that has a width of less than 20 metres at the front building line and is identified as “Area 1” on the [Floor Space Ratio Map](#) is 1:1.

The site is within Zone B2 Local Centre, has a width at the front building line of 15.24 metres and is located within ‘Area 1’. As a result, the site is subject to a maximum FSR of 1:1. The proposed development exceeds this requirement, with a proposed FSR of 1.977:1.

The relevant objectives of Clause 4.4 – floor space ratio are as follows:

- (a) *to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site.*
- (c) *to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.*

The relevant objective of the B2 Local Centre Zone is as follows:

- *To provide for certain residential uses that are compatible with the mix of uses in local centres.*

The applicant has provided a written request under the provisions of Clause 4.6 of BLEP 2015 – Exceptions to development standards to vary the maximum FSR for the site. The aim of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. Extracts from the applicant’s request are provided below:

*In this instance the isolation of No. 689 Punchbowl Road from neighbouring development sites has resulted in a lot width that is less than 20m. However, the architectural design for the site demonstrates that the built form capacity and character are achieved notwithstanding the narrower site width. To insist on a building that is smaller and has a reduced FSR would in fact contribute to an anomaly in the streetscape as the street wall built form would be broken by a building a smaller scale... The numeric non-compliance is a consequence of the dimensions of the site and the isolation of the site from neighbouring developments. As such, the proposal will not give rise to a density in excess of that anticipated by the controls.*

*On “planning grounds” and in order to satisfy that the proposal meets objective 1(b) of Clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve “a better outcome for and from development”, it is considered that the proposal demonstrates exceptional circumstances. The proposal delivers a building that will contribute to the streetscape and fill in a gap (the ‘missing tooth’) in the existing street wall built form. Insistence on a reduced density due to the narrower lot width will result in a much smaller built form that will not be consistent with neighbouring buildings. It is also noted that there are no opportunities to consolidate the site with an adjoining site to achieve the increased frontage. The numeric non-compliance in FSR will not compromise the built form but rather will ensure that the infill development is consistent with neighbouring development. For these reasons, the development in its current form is entirely compatible with the neighbouring development, the streetscape and the anticipated future character. The*

*proposal is therefore compatible with the bulk and scale of development anticipated for the area and is consistent with objective 1(b) [of Clause 4.6]... There are sufficient environmental planning grounds that support a variation to the maximum FSR in this instance to secure a better outcome for and from the development.*

*Reduction in the floor space would not result in a better outcome as opposed to the proposed development. Notably, a reduced density would result in a building that does not relate to neighbouring development as its scale and form would be significantly reduced and it would appear as anomaly when viewed from Punchbowl Road.*

The applicant's request has adequately demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to grant the variation.

The site is bordered to the north-east by 685 Punchbowl Road and to the south-west by 691 Punchbowl Road. Both sites are occupied by four storey shop top housing developments with 685 being constructed in 2014 and 691 being constructed in 2011. Given their recent construction and also considering the extent of development on those properties, there is no opportunity for the development site to consolidate with neighbouring allotments. On that basis, the site is effectively isolated. A function of this isolation is the reduction of the maximum FSR to 1:1. Had the site not been isolated and the minimum width at the front building line been able to be achieved, an FSR of 2:1 would have been afforded to the site.

Considering the site's isolation, it is unnecessary to enforce strict compliance with the development standard as this would cause the development to be inconsistent with the capacity and character of the area, as discussed with regard to the neighbouring properties above, thereby failing objective (a) of Clause 4.4 of BLEP 2015. It is agreed that a compliant development would appear out of character with surrounding built form and that a maximum density that is consistent with surrounding development is more appropriate and will result in a development that satisfies the relevant objective. On that basis, there are sufficient environmental planning grounds to vary the development standard. Additionally, the proposal is considered to be in the public interest as the relevant objectives of both the zone and Clause 4.4 – FSR are satisfied.

On the basis of the above, it is recommended that Council support the variation to Clause 4.4(2C)(a) of BLEP 2015 in this instance.

**Draft environmental planning instruments [section 79C(1)(a)(ii)]**

There are no applicable draft environmental planning instruments.

**Development control plans [section 79C(1)(a)(iii)]**

**Bankstown Development Control Plan 2015 (BDCP 2015)**

The following table provides a summary of the development application against the primary numerical controls contained within Part B2 of BDCP 2015.

| STANDARD                          | PROPOSED   | BDCP 2015 PART B2  |   |
|-----------------------------------|--|--|---|
|                                   |  | REQUIRED   | COMPLIANCE  |
| Lot Width                         | 15.24m   | Minimum 26m for shop top housing and mixed use development of three more storeys   | No – see comment [1] below  |
| Storey Limit                      | Four (4)   | Max. 3 storeys (plus attic)  | No – see comment [2] below  |
| Floor to Ceiling Height           | Min. 2.70m   | Min. 2.70m   | Yes   |
| Setback – Primary Frontage        | 1 <sup>st</sup> /2 <sup>nd</sup> Storey – 0m   | 1 <sup>st</sup> /2 <sup>nd</sup> Storey – 0m   | Yes   |
|                                   | 3 <sup>rd</sup> Storey – 0.20m   | 3 <sup>rd</sup> Storey – 3m  | No – see comment [3] below  |
|                                   | 4 <sup>th</sup> Storey – 0.20m   | 4 <sup>th</sup> Storey – 5m  | No – see comment [3] below  |
| Setback Side/Rear                 | Side – 0m to 6.10m<br><br>Rear<br>1 <sup>st</sup> Storey – 2.50m<br>2 <sup>nd</sup> Storey – 1.50m<br>3 <sup>rd</sup> Storey – 1.80m<br>4 <sup>th</sup> Storey – 1.80m | Blank Walls – 0m<br><br>For building walls with a window or balcony:<br><br>1 <sup>st</sup> Storey – 3m<br>2 <sup>nd</sup> Storey – 3m<br>3 <sup>rd</sup> /4 <sup>th</sup> Storey - 5m | <u>Side</u><br>Yes (condition to be imposed deleting kitchen window to Unit 4 and Unit 8 and a condition imposed requiring a solid wall to replace privacy screen to unit 9)<br><br><u>Rear</u><br>No – see comment [4] below |
| Max Depth Cross Through Dwellings | 13.90m   | 14m  | Yes   |
| Setbacks Within an Allotment      | 12m between external walls of dwellings<br><br>6m between balconies  | 9m between external walls of dwellings<br><br>6m between the balconies, above ground decks, and the like of dwellings  | Yes   |
| Adaptable Housing                 | 1 adaptable dwelling   | 1 adaptable dwelling for every 50 dwellings  | Yes   |

The following comments are provided in respect of the departure from the BDCP 2015 as identified in the table above:



## [1] Allotment Width

The site has a width of 15.24 metres and therefore does not satisfy the requirement for shop top housing development. The relevant objectives of Section 3 – Village and Small Centres of Part B2 of BDCP 2015 are as follows:

- (a) *To have development that is compatible with the desired character and role of the particular centre.*
- (b) *To have development that achieves good urban design in terms of building form, bulk, architectural treatment and visual amenity.*
- (c) *To have development that provides adequate amenity to people who live in, work in and visit the village centres and small village centres.*
- (d) *To ensure the building form and building design of development provide appropriate amenity to neighbouring residential development in terms of access to sunlight and privacy.*

The applicant has provided a variation request which justifies the non-compliance. Extracts from the applicant’s variation request are provided below:

*The proposal includes a ground floor shop to activate the street frontage... the building will integrate with existing buildings along Punchbowl Road to form a [consistent] street wall. While the building width is narrower than other developments nearby there are no amalgamation opportunities for the subject site to achieve a compliance site frontage. It has been demonstrated through careful design and efficient use of the land that a reduction in the site frontage to 15.24m has not compromised the ability to achieve a high quality environmental outcome. This is demonstrated through the streetscape photomontage provided at Figure 1, which supports the built form benefits of filling in the gap (‘missing tooth’) in the streetscape with a modern architecturally designed building. The narrower lot width is not apparent within the streetscape as the proposed building relates to the scale and form of neighbouring development, particularly the more recent development at No. [685] - 687 Punchbowl Road.*



In addition to the justification provided by the applicant, it is noted that despite the non-compliance, the development not only achieves a building form and bulk that is compatible with surrounding buildings, but also incorporates an articulated façade that utilises a variety of architectural treatments (glass, powder coated aluminium ‘timber look’ blades etc) that will positively contribute to the streetscape. Additionally, as demonstrated through compliance with the relevant provisions of the Apartment Design Guide, the proposed development will afford adequate amenity to the future occupants and to neighbouring development in terms of visual privacy and solar access.

When considering that the site is isolated, that the building form and proposed use are consistent with surrounding development and that the relevant objectives of the B2 Local Centre Zone under Section 3 of Part B2 of BDCP 2015 are satisfied, it is recommended that Council support a variation in this instance.

### [2] Storey Limit

Whilst the proposed development exceeds the maximum storey limit, compliance is still achieved with the 14 metre height limit under Clause 4.3 of BLEP 2015, reaching a maximum building height of 13.53 metres. Additionally, the highest point of the proposed building, being the lift overrun, reaches RL 48.60, which is at a lower level than both 685 Punchbowl Road which reaches RL 51.91 and 691 which reaches RL 50.13 (being the immediately adjacent sites).

For the reasons set out previously in this report in relation to the capacity of the site and character of the locality, it is recommended that Council support a variation to Clause 3.4 of Part B2 of BDCP 2015.

### [3] Front Setback

The proposed development adopts a setback at the third and fourth storey of 0.20 metres, thereby failing to comply with the 3 metre and 5 metre minimum. The applicant has provided the following justification for the non-compliance.

*The proposal maintains minimum setback to Punchbowl Road which is consistent with the alignment of the recently completed development to the north-east.*

A variation to the requirement is considered appropriate in this instance given that the streetscape façade incorporates a variety of materials and adopts an asymmetrical appearance, dividing the façade into two distinct features which will provide a high level of visual amenity to the streetscape. Furthermore, the setback to the actual building wall is a minimum of 3m and the applicant correctly identifies that the setback to the building wall remains generally consistent with that of 685 Punchbowl Road to the north-east.

#### [4] Rear Setback

The proposal provides a setback at the first and second storey of 2.50 metres and 1.50 metres. To the third and fourth storey a minimum rear setback of 1.90 metres is provided to the rear balconies, with a minimum setback to a building wall of 3 metres and a predominant building wall setback of 4.70 metres. Similarly to the front setback, the rear setback is generally consistent with that of the neighbouring property at 685 Punchbowl Road ensuring the development remains compatible with its context. Additionally, given the right of way to the rear site boundary and car parking areas associated with properties fronting Highclere Avenue, there are limited visual privacy impacts associated with non-compliance and as such, it is recommended that a variation is supported in this instance.

#### **Planning agreements [section 79C(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

#### **The regulations [section 79C(1)(a)(iv)]**

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

#### **The likely impacts of the development [section 79C(1)(b)]**

The likely impacts of the proposal have been managed through the design of the development which is compliant with Council's planning controls, with the exception of the variations which have been addressed previously within this report.

#### **Suitability of the site [section 79C(1)(c)]**

The proposed development is permissible with consent on the subject site, and represents a built form that is compatible with the existing and desired future character of the locality, as set out in this report.

#### **The public interest [section 79C(1)(e)]**

Approval of the proposed development is not considered to contravene the public interest.

#### **NOTIFICATION**

The application was neighbour notified and advertised for a period of twenty-one (21) days between 7 September 2016 and 27 September 2016 and no objections were received during this period.

#### **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant planning controls.

The proposed development complies with all applicable planning controls, with the exception of the variations discussed in this report. When considering the context of the site, it is recommended that the variations are supported. Therefore, approval of the development application is recommended.

## CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-817/2016, submitted by William Karavelas, accompanied by Drawing No. DA02, Rev C, dated 22 March 2017, DA03, Revision D, dated 22 March 2017 and DA04-07, Revision C, dated 23 February 2017, prepared by Cornerstone Design and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) The kitchen windows on the south-west elevation to Unit 4 and Unit 8 are deleted, as marked in red on the approved plans.
  - b) The 1.80 metre high obscure glass privacy screen on the south-west elevation is deleted and replaced with a solid wall to 1.80 metres in above finished floor level, as marked in red on the approved plans.
- 3) No approval is granted or implied for the ground floor commercial premises. Separate Development Consent for the use of the commercial floor space is required prior to occupation.
  - 4) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (or its replacement).
  - 5) All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be disposed of by an authorised contractor.
  - 6) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the north-east (No. 685 Punchbowl Road) and south-west (No. 691 Punchbowl Road) of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
  - 7) The developer shall be responsible for all public utility adjustment/relocation works as required by the various utility authorities and/or their agents.

- 8) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:

- 9) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 10) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 11) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 12) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 13) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin)

For Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://www.sydneywater.com.au) 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate the applicant must obtain from Sydney Water either a Building Plan Assessment letter which states that your application is

approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 14) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 15) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 16) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan) , a contribution of \$35,400.00 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

**Note:** The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 17) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 18) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
  - a) The Forecourt entry finished floor level at the Punchbowl Road frontage should match the existing footpath level at the subject location.
  - b) Drainage connection through an underground on site storm water detention tanks discharging to a new kerb inlet pit to be constructed at the existing 525 mm storm water pipe in Punchbowl Road.
  - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - d) Repair of any damage to the public road including the footway occurring during development works.
  - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

19) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. A6563 – SW01, SW02, SW03 & SW04 , Revision – D dated 16/12/2016 prepared by Alpha Engineering & Development. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

20) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

21) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.

22) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.

23) A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.

24) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.



- 25) The proposed development is on land adjacent to a classified road. The approved buildings shall be erected to comply with Australian Standard 3671 "Acoustics-Road Traffic Noise Intrusion, Building Siting and Construction" and Australian Standard 2107 "Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors." Evidence of compliance with such standards shall be submitted with the Construction Certificate Application with a report prepared by a suitably qualified acoustic Consultant. The Construction Certificate plans shall include all of the attenuation measures recommended in the Acoustics Report. The development shall be constructed to include all of the recommended attenuation measures and the acoustic consultant shall certify that all recommendations have been incorporated into the development prior to the issue of the Occupation Certificate.
- 26) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

**A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN**

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3;
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works;
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road;

- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 27) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- 28) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

- o) A Swimming pool is proposed.

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

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

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

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

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

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.cbccity.nsw.gov.au](http://www.cbccity.nsw.gov.au)

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

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

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

- 29) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards.

Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.

- 30) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 31) Stormwater runoff from within the property shall be collected and controlled by means of an on site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the corner of the OSD tank and from there to a new kerb inlet pit to be constructed at the existing 525 mm diameter storm water pipe in Punchbowl Road. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan no: A6563 – SW01, SW02, SW03 & SW04, Revision – D dated 16/12/2016 prepared by Alpha Engineering & Development. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 32) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 33) A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
- 34) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 35) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional

road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

- 36) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
  - b) the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building / subdivision work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and
    - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 37) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

- 38) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 39) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 40) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 41) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

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

- 43) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 44) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 45) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal certifying is required to be appointed:
  - i. the name and licence number of the principal contractor, and

- ii. the name of the insurer by which the work is insured under Part 6 of the Act,
- b) in the case of work to be done by an owner-builder:
  - i. the name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 46) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 47) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -
- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
  - b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:

- i. A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
- ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

**NOTE:** Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412** or **9707 9635**.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.



- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
  - k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
  - l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
  - m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
  - n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
  - o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
  - p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- 48) The post development storm water discharge from the subject site into RMS drainage should not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

- 49) The developer is to submit detailed documents and geotechnical reports relating to the excavation of the site and support structures to RMS for approval in accordance with Technical Direction (GTD 2012/001).

### **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 50) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 51) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 52) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 53) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 54) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 55) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 56) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 57) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.

- 58) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 59) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 60) To ensure that adequate provision is made for ventilation of the building, mechanical and /or natural ventilation shall be provided. These systems shall be designed in accordance with the provisions of:-
- i. Australian Standard AS 1668 Part 1;
  - ii. Australian Standard AS 1668 Part 2;
  - iii. The Public Health Act 2010;
  - iv. The Public Health Regulation 2012;
  - v. Australian Standard 3666 Part 1;
  - vi. Australian Standard 3666 Part 2; and
  - vii. Australian Standard 3666 Part 3.

Prior to the issue of any Occupation Certificate or the occupation or use of the premises, certification from a suitably qualified professional engineer shall be submitted to the Principal Certifying Authority verifying that the exhaust system in the premises is installed and constructed in accordance with the abovementioned. All mechanical exhaust ventilation systems shall be serviced regularly in accordance with the manufacturers and/or installers specifications. A record of all maintenance activities to the exhaust extraction equipment shall be maintained at the premises and provided to Council upon request.

- 61) The waste storage area/room must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 62) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.

- 63) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 64) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 65) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 66) Twenty-five (25) off street car spaces being provided in accordance with the submitted plans. This shall comprise:  
12 residential spaces  
13 commercial spaces  
of the above car parking two (2) spaces are to be provided for people with mobility impairment in accordance with AS 2890.1 as shown on the approved plans. All car parking spaces shall be allocated and marked according to these requirements.
- 67) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 68) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 69) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 70) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 71) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 72) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 73) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

-END-