



AGENDA FOR THE INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

4 September 2017

Location:

Council Chambers
137 Beamish Street, Campsie

ORDER OF BUSINESS

- | | | |
|----------|---|-----------|
| 1 | Application to amend Bankstown Local Environmental Plan 2015:
913 to 925 Punchbowl Road and 21 Canterbury Road, Punchbowl | 3 |
| 2 | 680 New Canterbury Road, Hurlstone Park
Demolition of existing structures and construction of shop top housing
development consisting of 14 apartments over five storeys with two levels
of basement car parking and one ground floor retail premise | 37 |

Independent Hearing and Assessment Panel - 4 September 2017

ITEM 1	Application to amend Bankstown Local Environmental Plan 2015: 913 to 925 Punchbowl Road and 21 Canterbury Road, Punchbowl
DATE OF LODGEMENT	11 July 2017
APPLICANT	CMT Architects Pty Limited
AUTHOR	Planning

ISSUE

In accordance with the IHAP Charter, the Panel is requested to recommend whether a planning proposal for the site at 913 to 925 Punchbowl Road and 21 Canterbury Road in Punchbowl should proceed to Gateway.

RECOMMENDATION

1. That the application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following provisions:
 - (a) Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.
 - (b) Permit a maximum 17 metre building height and a maximum 1.8:1 FSR.
 - (c) Apply a site specific provision to the properties at 913 to 925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum 1.8:1 FSR. Otherwise a maximum 1:1 FSR will apply.
 - (d) Do not apply the Lot Size Map to the properties at 913 to 921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre.
2. Prepare DCP Amendments to support the planning proposal.

BACKGROUND

Description of the site and local context

The site (20,461m² in area) is located at the corner of Canterbury and Punchbowl Roads in Punchbowl and comprises the following properties:

Property Address	Lot and DP	Area	Zone	Ownership
913 Punchbowl Road	Lot B DP 378634	961m ²	Zone R2 Low Density Residential	Private
915 Punchbowl Road	Lot 2 DP 21524	664 m ²	Zone R2 Low Density Residential	Private
917 Punchbowl Road	Lot 3 DP 21524	651m ²	Zone R2 Low Density Residential	Private
919 Punchbowl Road	Lot 4 DP 21524	651m ²	Zone R2 Low Density Residential	Private
921 Punchbowl Road	Lot 6 DP 5245	3,870m ²	Zone R2 Low Density Residential	Club Punchbowl
921A Punchbowl Road	Lot A DP 378634	3,863m ²	Zone R2 Low Density Residential	Club Punchbowl
921B Punchbowl Road	Lot D DP 382627	1,948m ²	Zone R2 Low Density Residential	Club Punchbowl
923 Punchbowl Road	Lot 15 DP 132440	3,876m ²	Zone B1 Neighbourhood Centre	Club Punchbowl
925 Punchbowl Road	Lot 1 DP 236825	588m ²	Zone B1 Neighbourhood Centre / Zone SP2 Infrastructure (Road Infrastructure Facility)	Club Punchbowl
21 Canterbury Road	Lot 14 DP 132440	3,389m ²	Zone B1 Neighbourhood Centre / Zone SP2 Infrastructure (Road Infrastructure Facility)	Club Punchbowl

The properties at 921–925 Punchbowl Road and 21 Canterbury Road contain a registered club, known as Club Punchbowl. The properties at 913 to 919 Punchbowl Road contain dwelling houses.

The site is subject to electricity and drainage easements, road widening reservations, and noise exposure from Canterbury and Punchbowl Roads.

In relation to local context, the site is located 1.2km from the Punchbowl railway station. Low-rise suburban neighbourhood surrounds the site with some commercial premises to the south and west, and Punchbowl Park to the east.



Figure 1: Site and local context

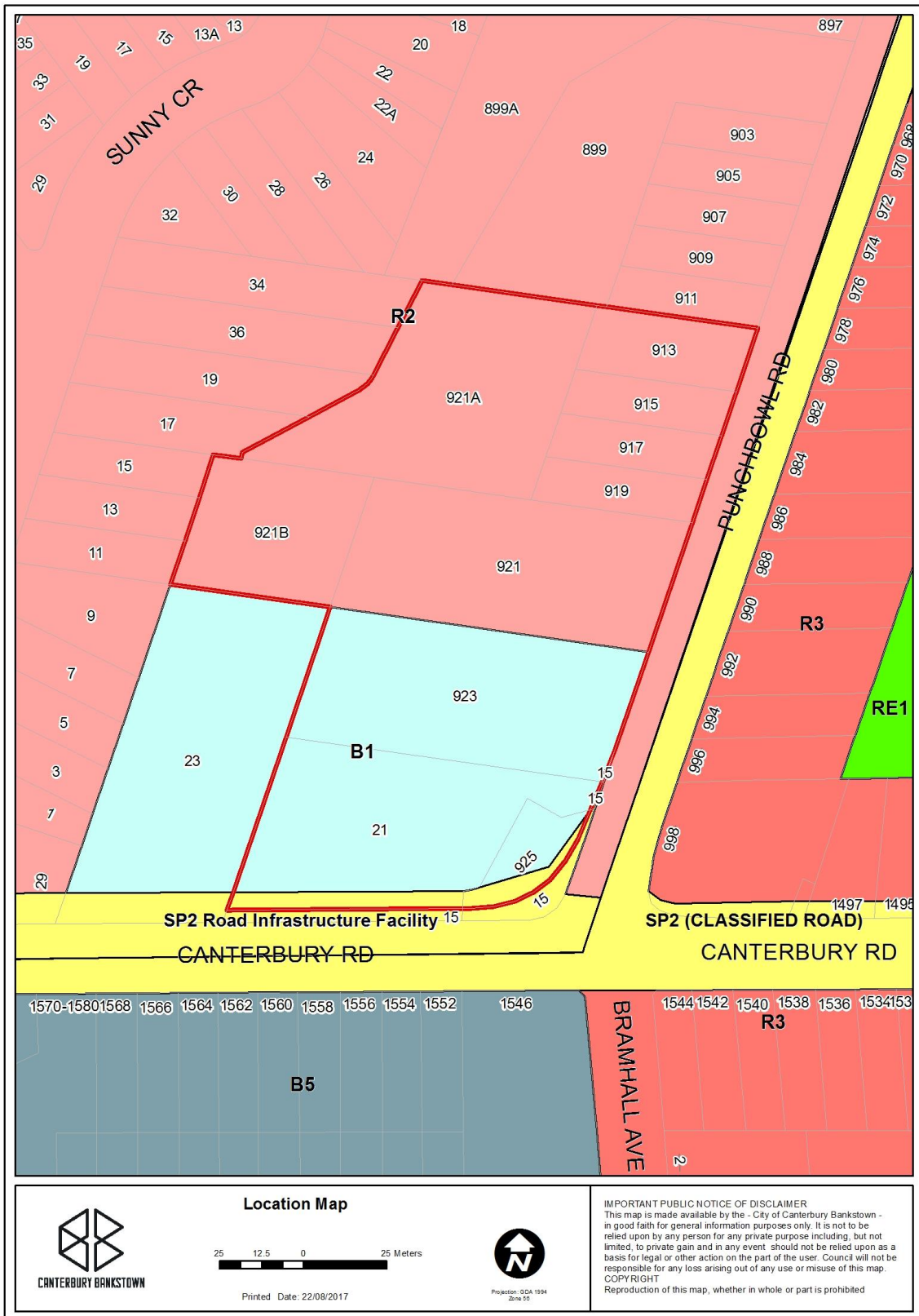


Figure 2: Site and local context (i.e. land use zones)

North East Local Area Plan

On 11 May 2016, the former Bankstown City Council adopted the North East Local Area Plan, which includes the suburbs of Greenacre, Mount Lewis and Punchbowl.

The intended outcomes of the North East Local Area Plan are to set out the vision and spatial context for the local area, specify the best ways to accommodate residential and employment growth to 2031, and outline the delivery of supporting infrastructure, facilities and open space.

According to Action L5, the site forms part of the Canterbury Road Enterprise Corridor. The desired character reads: *The Canterbury Road Enterprise Corridor is a major transport and freight route that will continue to function as a significant economic asset for the City of Bankstown. The built form of supporting housing will create a 'sense of place' through low and medium-rise mixed use nodes at important intersections.*

Given the proximity to the Punchbowl Park Precinct (which extends into the former City of Canterbury), the research findings indicate there is some potential for increased development at 921–925 Punchbowl Road and 21 Canterbury Road in Punchbowl (Club Punchbowl site) as shown in Figure 3.

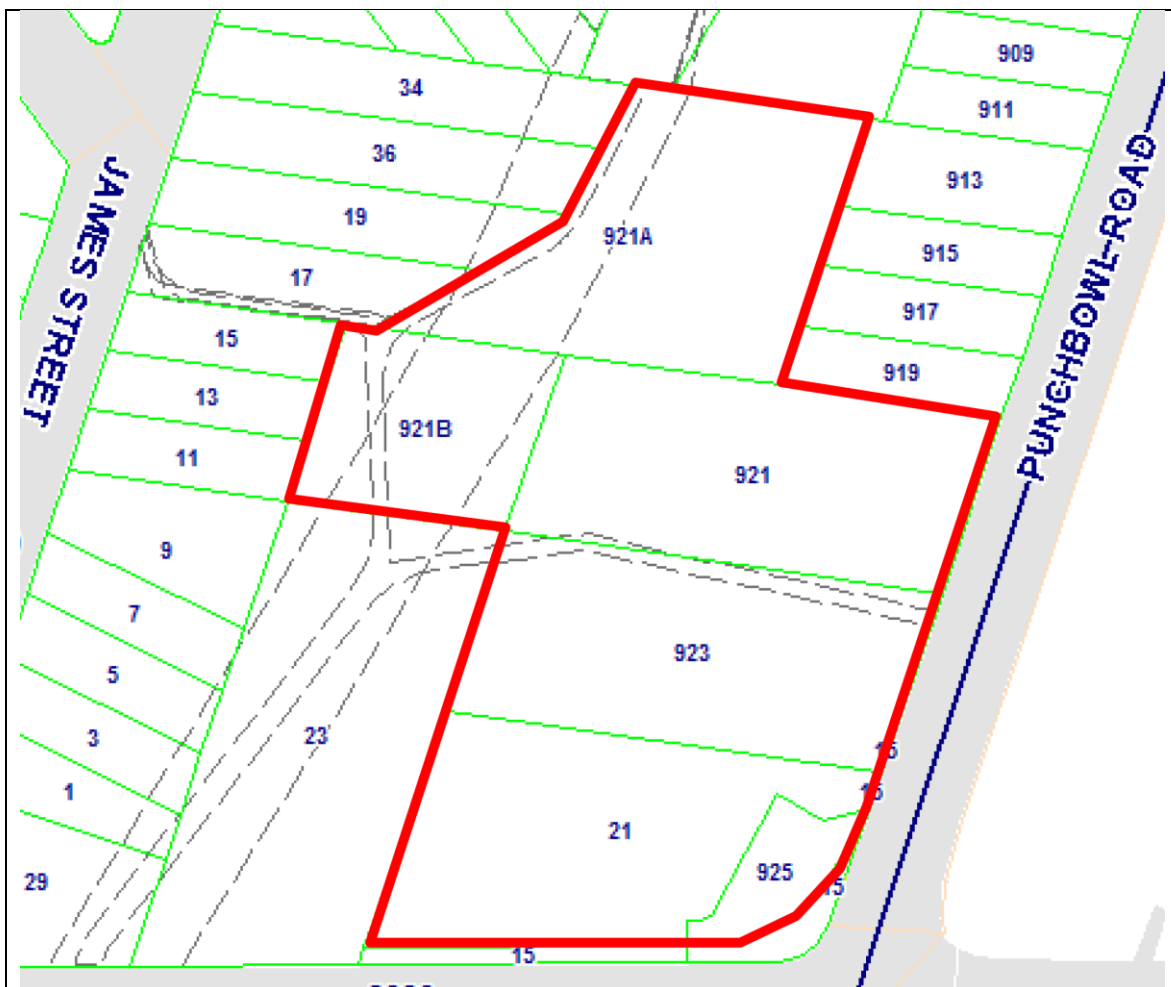


Figure 3: Club Punchbowl Site

The suggested planning control changes include increasing the building envelope from 0.5:1–1:1 / 2 storeys to 1.8:1 FSR / 5 storeys provided:

- The properties consolidate into a single site. Otherwise a 1:1 FSR applies.
- There is a three storey buffer to adjoining low-rise housing.
- There are appropriate buffers to busy roads and electricity / drainage easements.

In May 2017, the Department of Planning and Environment issued a Gateway determination for a planning proposal which gives effect to the North East Local Area Plan. The planning proposal (PP_2016_CBANK_002) includes the following planning control changes for the site:

- (a) Land use zones, building heights and floor space ratios: Amend the Land Zoning Map, Height of Buildings Map and Floor Space Ratio Map as it applies to the following properties:

Properties	Proposed zone	Proposed building height	Proposed floor space ratio
921–921B Punchbowl Road	Zone B1	17 metres (5 storeys)	1.8:1
923–925 Punchbowl Road	No change	17 metres (5 storeys)	1.8:1
21 Canterbury Road	No change	17 metres (5 storeys)	1.8:1

- (b) Lot consolidation to facilitate higher quality built form outcomes: Apply a site specific provision to the properties at 921–925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum floor space ratio shown on the Floor Space Ratio Map. Otherwise a maximum 1:1 FSR will apply.
- (c) Lot sizes: Do not apply the Lot Size Map to the properties at 921–921B Punchbowl Road as the Lot Size Map does not apply to Zone B1.

The next step is for Council to exhibit the planning proposal for public comment.

PROPOSAL

In July 2017, Council received an application requesting to amend Bankstown Local Environmental Plan 2015 as follows:

Properties	Proposed zone	Proposed building height	Proposed floor space ratio
913–919 Punchbowl Road	Zone B1	17 metres (5 storeys)	1.8:1
921–921B Punchbowl Road	Zone B1	17 metres (5 storeys)	1.8:1
923–925 Punchbowl Road	No change	17 metres (5 storeys)	1.8:1
21 Canterbury Road	No change	17 metres (5 storeys)	1.8:1

According to the proponent, the application proposes to adopt the same planning control changes as Council's planning proposal (PP_2016_CBANK_002), with the addition of the properties at 913 to 919 Punchbowl Road in Punchbowl as shown in Figure 4. Club Punchbowl is in the process of acquiring these properties.

However to expedite the process, the proponent seeks to separate the site from Council's planning proposal as it is likely to take time to request a revised Gateway determination to include the additional properties.

The proponent submitted a planning proposal report (prepared by CMT Architects, dated 11 July 2017) in support of the application.

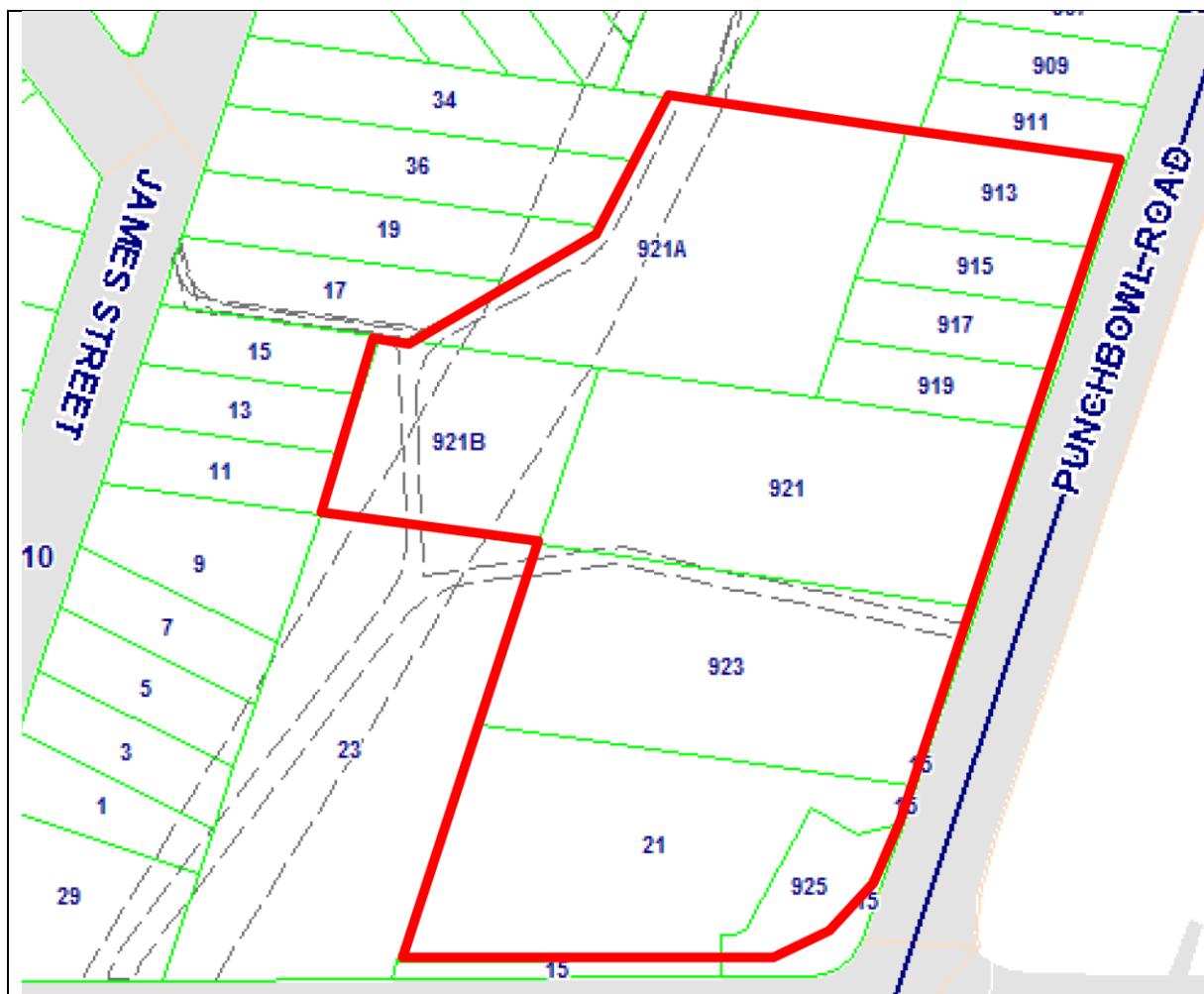


Figure 4: Club Punchbowl Site plus 913 to 919 Punchbowl Road

REPORT

CONSIDERATIONS

Based on the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's guidelines, the following key policies are relevant:

- Metropolitan Plan (*A Plan for Growing Sydney*)
- Draft Amendment to the Metropolitan Plan (*Towards our Greater Sydney 2056*)
- Draft South District Plan

- Council's North East Local Area Plan
- Council's Canterbury Road Corridor Review
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

SUMMARY

A key issue is managing the likely environmental effects as a result of the proposal. An assessment identifies the need for additional information post-Gateway should Council decide to proceed with a planning proposal. The additional information includes:

- Urban design peer review. The intended outcomes of the peer review are:
 - To consider the distribution of the proposed building envelope based on the new site configuration.
 - To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment.
 - To ensure there is an appropriate built form transition to neighbouring low-rise dwelling houses.
 - To assess whether there is appropriate infrastructure to facilitate enhanced walking and cycling to key destinations, namely the Punchbowl Small Village Centre and Punchbowl Park.
 - To consider deep soil zones.
- Local retail study.
- Remediation Action Plan.
- Acid sulfate soils assessment.
- Consultation with the Roads and Maritime Services.

ASSESSMENT

Strategic Merit Test

In August 2016, the Department of Planning and Environment introduced the Strategic Merit Test to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*, the proposal is supported for the following key reasons:

- 1. Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?**

The proposal is consistent with the Greater Sydney Commission's Draft South District Plan, released for public comment in November 2016. In particular, the proposal is consistent with the following priorities and actions:

Productivity Priority 9: Deliver housing diversity and Liveability; Priority 4: Facilitate the delivery of safe and healthy places. According to these priorities, Council should align local planning controls to provide housing diversity that is relevant to the needs of the existing and future local housing market, and to deliver high quality design outcomes for buildings and safe and healthy places.

Council's investigations (North East Local Area Plan and Canterbury Road Corridor Review) identify the site as a local opportunity to provide housing diversity along the Canterbury Road Enterprise Corridor.

The Canterbury Road Enterprise Corridor is a major transport and freight route, and the desired character is for the corridor to continue to function as a significant economic asset for the city. The built form of supporting housing will create a 'sense of place' through low and medium-rise mixed use nodes at important intersections. There is some potential for increased development at the site provided there are appropriate buffers to busy roads and adjacent low-rise housing.

Should Council decide to proceed with a planning proposal, an urban design peer review would be required to further address these priorities. The intended outcomes of the peer review are:

- To consider the distribution of the proposed building envelope based on the new site configuration.
- To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment.
- To ensure there is an appropriate built form transition to neighbouring low-rise dwelling houses.

The urban design peer review would inform the planning proposal and corresponding DCP Amendments.

Liveability Priority 5: Facilitate enhanced walking and cycling connections. According to this priority, Council should facilitate enhanced walking and cycling outcomes by giving due consideration to the delivery of district and regional connections and walkable neighbourhoods.

To address this priority, the urban design peer review would assess whether there is appropriate infrastructure to facilitate enhanced walking and cycling to key destinations, namely the Punchbowl Small Village Centre and Punchbowl Park.

Sustainability Priority 3: Align strategic planning to the vision for the Green Grid. According to this priority, Council should consider opportunities to support the delivery of the Green Grid.

The urban design peer review would look at deep soil zones to inform the planning proposal and corresponding DCP Amendments.

2. Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

On 11 May 2016, the former Bankstown City Council adopted the North East Local Area Plan.

The intended outcomes of the North East Local Area Plan are to set out the vision and spatial context for the local area, specify the best ways to accommodate residential and employment growth to 2031, and outline the delivery of supporting infrastructure, facilities and open space.

According to Action L5, the site forms part of the Canterbury Road Enterprise Corridor. The desired character reads: *The Canterbury Road Enterprise Corridor is a major transport and freight route that will continue to function as a significant economic asset for the City of Bankstown. The built form of supporting housing will create a 'sense of place' through low and medium-rise mixed use nodes at important intersections.*

Given the proximity to the Punchbowl Park Precinct, the research findings indicate there is some potential for increased development at 921–925 Punchbowl Road and 21 Canterbury Road in Punchbowl (from 0.5:1–1:1 / 2 storeys to 1.8:1 FSR / 5 storeys) provided:

- The properties consolidate into a single site. Otherwise a 1:1 FSR applies.
- There are appropriate buffers to busy roads and adjoining low-rise housing.

In May 2017, the Department of Planning and Environment issued a Gateway determination for a planning proposal which gives effect to the North East Local Area Plan (PP_2016_CBANK_002). The next step is for Council to exhibit the planning proposal for public comment.

Should Council decide to proceed with a separate planning proposal for the site, it is proposed to apply the following planning control changes consistent with the North East Local Area Plan and corresponding planning proposal (PP_2016_CBANK_002):

- (a) Land use zones, building heights and floor space ratios: Amend the Land Zoning Map, Height of Buildings Map and Floor Space Ratio Map as it applies to the following properties:

Properties	Proposed zone	Proposed building height	Proposed floor space ratio
913–919 Punchbowl Road	Zone B1	17 metres (5 storeys)	1.8:1
921–921B Punchbowl Road	Zone B1	17 metres (5 storeys)	1.8:1
923–925 Punchbowl Road	No change	17 metres (5 storeys)	1.8:1
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- (b) Lot consolidation to facilitate higher quality built form outcomes: Apply a site specific provision to the properties at 913 to 925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum floor space ratio shown on the Floor Space Ratio Map. Otherwise a maximum 1:1 FSR will apply.
- (c) Lot sizes: Do not apply the Lot Size Map to the properties at 913 to 921B Punchbowl Road as the Lot Size Map does not apply to Zone B1.

3. Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

The proposal does not respond to a change in circumstances.

OTHER CONSIDERATIONS

In relation to other considerations, Council assessed the proposal based on the justification matters outlined in the Department of Planning and Environment's publication *A Guide to Preparing Planning Proposals*.

The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway based on consistency with relevant state environmental planning policies and Ministerial (117) Directions.

A key issue is managing the likely environmental effects as a result of the proposal. An assessment identifies the need for additional information should Council decide to proceed with a planning proposal. Attachment A outlines the assessment findings.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

RECOMMENDATION

1. That the application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following provisions:
 - (a) Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.
 - (b) Permit a maximum 17 metre building height and a maximum 1.8:1 FSR.

- (c) Apply a site specific provision to the properties at 913 to 925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum 1.8:1 FSR. Otherwise a maximum 1:1 FSR will apply.
 - (d) Do not apply the Lot Size Map to the properties at 913 to 921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre.
2. Prepare DCP Amendments to support the planning proposal.

ATTACHMENTS

- A. Assessment Findings

ATTACHMENT A–Assessment Findings

Attachment A outlines the assessment findings and is based on the justification matters as set out by the Department of Planning and Environment.

1. Strategic Merit Test

Section 1 assesses the proposal based on the Department of Planning and Environment’s Strategic Merit Test as outlined in the Department’s publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway. A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

1.1 Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?

1.1.1 Draft South District Plan

	Consistent
<p>Proponent’s Submission: In November 2016, the Greater Sydney Commission released the Draft South District Plan (District Plan). Bankstown is identified as a District Centre in the District Plan. Some of the key objectives, actions and priorities that the proposal is consistent with in the District Plan include:</p> <ul style="list-style-type: none"> • IM1: Align land use planning and infrastructure planning. The proposal is within a walkable distance to public transport. The redevelopment of the site supports customer patronage on public transport and would contribute to the growth of the City Centre. • L3: Council to increase housing capacity across the District. The proposal significantly contributes to the creation of more housing and close to the identified District Centre. • L4: Encourage housing diversity. The proposal significantly contributes to the creation of housing diversity by offering a mix of residential apartment types. • L11: Provide design-led planning to support high quality urban design. The proposed development standards on the site could be achieved in consideration of ADG design criteria and minimising environmental impacts to adjoining properties. <p>Council’s Assessment: The proposal is consistent with the Greater Sydney Commission’s Draft South District Plan, released for public comment in November 2016. In particular, the proposal is consistent with the following priorities and actions:</p>	<p>Yes, subject to additional information to address Productivity Priority 9, Liveability Priorities 4–5 and Sustainability Priority 3.</p>

Productivity Priority 9: Deliver housing diversity and Liveability Priority 4: Facilitate the delivery of safe and healthy places. According to these priorities, Council should align local planning controls to provide housing diversity that is relevant to the needs of the existing and future local housing market, and to deliver high quality design outcomes for buildings and safe and healthy places.

Council's investigations (North East Local Area Plan and Canterbury Road Corridor Review) identify the site as a local opportunity to provide housing diversity along the Canterbury Road Enterprise Corridor.

The Canterbury Road Enterprise Corridor is a major transport and freight route, and the desired character is for the corridor to continue to function as a significant economic asset for the city. The built form of supporting housing will create a 'sense of place' through low and medium-rise mixed use nodes at important intersections. There is some potential for increased development at the site provided there are appropriate buffers to busy roads and adjacent low-rise housing.

Should Council decide to proceed with a planning proposal, an urban design peer review would be required to further address these priorities. The intended outcomes of the peer review are:

- To consider the distribution of the proposed building envelope based on the new site configuration.
- To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment.
- To ensure there is an appropriate built form transition to neighbouring low-rise dwelling houses.

The urban design peer review would inform the planning proposal and corresponding DCP Amendments.

Liveability Priority 5: Facilitate enhanced walking and cycling connections. According to this priority, Council should facilitate enhanced walking and cycling outcomes by giving due consideration to the delivery of district and regional connections and walkable neighbourhoods.

To address this priority, the urban design peer review would assess whether there is appropriate infrastructure to facilitate enhanced walking and cycling to key destinations, namely the Punchbowl Small Village Centre and Punchbowl Park.

Sustainability Priority 3: Align strategic planning to the vision for the Green Grid. According to this priority, Council should consider opportunities to support the delivery of the Green Grid.

The urban design peer review would look at deep soil zones to inform the planning proposal and corresponding DCP Amendments.

1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

1.2.1 North East Local Area Plan

	Consistent
<p>Proponent's Submission: On 11 May 2016, the former Bankstown City Council resolved to submit a planning proposal to the Department of Planning and Environment to seek a gateway determination to amend the <i>Bankstown Local Environmental Plan 2015</i> to numerous key sites. Council's decision was informed by their Local Area Plans (LAPs), which identified the key sites that exhibited the strategic planning merit to be rezoned.</p> <p>The subject site falls within the North Eastern LAPs and was identified in Council's planning proposal dated September 2016 under the 'Canterbury Road Enterprise Corridor'. Council's planning proposal states that the site should be rezoned to adopt a 17 metre height of building control and 1.8:1 floor space ratio (FSR) control.</p> <p>Council's planning proposal received gateway determination on 19 May 2017 and it is understood that Council are currently preparing the exhibition of the planning proposal. This planning proposal seeks to adopt the same controls for the site are identified by Council in their own planning proposal.</p> <p>Council's Assessment: In May 2016, the former Bankstown City Council adopted the North East Local Area Plan.</p> <p>The intended outcomes of the North East Local Area Plan are to set out the vision and spatial context for the local area, specify the best ways to accommodate residential and employment growth to 2031, and outline the delivery of supporting infrastructure, facilities and open space.</p> <p>According to Action L5, the site forms part of the Canterbury Road Enterprise Corridor. The desired character reads: <i>The Canterbury Road Enterprise Corridor is a major transport and freight route that will continue to function as a significant economic asset for the City of Bankstown. The built form of supporting housing will create a 'sense of place' through low and medium-rise mixed use nodes at important intersections.</i></p>	<p>Yes, subject to site specific provisions that are consistent with the North East Local Area Plan.</p>

Given the proximity to the Punchbowl Park Precinct, the research findings indicate there is some potential for increased development at 921–925 Punchbowl Road and 21 Canterbury Road in Punchbowl (from 0.5:1–1:1 / 2 storeys to 1.8:1 FSR / 5 storeys) provided:

- The properties consolidate into a single site. Otherwise a 1:1 FSR applies (i.e. the current FSR remains in place).
- There are appropriate buffers to busy roads and adjoining low-rise housing.

In May 2017, the Department of Planning and Environment issued a Gateway determination for a planning proposal which gives effect to the North East Local Area Plan (PP_2016_CBANK_002). The next step is for Council to exhibit the planning proposal for public comment.

Should Council decide to proceed with a separate planning proposal for the site, it is proposed to apply the following planning control changes consistent with the North East Local Area Plan and corresponding planning proposal (PP_2016_CBANK_002):


- (a) Land use zones, building heights and floor space ratios: Amend the Land Zoning Map, Height of Buildings Map and Floor Space Ratio Map as it applies to the following properties:

Properties	Proposed zone	Proposed building height	Proposed floor space ratio
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- (b) Lot consolidation to facilitate higher quality built form outcomes: Apply a site specific provision to the properties at 913–925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum floor space ratio shown on the Floor Space Ratio Map. Otherwise a maximum 1:1 FSR will apply.

- (c) Lot sizes: Do not apply the Lot Size Map to the properties at 913 to 921B Punchbowl Road as the Lot Size Map does not apply to Zone B1.

1.2.2 Canterbury Road Corridor Review

	Consistent
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The proposal is consistent with the Canterbury Road Corridor Review endorsed by Council at the Ordinary Meeting of 25 July 2017 for exhibition purposes.</p> <p>The intended outcomes of the review are:</p> <ul style="list-style-type: none"> • To guide changes to land use planning and built form controls along the corridor. • To establish a long term plan for investment in urban amenities, open space, active transport, street design and other infrastructure in the Canterbury Road Corridor and surrounding land. • To support requests for government support and funding to aid in the delivery of some of the recommendations, for example the GSC's Metropolitan Greenspace Program. • To inform decisions on planning proposals related to the corridor and surrounding land. <p>The proposal is consistent with the intended outcomes and recommendations of the review, namely:</p> <p><u><i>Recommendation 1: Concentrate residential development west of the Cooks River at 7 Junctions at the intersection of Canterbury Road and identified north running streets.</i></u></p> <p>The site is located at the Punchbowl Road Junction (corner of Canterbury and Punchbowl Roads) as shown in Figure 4.</p>  <p>Figure 4: Punchbowl Road Junction (Source: Canterbury Road Review, July 2017)</p>	<p>Yes, subject to a local retail study.</p>

In relation to land uses and built form, the review recommends a land use zone which provides for medium and high-density housing as part of mixed use development within the Junction.

A local retail study would be required to assess the impact on retail uses within the Junction, and streetscape enhancements of Canterbury Road and intersecting streets can be targeted within the Junction.

Recommendation 8: Ensure a consistent minimum setback from Canterbury Road for potential streetscape enhancements.

The review recommends appropriate setbacks that have regard to the potential streetscape enhancements.

Recommendation 14: Advance consideration of the urban form possibilities in the Greater Canterbury Corridor, aimed at addressing the critical shortage of open space, urban amenity and street connectivity.

The review found public open space to be in undersupply, particularly walking access to small and medium sized spaces to support daily passive recreation needs. The review recommends improving connectivity and quality pedestrian / cyclist links that comprise the green grid concept in return for the increased development uplifts.

1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

	Complies
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The proposal does not respond to a change in circumstances.</p>	No

1.4 Does the proposal have regard to the natural environment (including known significant environmental values, resources or hazards)?

	Complies
<p>Proponent's Submission: Refer to sections 1.1 and 2.5–2.6 of this attachment.</p> <p>Council's Assessment: The proposal has regard to the natural environment (including known significant environmental values and hazards) for the reasons outlined in sections 1.1 and 2.5–2.6 of this attachment.</p>	Yes

1.5 Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?

	Complies
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The proposal has regard to the existing and likely future uses of land in the vicinity of the land for the reasons outlined in section 1.2 of this attachment.</p>	Yes

1.6 Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

	Complies
<p>Proponent's Submission: Refer to section 2.5 of this attachment.</p> <p>Council's Assessment: The proposal has regard to the services and infrastructure that are available for the reasons outlined in section 2.5 of this attachment. A key issue is the requirement to consult the Roads and Maritime Services consistent with the State Environmental Planning Policy (Infrastructure) 2007. The proposal does not include a planning agreement.</p>	No, subject to consultation with the Roads and Maritime Services.

2. Planning Proposals–Justification Matters

Section 2 assesses the proposal based on the justification matters as outlined in the Department of Planning and Environment's publication *A Guide to Preparing Planning Proposals*. The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway.

2.1 Is the planning proposal a result of any strategic study or report?

	Complies
<p>Proponent's Submission: A planning proposal is the best and only means of achieving the objectives stated above given the zoning is required to change if residential dwelling density is to increase on the site. The planning proposal aims to achieve the objectives of the Plan for Growing Sydney.</p> <p>Council's Assessment: The proposal is the result of the North East Local Area Plan.</p> <p>The Metropolitan Plan, 'A Plan for Growing Sydney', and Council's Residential Development Study and Employment Lands Development Study identify the North East Local Area as an</p>	Yes

appropriate location for residential and employment growth due to the proximity to jobs, shops, community facilities, local parks and public transport.

At the Extraordinary Meeting of 11 May 2016, Council adopted the North East Local Area Plan to set out the vision and spatial context for the local area, to specify the best ways to accommodate residential and employment growth to 2031, and to outline the delivery of supporting infrastructure, facilities and open space.

2.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

	Complies
<p>Proponent's Submission: A planning proposal is the best and only means of achieving the objectives stated above given the zoning is required to change if residential dwelling density is to increase on the site. The planning proposal aims to achieve the objectives of the Plan for Growing Sydney.</p> <p>Council's Assessment: The Metropolitan Plan, '<i>A Plan for Growing Sydney</i>', and the North East Local Area Plan recognise the need to enable residential and employment growth in the local area. The Local Area Plan therefore recommends the proposal as the best means to achieve the intended outcomes, as it involves changes to certain provisions of Bankstown Local Environmental Plan 2015.</p>	Yes

2.3 Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?

2.3.1 Metropolitan Plan (*A Plan for Growing Sydney*)

	Consistent
<p>Proponent's Submission: The proposal is in accordance with the aims of the broader Metropolitan Strategy with the provision of residential growth in existing urban areas that are close to public transport and employment. Increasing residential dwelling density while also promoting greater employment opportunities in this area is consistent with the principle of urban consolidation in accessible areas.</p> <p>A Plan for Growing Sydney sets the following priorities for the South Subregion: a competitive economy; accelerate housing supply, choice and build great places to live; and protect the natural environment and promote its sustainability and resilience.</p>	Yes, subject to an urban design peer review.

A Plan for Growing Sydney (December 2014) points out that Sydney's population is growing faster than previously predicted. The Plan actions emphasise the need to focus urban renewal where there is actual or planned transport capacity to assist in strategically accommodating 664,000 new homes in the metro by 2031.

The subject site is unique within the Punchbowl area, being located in a highly accessible place to public transport and major roads, and is a large site area. The proposed zoning and architectural plans, which accompanies the planning proposal is mixed use, including shop top housing, residential flat buildings and social club.

Council's Assessment: The proposal is consistent with the directions of the Metropolitan Plan, '*A Plan for Growing Sydney*', namely:

- **Direction 2.1—Accelerate housing supply across Sydney:** The proposal enables increased residential development consistent with the desired character for the Canterbury Road Enterprise Corridor.
- **Direction 2.2—Accelerate urban renewal across Sydney:** The proposal facilitates urban renewal and enables increased residential development consistent with the desired character for the Canterbury Road Enterprise Corridor.
- **Direction 2.3—Improve housing choice to suit different needs and lifestyles:** The proposal responds to the growing demand for a range of housing types, and delivers a range of building forms and types to cater for different household sizes.

Should Council decide to proceed with a planning proposal, an urban design peer review would be required to address these directions:

- **Direction 3.2—Create a network of interlinked, multipurpose open and green spaces across Sydney:** The urban design peer review would look at deep soil zones.
- **Direction 3.3—Create healthy built environments:** The urban design peer review would look at appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment. The peer review would also look at an appropriate built form transition to neighbouring low-rise dwelling houses.

The urban design peer review would inform the planning proposal and corresponding DCP Amendments.

2.3.2 Draft Amendment to the Metropolitan Plan (*Towards our Greater Sydney 2056*)

	Consistent
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The proposal is consistent with the Draft Amendment to the Metropolitan Plan, released for public comment in November 2016. In particular, the proposal can address the metropolitan priorities, namely to have a city of housing choice and diversity.</p>	Yes

2.3.3 Draft South District Plan

	Consistent
<p>Proponent's Submission: Refer to section 1.1 of this attachment.</p> <p>Council's Assessment: The proposal is consistent with the Greater Sydney Commission's Draft South District Plan, released for public comment in November 2016 for the reasons outlined in section 1.1 of this attachment.</p>	Yes, subject to additional information to address Productivity Priority 9, Liveability Priorities 4–5 and Sustainability Priority 3.

2.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

2.4.1 Bankstown Community Plan 2023 (former City of Bankstown)

	Consistent
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The vision of the Bankstown Community Plan 2023 is to have 'a thriving centre of Greater Sydney. We enjoy the services and facilities of a prosperous, growing city with lively neighbourhoods and a proud history. Our diverse population live and work together in harmony. Bankstown is a modern, active community with quality transport infrastructure, clean waterways, pristine bushland and great community spaces and parks'.</p> <p>Term Achievement 1 will achieve this vision by having integrated plans for local areas that recognise each location's unique characteristics and heritage that guides the future development of</p>	Yes, subject to site specific provisions that are consistent with the North East Local Area Plan.

our city. This resulted in Council adopting the North East Local Area Plan based on consultation with property owners and residents.

The proposal is consistent with the Bankstown Community Plan, and is also consistent with the North East Local Area Plan for the reasons outlined in section 1.2 of this attachment.

2.4.2 North East Local Area Plan

	Consistent
<p>Proponent's Submission: Refer to section 1.2 of this attachment.</p> <p>Council's Assessment: The proposal is consistent with the North East Local Area Plan for the reasons outlined in section 1.2 of this attachment.</p>	<p>Yes, subject to site specific provisions that are consistent with the North East Local Area Plan.</p>

2.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

	Consistent
<p>State Environment Planning Policy 55—Remediation of Land (SEPP 55)</p> <p>Proponent's Submission: A detailed site investigation has been undertaken and the site exhibits some contamination. The contamination is not considered to be unexpected or unusual. The supporting assessment report found that the site could be made fit for purpose following implementation of a remediation action plan and the carrying out of such works. These works would be subject to a development application on the site.</p> <p>Council's Assessment: The SEPP requires Council to consider land contamination where it is proposed to enable development for residential purposes and other sensitive land uses. Part 7A of the EP&A Act reinforces this direction.</p> <p>According to the detailed site investigation submitted with the application, the site may be deemed suitable for the proposed development subject to the implementation of a Remediation Action Plan to manage environmental concerns and data gaps.</p> <p>Should Council decide to proceed with a planning proposal, a Remediation Action Plan (prepared by a site auditor) would be required to address the SEPP.</p>	<p>No, subject to a Remediation Action Plan.</p>

<p>State Environment Planning Policy 65–Design Quality of Residential Apartment Development (SEPP 65)</p> <p>Proponent’s Submission: The height together with the FSR proposed allows future residential developments to distribute built form across the site in such a way that the following is achieved:</p> <ul style="list-style-type: none"> • Reduced building depths of residential portions of the development to maximise natural day lighting and ventilation. • Provision of common open space and public open space on the site. • Height that achieve a desirable streetscape along each street frontage. • Height that allow generous building separations to existing residential development in the area. • Increased density and housing supply in an accessible area. Moreover, the proposed density on the site is not greatly beyond the FSR of other nearby centres. In addition, adequate building separation to buildings within the site and neighbouring residential developments will be ensured as per SEPP 65 requirements. <p>Council’s Assessment: The proposal considers the design principles and the Apartment Design Guide in developing the building envelope provisions.</p> <p>Should Council decide to proceed with a planning proposal, an urban design peer review would be required to further address the SEPP. The intended outcomes of the peer review are:</p> <ul style="list-style-type: none"> • To consider the distribution of the proposed building envelope based on the new site configuration. • To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment. • To ensure there is an appropriate built form transition to neighbouring low–rise dwelling houses. <p>The urban design peer review would inform the planning proposal and corresponding DCP Amendments.</p>	<p>Yes, subject to an urban design peer review.</p>
<p>State Environment Planning Policy (Infrastructure) 2007 (SEPP 2007)</p> <p>Proponent’s Submission: Given the site area is over a hectare, mixed use development with a residential component may be considered Traffic Generating Development given the total number of units that may be developed under the proposed FSR is an estimated 400 residential units.</p>	<p>No, subject to consultation with the Roads and Maritime Services.</p>

Council's Assessment: The SEPP aims to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

The site adjoins Canterbury Road and Punchbowl Road, which are classified roads.

Should Council decide to proceed with a planning proposal, consultation with the Roads and Maritime Services would be required to address the SEPP.

2.6 Is the planning proposal consistent with applicable Ministerial (117) Directions?

	Consistent
<p>Direction 1.1–Business and Industrial Zones</p> <p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The proposal retains the existing business zone, and provides additional capacity consistent with the North East Local Area Plan.</p> <p>In relation to the Canterbury Road Corridor Review and the proposal to extend the business zone to the additional properties at 913 to 919 Punchbowl Road, a local retail study would be required to further address this direction.</p>	<p>Yes, subject to a local retail study.</p>
<p>Direction 3.1–Residential Zones</p> <p>Proponent's Submission: Direction 3.1 generally seeks to facilitate housing choice, meet existing and future housing needs, make efficient use of existing infrastructure, and minimise the impact of residential development on the environment. The Direction specifies that a planning proposal must include provisions that will improve the choice, accessibility and distribution of housing stock, reduce the consumption of land on the urban fringe, and be of good design.</p> <p>This planning proposal will allow a greater provision of housing in an existing urban area, improve housing choice, and increase the efficiency of existing infrastructure, services and amenities. The proposal also incorporates elements, which achieve public benefit including a large publically accessible plaza with an active retail street edge.</p> <p>Council's Assessment: The proposal includes provisions that encourage the provision of housing that will broaden the choice of building types and locations available in the housing market.</p>	<p>Yes, subject to an urban design peer review.</p>

<p>Should Council decide to proceed with a planning proposal, an urban design peer review would be required to further address this direction. The intended outcomes of the peer review are:</p> <ul style="list-style-type: none"> • To consider the distribution of the proposed building envelope based on the new site configuration. • To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment. • To ensure there is an appropriate built form transition to neighbouring low-rise dwelling houses. <p>The urban design peer review would inform the planning proposal and corresponding DCP Amendments.</p>	
<p>Direction 3.4–Integrating Land Use and Transport</p> <p>Proponent’s Submission: Direction 3.4 aims to ensure that urban structures, building forms, land uses, developments, subdivision and street layouts achieve improved accessibility, increased choice of transport, reduced travel demand, and efficient movement of freight.</p> <p>The proposed changes allow additional housing within close walking distance of public transport infrastructure, thus reducing the demand for private vehicle use and improving accessibility to greater Sydney. Additional housing in this location contributes to easing traffic demand on Sydney’s road network, given public transport use is a real option for future occupants of the site. In contrast the current uses on the site are almost wholly private motor vehicle based, ignoring the high degree of accessibility of the site.</p> <p>Council’s Assessment: In relation to local context, the site is located 1.2km from the Punchbowl railway station. The proposal considers the local context by limiting the proposed capacity and the potential for additional traffic on the road network.</p> <p>Should Council decide to proceed with a planning proposal, an urban design peer review would assess whether there is appropriate infrastructure to facilitate enhanced walking and cycling to key destinations, namely the Punchbowl Small Village Centre and Punchbowl Park.</p>	<p>Yes, subject to an urban design peer review.</p>
<p>Direction 4.1–Acid Sulfate Soils</p> <p>Proponent’s Submission: No comment.</p> <p>Council’s Assessment: The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The site is subject to acid sulfate soils (classes 3 and 5).</p>	<p>No, subject to an acid sulfate soils assessment.</p>

<p>According to the detailed site investigation submitted with the application, an acid sulfate soils assessment is required. Should Council decide to proceed with a planning proposal, an acid sulfate soils assessment would be required to address this direction.</p>	
<p>Direction 4.3–Flood Prone Land</p> <p>Proponent’s Submission: ACOR Consultants (CC) Pty Ltd (ACOR) has been commissioned to prepare an Overland Flood Study in support of the proposed development application for the property known as 921A, 921B, 921, 923 Punchbowl Road and 21 Canterbury Road, Punchbowl. This study is prepared to respond to the requirements outlined in Bankstown Development Control Plan Part B12 Flood Risk Management relation to the overland flood issues.</p> <p>The study investigates flood behaviour throughout the local overland flow catchment impacting the subject site. This includes the analysis of:</p> <ul style="list-style-type: none"> • surface runoff across the catchment; • flows within the underground pipe drainage network if data is available; • flooding towards the lower part of the catchment; and • backwater flooding impact the subject site. <p>A two-dimensional computer model of the catchment was established to analyse flood behaviour under existing and proposed catchment conditions. The model provides information on the extent of flood inundation, flood depths and flood velocities throughout the catchment for 100 year ARI flood event. Results from this study will form the technical basis for the subsequent flood risk management study, if required, which will further identify problem areas and investigate options to reduce the risk of flooding.</p> <p>According to the study, the subject site is affected by the 100 year ARI floodwaters. The water surface levels of the 100 year ARI floodwaters are expected to vary between 6.9 m AHD to 8.1 m AHD across the site, resulting in partial inundation of the site at depths ranging between 0.m and 1.3m. Peak velocities at the site are expected to reach 1.5 m/s. The 100 year ARI floodwaters were determined to pose Low to High Hazard to occupants of the site. The proposed development is expected to have negligible impact on the behaviour of floodwaters at adjacent sites.</p> <p>Council’s Assessment: The objective of this direction is to ensure the provisions of a LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>No, the inconsistency is considered to be of minor significance.</p>

The site is affected by the high and medium stormwater flood risk precincts.

High risk stormwater flood precinct

In relation to land that is partially within the high risk stormwater flood precinct, the proposal is inconsistent with clause 6(c) of this direction as it proposes to increase densities on the following properties:

Properties	Current Zone	Proposed Zone	Portion of land affected by the high risk stormwater flood precinct
921–921B Punchbowl Road	R2	B1	Common boundary with drainage reserve
923 Punchbowl Road	B1	No change	Common boundary with drainage reserve

In accordance with clause 9(b) of this direction, the proposal may be inconsistent if the provisions are of minor significance and will not result in an increased risk to life or property.

The primary justification is the portion of land affected by the high risk stormwater flood precinct on each of these properties is small, and the remaining land on these properties is fully developable for mixed use and residential purposes. Development on the remaining land is subject to Bankstown Development Control Plan 2015–Part B12 (Flood Risk Management) as outlined in the section on the medium risk stormwater flood precinct.

Medium risk stormwater flood precinct

The proposed rezoning of certain properties within the local areas is inconsistent with clause 6(c) of this direction as it proposes to increase densities at certain locations within the medium risk stormwater flood precinct.

In accordance with clause 9(b) of this direction, the proposal may be inconsistent if the provisions are of minor significance and will not result in an increased risk to life or property.

The primary justification is based on Bankstown Development Control Plan 2015–Part B12 (Flood Risk Management) which is Council’s current policy and was prepared in accordance with the Floodplain Development Manual 2005. The properties are subject to Bankstown DCP 2015–Part B12, namely Section 3 and Schedule 5.

According to the DCP, the medium flood risk precinct is defined as:

Medium flood risk precinct is land below the 100-year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. There would still be a significant risk of flood damage in this precinct. However, these damages can be minimised by the application of appropriate development controls.

These appropriate development controls include:

- Floor Level: Habitable floor levels will require a free board.
- Flood Effects: Medium density residential development is not identified as a potentially unsuitable land use in the medium risk precinct in accordance with Schedule 5.
- Parking and Driveway Access: The design of parking and driveway access must minimise inundation and (where practical) incorporate appropriate warning signage and exits.
- Parking and Evacuation: Development must provide reliable access for pedestrians and vehicles from buildings, and must be consistent with any flood evacuation strategy or similar strategy that has been adopted by Council.

Any risks resulting from the future redevelopment of these properties may be satisfactorily addressed by applying the above development controls as part of the development application process.

The proposal to increase densities at certain locations within the medium flood risk precinct is therefore appropriate as it is consistent with the principles of the NSW Government's Flood Policy, the Flood Development Manual 2005 and clause 9(b) of this direction.

Direction 6.3–Site Specific Provisions

Proponent's Submission: Direction 6.3 aims to discourage unnecessarily restrictive site specific planning controls and relate primarily to land use. The proposal only aims to rezone to a more appropriate land use consistent with adjoining properties, and increase the density and height to capitalise on its accessible location, contribute to housing supply, and benefit from agglomeration effects of existing and future mixed use development in the area. The use of a site area framework for increasing density on the site serves to promote orderly and economic development on the site and incentivise coordinated redevelopment and the avoidance of isolated sites. Given the size of the site it is likely the proposal will require referral to the RMS under the SEPP (Infrastructure) 2007.

No, the inconsistency is considered to be of minor significance.

Council's Assessment: The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The proposal is inconsistent with clause 4 of this direction as it proposes to introduce a site specific provision to allow particular development to be carried out. This is in addition to the current provisions of Bankstown Local Environmental Plan 2015.

The proposal is to apply a site specific provision to the properties at 913 to 925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum floor space ratio shown on the Floor Space Ratio Map. Otherwise a maximum 1:1 FSR will apply.

The intended outcome is to encourage lot consolidation to facilitate higher quality built form outcomes.

However, in accordance with clause 6 of this direction, the inconsistency is considered to be of minor significance as the site specific provision does not impose unnecessarily restrictive requirements, and does not contain or refer to drawings that show details of development proposals.

Direction 7.1—Implementation of *A Plan for Growing Sydney*

Proponent's Submission: The proposed zone change and increased density makes possible a robust mix of uses on this currently underutilised but strategically located site, which in turn can contribute to the desired activity in the locality. The planning proposal is fully in line with the Plan and achieves the aims and objectives of the Plan better than the current zoning, particularly in terms of site accessibility and built form context.

Council's Assessment: The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

The proposal is consistent with this direction as outlined in Section 2.3 of this attachment.

Yes

2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

	Consistent
<p>Proponent's Submission: No critical habitat or threatened fauna have been identified in relation to this site. The site is zoned for business/mixed uses and is almost fully developed with no remnant bushland or biodiversity of note.</p> <p>Council's Assessment: The proposal is consistent with Ministerial (117) Direction 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.</p>	Yes

2.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

	Consistent
<p>Proponent's Submission:</p> <p>The site is not located in an environmental protection area as identified by Council's LEP. The site currently contains very little vegetation. Rezoning the site would provide opportunities for a significantly improved landscape outcome within the site's urban context.</p> <p>Council's Assessment: The proposal addresses the natural hazards that impact on the local areas, namely stormwater flooding. The measures include minimising the intensification of development within the high flood risk areas.</p> <p>Should Council decide to proceed with a planning proposal, an urban design peer review would be required to address other significant hazards, namely:</p> <ul style="list-style-type: none"> • Noise and air quality along arterial roads with high traffic volume. The urban design peer review would look at appropriate buffers to busy roads. • The exposure of residential development in and around the electricity / drainage easements. The urban design peer review would look at appropriate buffers, and Council would consult with the relevant electricity provider. 	Yes, subject to an urban design peer review.

2.9 Has the planning proposal adequately addressed any social and economic effects?

	Consistent
<p>Proponent's Submission: The planning proposal has demonstrated consistency with strategic planning documents, which seek to accommodate the future residential population of Sydney more sustainably. This goal can be achieved by locating new dwellings in already established urban areas within walking distance of public transport. Such a strategy provides residents with employment opportunities, services and amenities, all in an accessible location.</p> <p>The proposed B1 zoning allows for a mix of uses and provides opportunities for orderly development with increased dwelling density and a mix of business uses in an accessible area. Therefore, social benefits arise in both the immediate local and the regional context. Furthermore, the removal of unsightly industrial landscape will improve the property values of the surrounding development.</p> <p>The proposal maintains the opportunity for employment generating uses in the locality, with the potential for future developments to incorporate, retail, commercial and tourism based uses. The proposed B1 zoning achieves a flexibility to allow built form to change over time to meet demand.</p> <p>Council's Assessment: In relation to social and economic effects, the proposal is consistent with the Greater Sydney Commission's Draft South District Plan, released for public comment in November 2016 for the reasons outlined in section 1.1 of this attachment.</p>	<p>Yes, subject to additional information to address Productivity Priority 9, Liveability Priorities 4–5 and Sustainability Priority 3.</p>

2.10 Is there adequate public infrastructure for the planning proposal?

	Consistent
<p>Proponent's Submission: There is adequate public infrastructure to accommodate the increase in development density. The site has excellent access to open space. There are a number of schools, community facilities and open space within walking distance of the site. The planning proposal also demonstrates that the proposed land use, height and density controls provide opportunities for community benefits such as a public plaza, community floor space and a publically accessible square.</p> <p>Council's Assessment: In relation to public infrastructure, the proposal is inconsistent with State Environment Planning Policy (Infrastructure) 2007 for the reasons outlined in section 2.5 of this attachment.</p>	<p>No, subject to consultation with the Roads and Maritime Services.</p>

2.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

	Complies
<p>Proponent's Submission: The relevant State and Commonwealth authorities will be consulted during the gateway process.</p> <p>Council's Assessment: The proposal has not been the subject of consultation with State and Commonwealth public authorities. This would be undertaken, should Council decide to proceed with a planning proposal.</p>	Yes

Independent Hearing and Assessment Panel - 4 September 2017

ITEM 2	680 New Canterbury Road, Hurlstone Park
	Demolition of existing structures and construction of shop top housing development consisting of 14 apartments over five storeys with two levels of basement car parking and one ground floor retail premise
FILE	DA-645/2015 - Canterbury Ward
ZONING	B2 Local Centre
DATE OF LODGEMENT	23 December 2015, further information received up until 1 May 2017
APPLICANT	Environa Studio
OWNERS	Eastside Projects Pty Ltd
ESTIMATED VALUE	\$5,535,220
SITE AREA	613.3m² (by title)
AUTHOR	Planning

RECOMMENDATION

It is recommended that Development Application DA-645/2015 be approved subject to the attached conditions.

SUMMARY REPORT

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 given the number of submissions received.

Development Application DA-645/2015 is for the demolition of existing structures and the construction of a five storey shop top housing development comprising of a ground floor retail tenancy with 14 residential apartments above and two levels of basement car parking.

The Development Application has been assessed in accordance with the requirements of Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 including an assessment against State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, SEPP (Infrastructure) 2007, SEPP 55 – Remediation of Land, SEPP (Building Sustainability Index: BASIX) 2004, Canterbury Local Environmental Plan 2012 (CLEP 2012) and Canterbury Development Control Plan 2012 (CDCP 2012). The proposal generally complies with the relevant legislation except for the following variations:

- Part 3F – Visual Privacy of the Apartment Design Guide (ADG);
- Part 4A – Solar Access of ADG (relating to the maximum number of apartments that do not receive direct solar access);
- Clauses 3.1.8 (viii-xiii) – Building Height Plane of CDCP 2012.

Part 3F of the ADG outlines minimum separation distances to the site boundary for each floor of a development. The proposed design does not comply with the minimum separation distances to the eastern and western boundaries as well as within the site (on Level 5). The objective of the building separation control is to ensure visual privacy is achieved. Considering the isolated nature and context of the site as well as the privacy mitigation measures included in the design (i.e. louvres), the reduced separation will not result in any adverse privacy impacts and is considered appropriate in this instance.

Part 4A of the ADG specifies that a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm in mid-winter. The objective of this control is to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Three of the 14 apartments (21% of apartments) will not receive direct sunlight in mid-winter. However, eleven of the 14 apartments proposed (78.57%) will receive at least two hours direct solar access to internal living rooms and private open space in mid-winter. This number exceeds the minimum 70% requirement. On this basis, the proposed design, despite the numerical non-compliance, satisfies the objective of the control and is considered acceptable in this instance.

Parts 3.1.8(viii-xiii) of CDCP 2012 outline building height requirements for a site that shares a rear and/or side boundary with a residential zone. The subject site adjoins an R3 Medium Density Zone to the south and west of the site and therefore these controls relate to the proposed development. As outlined within the body of this report, the proposed design marginally encroaches the 45 degree building height along the side elevation (eastern elevation) and the rear elevation (southern elevation), particularly on the upper levels (Level 4 and/or Level 5). Despite this non-compliance, the proposed design is considered acceptable in this instance, given the building complies with the overall maximum building height control specified within CLEP 2012, the side and rear elevations are still articulated through setting back the upper levels which improves the visual impact when viewed from adjoining properties, it does not adversely impact on the privacy of adjoining residential properties and it complies with Council's controls relating to solar access to adjoining properties.

The application was publically advertised for 21 days on three separate occasions. The advertising periods concluded on 17 February 2016, 7 June 2016 and 14 June 2017. During these advertising periods, 18 objections were received from nine households and two petitions (one comprising signatures from 40 households and the other from 33 households). The matters outlined within the submissions are discussed in the body of the report.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that Development Application DA-645/2015 be approved subject to the attached conditions.

ATTACHMENTS

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

DA-645/2015 ASSESSMENT REPORT

BACKGROUND

The subject development application was submitted on 23 December 2015. The original application sought approval for a five storey shop top housing development comprising 20 apartments, a rooftop communal open space area and two levels of basement parking. The application varied a number of controls within the Apartment Design Guide, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012, including, but not limited to, building separation, solar access, natural cross ventilation, width of apartments, private open space, apartment size, maximum building height, setbacks and overshadowing.

On 2 March 2016, Council wrote to the applicant advising of the non-compliances as well as matters raised by Council's Development Engineer, Team Leader Traffic and Transportation, Landscape Architect and Waste Services team. A further letter was issued on 14 March 2016 requesting further information as per Council's Environmental Health Officer comments.

Information in response to Council's letters was received 28 April 2016. The application was subsequently readvertised until 7 June 2016.

The amended design comprised splitting the building to break up building mass and included 24 apartments over five storeys with a rooftop communal open space. The application still sought a variation to the maximum building height. An additional information request letter was issued 28 June 2016 which outlined issues regarding solar access, internal design, setbacks, communal open space and BASIX. This letter also included matters raised by Council's Landscape Architect, Development Engineer, Team Leader Traffic and Transportation, Waste Services team, Environmental Health Officer and Heritage Advisor.

Information in response to Council's letter was received 30 September 2016. The amended proposal reduced the number of apartments from 24 to 16 to facilitate a more efficient scheme in regard to setbacks, internal amenity and solar access.

A further additional information request letter was issued on 23 November 2016 raising concern regarding the maximum building height, car parking, apartment depth, building height plan and awnings; as well as matters raised by Council's Landscape Architect, Heritage Advisor, Development Engineer, Waste Services team and Environmental Health Officer.

Information in response to Council's letter was received 24 January 2017 and 17 February 2017. The revised scheme further reduced the number of apartments proposed from 16 to 14 and relocated the communal open space from the rooftop to Level 5. The revised scheme also reduced the extent of the proposed variation to the building height plane through setting back the upper floors (in particular Level 5).

A further additional information request letter was issued on 4 April 2017 outlining concerns raised by Council's Development Engineer, car parking issues and requested additional information such as BASIX Certificate and Design Verification Statement required to support the revised design.

Information in response to Council's letter was received 26 April 2017 and 1 May 2017.

The revised design was readvertised until 14 June 2017.

In light of the assessment below, the key non-compliances with the design have been resolved. Given the constraints associated with the isolated nature of the site, the design still seeks to vary some design controls specified within the Apartment Design Guide and Canterbury Development Control Plan 2012 specifically in relation to building separation, setbacks and building height plane. These non-compliances have been considered on merit and are considered acceptable in this instance. On this basis, the application is recommended for approval.

SITE DETAILS

The subject site is irregular in shape and comprises a single allotment (Lot 1 in DP 124306) with a site area of 613.3m² (by title). The site is located on the southern side of New Canterbury Road at the intersection with Wattle Lane. The site has a frontage of 14.535m to New Canterbury Road, a depth of 65.77m along the eastern boundary to Wattle Lane inclusive of a 4.32m splay, a depth of 46.79m along the western boundary and a rear boundary of 9.06m (shared with Wattle Lane). The subject site is isolated by virtue of the existing shop top housing development adjoining the western boundary (under strata title) and Wattle Lane adjoining the southern and eastern boundaries. Currently existing on the site is a single storey brick building used as a vehicle repair station.

In terms of surrounding land uses, a three storey mixed use development (682-700 New Canterbury Road) directly adjoins the site to the west. The development comprises ground floor retail with residential units located above. Single to two storey commercial developments are located beyond. To the north of the site, on the opposite side of New Canterbury Road are a mix of one and two storey commercial buildings, five storey shop top housing development and one single storey detached dwelling. A variety of uses are located to the east of the site on the opposite side of Wattle Lane including a service station, former Methodist Church (8 Melford Street) and a number of single to two storey detached dwellings. To the south of the site, on the opposite side of Wattle Lane is a three storey residential flat building. This property has a primary frontage to Melford Street and secondary frontage to Wattle Lane. The Canterbury Hurlstone Park RSL is located to the south-west of the site, on the southern side of Wattle Lane.



Figure 1: Aerial View of Subject Site



Figure 2: Subject Site, view west from New Canterbury Road



Figure 3: Existing development along the eastern side of Wattle Lane

PROPOSAL

The applicant seeks consent for the demolition of existing structures and the construction of a five storey shop top housing development comprising a ground floor retail premise, 14 apartments (12 x two bedroom apartments and two x three bedroom apartments), two levels of basement car parking comprising 20 car parking spaces and four x retail car parking spaces at ground floor.



Figure 4: Photomontage

A detailed description of the proposal is outlined below:

Basement Level 2

- Ten car parking spaces (including one accessible parking space);
- Storage;
- Four motorcycle spaces;
- Two car lift access;
- Lift access;
- Stair access.

Basement Level 1

- Ten parking spaces (including one accessible parking space);
- Storage;
- OSD Tank;
- 14 bicycle spaces;
- Two car lift access;
- Lift access;
- Stair access.

Level 1 (Ground Level)

- Retail premise (160m²) with separate access off New Canterbury Road;
- Separate residential pedestrian access off New Canterbury Road;
- Four car parking spaces (including one accessible parking space) associated with the retail premise, with access off Wattle Lane along the eastern elevation;
- Turning bay;
- Two retail bicycle parking spaces;
- Two toilets;
- Loading and services area;
- Separate bin storage area for retail and residential components of the building;
- Residential vehicle access off Wattle Lane along the southern elevation to the car lifts and ground floor parking;
- Fire egress.

Level 2

- One x two bedroom apartment, two x two bedroom plus study apartments, one x three bedroom apartment with associated private open space;
- Communal open space area (38.8m²);
- Services;
- Lift access;
- Stair access.

Level 3

- One x two bedroom apartment, two x two bedroom plus study apartments, one x three bedroom apartment with associated private open space;
- Services;
- Lift access;
- Stair access.

Level 4

- Four x two bedroom apartments with associated private open space;
- Services;
- Lift access;
- Stair access.

Level 5

- Two x two bedroom apartments with associated private open space;
- Communal open space (170.6m²) with associated landscaping;
- Services;
- Lift access;
- Stair access.

The building has been designed to present as two separated structures to improve solar access to the principle living areas and associated private open space area of each apartment (refer to **Figure 5** below).

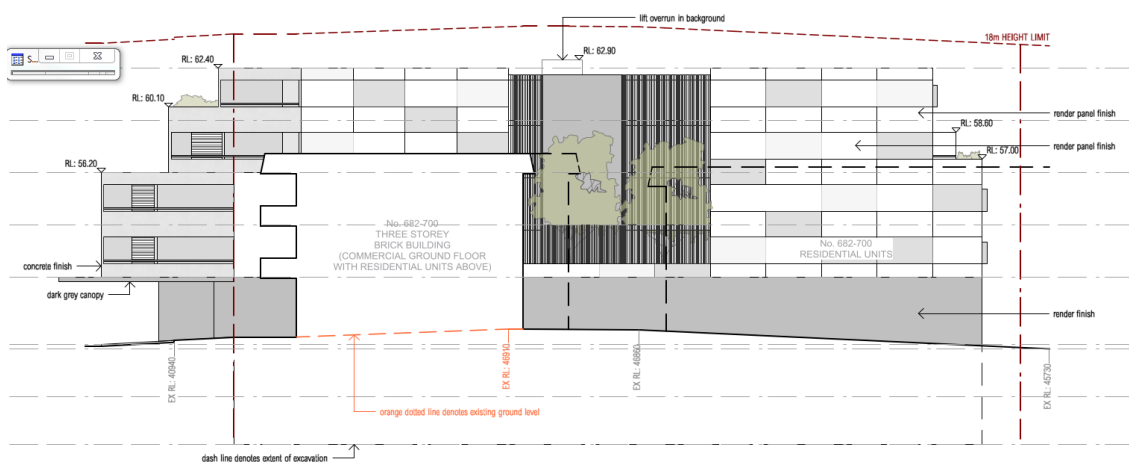


Figure 5: Western Elevation

Some proposed apartments comprise a study. The design of the study is open and cannot be easily converted to another bedroom. On this basis, for the purposes of this assessment, the studies have not been calculated as another bedroom.

STATUTORY CONSIDERATIONS

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

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

ASSESSMENT

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues have emerged.

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

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

The applicant submitted a Preliminary Site Investigation, Detailed Site Investigation Report and Remediation Action Plan all prepared by Environmental Investigations Australia Pty Ltd as requested by Council's Environmental Health Officer.

Upon review of the report, Council's Environmental Health Officer raises no concern, subject to conditions of consent. On this basis, the requirements of SEPP 55 have been achieved.

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

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

The subject site is located on New Canterbury Road which is a classified road for the purposes of the SEPP 2007. The development application was subsequently referred to the Roads and Maritime Services (RMS), who raised no objection to the proposed development subject to conditions being included in any consent granted by Council.

The conditions suggested by RMS will be included in the consent, should the application be supported. RMS' recommendation for a parking restriction along Wattle Lane was referred to

Council's Team Leader Traffic and Transportation for consideration and discussion with Council's Traffic Committee.

Clause 102 of the SEPP 2007 states that a consent authority must consider likely impacts from road noise and vibration for development adjacent to certain road corridors. Although New Canterbury Road is not identified on RMS' traffic volume counter as being a road with an annual average daily traffic volume of more than 40,000 vehicles, the applicant submitted an acoustic report in good faith which has therefore been considered in this assessment. The SEPP requires that for the purposes of a residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The acoustic report (Issue B, dated 23/18/2015 [sic]) prepared by West & Associated Pty Ltd concludes that the bedrooms and habitable rooms on the north façade, facing New Canterbury Road do not comply with the road traffic intrusion requirements and therefore mechanical ventilation is required for fresh outdoor air purposes for these apartments. The plans submitted include provision for inclusion of services to cater for such requirements. In addition to this requirement, the acoustic report includes a number of recommendations to be considered and/or integrated within the design during the construction phase of the development. Should the application be supported, conditions of consent will be included to ensure the recommendations of the acoustic report are met prior to the issuing of a construction certificate. In light of this, the proposed development satisfies the requirements of Clause 102 of SEPP 2007.

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

BASIX Certificate No.693766M_04 dated 27 April 2017 accompanies this application. The Certificate makes a number of energy and resource commitments in regard to the planting of indigenous or low water use species of vegetation, thermal comfort, natural lighting, minimum 3 star water fixtures and appliances and 6 star instantaneous gas hot water system. These commitments have been shown on the DA plans, where possible, and satisfy the requirements of the SEPP.

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

SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'. Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the development application that addresses the design quality principles contained in SEPP 65 and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved. A Design Verification Statement prepared by Tone Wheeler of Environa Studio (registered Architect No. 6239) was submitted as part of the application.

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

Principle 1: Context and Neighbourhood Character

The development is consistent with Council's maximum 18m building height control. Despite the proposed variations to the building separation and building height envelope standards, given the context of the site and its isolated nature, the proposed variations are considered acceptable and will align with the desired future character of the locality. The design ensures that the proposed development is appropriate in terms of scale and bulk.

Principle 2: Built Form and Scale

No maximum floor space ratio (FSR) development standard applies to the site. As outlined above, the development is consistent with Council's maximum 18m building height standard. Despite the proposed variations to the building separation and building height envelope standards, given the context of the site and its isolated nature, the proposed variations are considered acceptable and will align with the desired future character of the locality.

The proposed shop top housing development comprises a series of recessed elements, separating the building into essentially two buildings connected by a common circulation area. This design breaks up building mass within the site as well as when viewed from adjoining properties. In addition, recessed elements are also provided along New Canterbury Road as well as the upper levels along the eastern and western elevations to provide an appropriate built form on the site.

Principle 3: Density

The density of the proposed development is considered to be satisfactory and a reasonable response to the desired future context and built form.

Principle 4: Sustainability

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

Principle 5: Landscape

The proposal incorporates communal open space on Levels 2 and 5, which will be landscaped with vegetation to provide amenity to the occupants. All of the proposed units have access to outdoor terraces and balconies, some also have large courtyards at Level 1 with soft landscaping. The proposed design exceeds the minimum communal open space requirements specified within the ADG.

Principle 6: Amenity

The proposed development has been designed to maximise solar access. The proposed units will have considerable internal amenity. Their floor to ceiling heights, size and room dimensions meet or exceed the minimum standards within the ADG. As such they will provide more than adequate space to meet the needs of future occupants. Furthermore, the design enables all apartments to be naturally cross-ventilated. It is acknowledged that the acoustic

report recommends that the apartments facing New Canterbury Road be mechanically ventilated to maintain an appropriate level of acoustic amenity. An area for such services can be accommodated within the design.

Appropriate mitigation measures have been incorporated into the design (such as privacy screens) to ensure an appropriate level of privacy is provided to future occupants of the site.

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

Principle 7: Safety

The applicant has considered Crime Prevention through Environmental Design (CPTED) principles as outlined in CDCP 2012 in the design of the project. The proposed design provides increased activation and passive surveillance of the surrounding streets and private open space areas on the site. This is achieved through providing a ground floor retail tenancy fronting New Canterbury Road and ensuring at least one habitable room of each apartment is orientated towards the adjoining road/laneway or communal open space within the site. Furthermore, residential entry and lobby areas are to be secured and well lit.

Principle 8: Housing Diversity and Social Interaction

The proposed design incorporates various dwelling sizes, dwelling configurations and includes adaptable units promoting diversity, affordability and access to housing choice.

Principle 9: Aesthetics

The proposed use of pattern, texture, form and setbacks seeks to produce a design aesthetic that reflects the quality of residential accommodation provided. The articulation of the external façades and general compliance with the relevant built form standards lessens any perception of bulk, whilst maintaining internal and external amenity. These elements contribute to the desired future character of the locality and enhance the existing surrounding streetscapes.

Apartment Design Guide

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

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

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

Section	Design Criteria	Proposed	Complies													
Part 3 Siting the Development																
3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site.	A 212.158m ² communal open space area (34.6% of total site area) is proposed on Levels 2 and 5.	Yes													
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	More than 50% of the communal open space area will receive direct sunlight between 9am and 11am on 21 June.	Yes													
3E Deep Soil Zones	Deep soil zones are to meet the following minimum dimensions:	Nil deep soil area is provided. In accordance with the design guidance outlined within Part 3E of the ADG, where 100% site coverage on the ground floor level is proposed, there is no need to incorporate deep soil areas. When this occurs, the ADG suggests alternative forms of planting be incorporated into the design. Alternative forms of planting have been provided on Level 2 and Level 5. On this basis, the lack of deep soil is acceptable in this instance.	No – however acceptable													
	<table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² - 1,500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>			Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² - 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	
	Site Area			Minimum Dimensions	Deep Soil Zone (% of site area)											
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	650m ² - 1,500m ²			3m												
Greater than 1,500m ²	6m															
Greater than 1,500m ² with significant existing tree cover	6m															
3F Visual Privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	East: <u>Up to 4 Storeys (9m req)</u> 5.4m to boundary (opposite side of Wattle Lane) <u>5th Storey (12m req)</u> 5.4m to boundary (opposite side of Wattle Lane) West: <u>Up to 4 Storeys (6m req)</u> 4m from circulation corridor. Blank wall on boundary. <u>5th Storey (9m req)</u> 4m from circulation corridor. Blank wall on boundary.	No – refer to comment [1] below No – refer to comment [1] below No – refer to comment [1] below No – refer to comment [1] below													
	<table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms & Balconies</th> <th>Non-habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>			Building Height	Habitable Rooms & Balconies	Non-habitable Rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	
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Over 25m (9+ storeys)	12m	6m														

Section	Design Criteria	Proposed	Complies				
	A 3m increased separation is required to the southern and eastern elevations given they adjoin an R3 zone which permits lower density residential.	<p>South: <u>Up to 4 Storeys (9m req)</u> Min 9.2m to boundary (opposite side of Wattle Lane)</p>	Yes				
		<p><u>5th Storey (12m req)</u> Min 12.2m to boundary (opposite side of Wattle Lane)</p>	Yes				
		<p>Within the Site: <u>Up to 4 Storeys (12m req)</u> 12m <u>5th Storey (18m req)</u> 12m</p>	Yes No – refer to comment [1] below				
3J Bicycle and Car Parking	<p>For development within 800 metres of Hurlstone Park railway station (in accordance with NSW Government SixMaps) the minimum car parking requirement for residents and visitors is the lesser of that set out within the Guide to Traffic Generating Developments (GTTGD) or Council requirements.</p> <p>Car parking rates within the GTTGD for the residential component are lesser than those within the CDCP 2012 and therefore these rates are applied to the proposal.</p> <table border="1"> <thead> <tr> <th>Development Type</th> <th>Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>Medium Density Residential Flat Building (GTTGD)</td> <td> <p>Car Parking</p> <ul style="list-style-type: none"> 1 space per each apartment (14 spaces). 1 space per each 5 x 2 bedroom apartment (2.4 spaces). 1 space per each 2 x 3 bedroom apartment (1 space). Visitor: 1 space per 5 apartments (2.8 spaces). <p>Total Required: 20.2 (20) spaces required</p> <p>Bicycle Parking (CDCP 2012)</p> <ul style="list-style-type: none"> Resi: 1 per 5 units (2.8). Visitor: 1 per 10 units (1.4). </td> </tr> </tbody> </table>	Development Type	Parking Requirement	Medium Density Residential Flat Building (GTTGD)	<p>Car Parking</p> <ul style="list-style-type: none"> 1 space per each apartment (14 spaces). 1 space per each 5 x 2 bedroom apartment (2.4 spaces). 1 space per each 2 x 3 bedroom apartment (1 space). Visitor: 1 space per 5 apartments (2.8 spaces). <p>Total Required: 20.2 (20) spaces required</p> <p>Bicycle Parking (CDCP 2012)</p> <ul style="list-style-type: none"> Resi: 1 per 5 units (2.8). Visitor: 1 per 10 units (1.4). 	<p>A total of 20 car parking spaces for future residents (including two accessible parking spaces) are proposed within the two levels of basement parking.</p> <p>A total of four car parking spaces (including one accessible parking space) are proposed at ground level associated with the commercial use.</p> <p>14 bicycle spaces are provided for the residential component within the basement and two bicycle spaces are provided for the commercial component at ground floor.</p>	Yes
Development Type	Parking Requirement						
Medium Density Residential Flat Building (GTTGD)	<p>Car Parking</p> <ul style="list-style-type: none"> 1 space per each apartment (14 spaces). 1 space per each 5 x 2 bedroom apartment (2.4 spaces). 1 space per each 2 x 3 bedroom apartment (1 space). Visitor: 1 space per 5 apartments (2.8 spaces). <p>Total Required: 20.2 (20) spaces required</p> <p>Bicycle Parking (CDCP 2012)</p> <ul style="list-style-type: none"> Resi: 1 per 5 units (2.8). Visitor: 1 per 10 units (1.4). 						

Section	Design Criteria	Proposed	Complies				
	<table border="1"> <tr> <td></td> <td>Total Required: 4.2(4) bicycle spaces required.</td> </tr> <tr> <td>Commercial premises component where use is subject to future application (CDCP 2012)</td> <td> Car Parking 1 space per 40m² GFA Total Required: 4 Spaces Bicycle Parking: <ul style="list-style-type: none"> Staff: 1 per 300sqm (0.53) Total Required: 0.53 (1) space. </td> </tr> </table>		Total Required: 4.2(4) bicycle spaces required.	Commercial premises component where use is subject to future application (CDCP 2012)	Car Parking 1 space per 40m ² GFA Total Required: 4 Spaces Bicycle Parking: <ul style="list-style-type: none"> Staff: 1 per 300sqm (0.53) Total Required: 0.53 (1) space.		
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Commercial premises component where use is subject to future application (CDCP 2012)	Car Parking 1 space per 40m ² GFA Total Required: 4 Spaces Bicycle Parking: <ul style="list-style-type: none"> Staff: 1 per 300sqm (0.53) Total Required: 0.53 (1) space.						
	The car parking needs for a development must be provided off street.	Car parking is provided off street and is integrated within the design of the development at ground level or within the basement parking area.	Yes				
Part 4 Designing the Building							
4A Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9 am and 3 pm at mid-winter.	The solar access study submitted identifies the following: <ul style="list-style-type: none"> 11 of the 14 apartments (78.57% will receive at least 2 hours solar access to internal living areas. 11 of the 14 apartments (78.57% will receive at least 2 hours solar access to private open space. 	Yes				
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	3 of the 14 apartments (21%) will not receive any solar access to internal living areas and private open space.	No – refer to comment [2] below				
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	The design enables all apartments (100% of apartments) to be naturally cross-ventilated. It is acknowledged that the acoustic report recommends that the apartments facing New Canterbury Road be mechanically ventilated to maintain an appropriate level of acoustic amenity. Areas for such services can be accommodated within the design.	Yes				

Section	Design Criteria	Proposed	Complies								
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The cross-over or cross-through depth occurs within 18m of a glass line to glass line.	Yes								
4C Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum Ceiling Height for Apartment and Mixed Use Buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum Ceiling Height for Apartment and Mixed Use Buildings		Habitable rooms	2.7m	Non-habitable	2.4m	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>The ground floor commercial premise has a floor to floor height of 4m.</p> <p>The ceiling heights of all residential floors are at least have a floor to floor height of 3.1m. These heights are consistent with the minimum heights outlined within the ADG.</p>	Yes
Minimum Ceiling Height for Apartment and Mixed Use Buildings											
Habitable rooms	2.7m										
Non-habitable	2.4m										
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use										
4D Apartment Size and Layout	<p>Apartment are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p>	Apartment Type	Minimum Internal Area	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Two bedroom: Min 75.3m² (comprising two bathrooms)</p> <p>Three bedroom: Min 98.9m² (comprising two bathrooms)</p>	<p>Yes</p> <p>Yes</p>
Apartment Type	Minimum Internal Area										
1 bedroom	50m ²										
2 bedroom	70m ²										
3 bedroom	90m ²										
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	<p>The size of each habitable room window is acceptable for the size of the room it serves.</p> <p>Daylight and air are not borrowed from other rooms.</p>	Yes								
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The combined living, dining and kitchen areas within each apartment do not exceed a depth of 8m with the exception of apartments 02 and 06. Should the application be approved, a condition of consent can be imposed to ensure the internal layouts of these apartments are revised to achieve compliance with the 8m depth requirement.	Yes – via condition of consent								

Section	Design Criteria	Proposed	Complies															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All master bedrooms have a minimum area of 10m ² . All other bedrooms have a minimum area of 9m ² .	Yes															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have a minimum dimension of at least 3m.	Yes															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 	All living/dining rooms for each two or three bedroom apartments comprise a minimum width of 4m in one direction.	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The width of each apartment is at least 4m.	Yes															
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table border="1" data-bbox="391 952 817 1254"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3 bedroom apartments	12m ²	2.4m	Two bedroom apartments: Principal area of private open space ranges between 10-16.1m ² and a primary depth of 2m. Three bedroom apartments: Principal area of private open space ranges between 12.9-16.8m ² and a primary depth of 3m.	Yes Yes
Dwelling type	Minimum Area	Minimum Depth																
Studio apartments	4m ²	-																
1 bedroom apartments	8m ²	2m																
2 bedroom apartments	10m ²	2m																
3 bedroom apartments	12m ²	2.4m																
4F Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	A maximum of four apartments are located off the single circulation core.	Yes															
4G Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" data-bbox="391 1713 817 2004"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	In accordance with drawing 981, storage is provided to each apartment in excess of the minimum requirements. Furthermore, at least 50% of the required storage is located within the relevant apartment. This design can be reinforced by way of condition of consent.	Yes – via condition of consent.					
Dwelling type	Storage size volume																	
Studio apartments	4m ³																	
1 bedroom apartments	6m ³																	
2 bedroom apartments	8m ³																	
3+ bedroom apartments	10m ³																	

Section	Design Criteria	Proposed	Complies
	At least 50% of the required storage is to be located within the apartment.		

The proposed development generally complies with the design criteria of the ADG with the exception of controls relating to visual privacy and number of apartments that do not receive direct solar access. The following matters require further discussion:

[1] Visual Privacy

Part 3F of the ADG outlines minimum separation distances from building to the side and rear boundaries. As the land located to the south and east of the site is zoned R3 Medium Density Residential, an increased separation distance of 3m (in addition to the requirements set out within table 1 of Part 3F) is required. The site is directly adjoined by Wattle Lane to the south and east of the site, and therefore for the purposes of this assessment, the kerb of the opposite side of Wattle Lane has been treated as the 'boundary line'. This is consistent with how this requirement has been calculated in similar circumstances within the locality.

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

- **To the eastern boundary:** A 5.4m separation is proposed for each level of the development. This distance does not comply with the 9m minimum requirement (40% variation) for Levels 2-4 and the minimum 12m requirement (55% variation) for Level 5.
- **To the western boundary:** A 4m building separation from the circulation corridor is proposed. This distance does not comply with the 6m minimum requirement (33.3% variation) for Levels 2-4 and the minimum 9m (55.5% variation) requirement for Level 5.
- **Within the site:** The bedroom window associated with apartment 13 and the balcony associated with apartment 14 is separated 12m, which does not comply with the minimum 18m requirement (33.3% variation).

The objective of Part 3F is:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

Despite the proposed numerical non-compliance with the minimum building separation controls, it is considered that the objective of Part 3F is achieved and adequate visual privacy is maintained to future occupants of the site and adjoining properties for the following reasons:

- The buildings/land to the east are the rear of the properties facing Melford Street and therefore further separation is provided to the key habitable rooms of these residential properties.
- Given the isolated nature of the site, strict compliance with these controls would substantially restrict the development potential of the site and would result in a development that would be inconsistent with the future intended character of the area.

- In terms of the eastern elevation, privacy screens are proposed to be applied to the each of the eastern facing windows of the development. Should the application be supported, a condition of consent will be included to ensure the louvres of these privacy screens are fixed, provide outlook but do not allow persons to look down. This design response will ensure amenity is provided to future occupants whilst ensuring appropriate visual privacy is provided and maintained.
- Should the application be supported, a condition of consent will be imposed to ensure the eastern elevations of the private open space areas associated with apartments 3, 7 and 11 comprise a privacy screen along the length of the eastern wall. The privacy screen is to be fixed on top of the eastern balustrade of the balcony to achieve an overall minimum height of 1.8m from finished floor level. This treatment will ensure an appropriate level of privacy is maintained to future occupants of the site as well as existing adjoining residential properties.
- In regard to the rooftop communal open space areas, should the application be supported, a condition of consent will be imposed to ensure a 1m deep landscape planter bed is provided along the entire length of the eastern elevation to deter persons standing and peering over the edge.
- In terms of the western elevation, it is acknowledged that privacy screens are provided along the common circulation area. Should the application be supported, a condition of consent will be imposed to ensure the louvres of these screens are angled 20degrees to the south to ensure the design does not facilitate direct lines of sight to the development to the west. This is considered to provide sufficient visual privacy whilst providing articulation in the building form through the use of different materials, rather than a blank wall.
- In terms of within the site, should the application be approved, the south facing window associated with bedroom 1 of apartment 13 will be conditioned to have a high sill window (at least 1.5m above finished floor level) to ensure an appropriate level of privacy is provided to future occupants of this apartment and apartment 14.

Given the unique nature and characteristics of the site, primarily by virtue of its isolated nature, strict compliance with the building separation controls would result in a development that would be out of character with the existing and desired future character of the zone. Through the incorporation of the abovementioned conditions, the design meets the objective of the control and is therefore considered acceptable in this instance.

[2] Solar Access

Part 4A(3) of the ADG specifies that a maximum number of 15% of apartments in a building are to receive no direct sunlight between 9am and 3pm at mid-winter. Three of the 14 proposed apartments (total of 21% of apartments) will not receive any solar access to internal living areas and private open space. The objective of this design criterion is as follows:

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

The proposed design ensures 11 of the 14 apartments (78.57%) will receive at least two hours solar access to the internal living area and private open space. This number exceeds the minimum 70% requirement and is considered to be the best outcome given the scale and proximity to the adjoining development. The proposed development meets the objective of Part 4A and therefore the non-compliance with Part 4A(3) is acceptable in this instance.

Canterbury Local Environmental Plan 2012 (CLEP 2012)

This site is zoned B2 Local Centre under CLEP 2012. The controls applicable to this application are:

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.8 Zoning	B2 Local Centre	The proposed development is classified as “shop top housing” under CLEP 2012. Shop top housing is permissible within the B2 Zone.	Yes
Part 4 Principal Development Standards			
4.3 Height of Buildings	18m	Max. 16.61m (existing ground level being RL46.29 and the top of the lift overrun and circulation core being RL 62.90)	Yes
4.4 Floor Space Ratio	N/A	N/A	N/A
Part 5 Miscellaneous Provisions			
5.10 Heritage Conservation	Development consent is required for demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance).	The site is not located within the vicinity of any heritage item or Heritage Conservation Area. However, the former Methodist Church located opposite the site at 8 Melford St Hurlstone Park is identified as a potential heritage item and the land along Melford Street is identified as a potential Heritage Conservation Area. The application was referred to Council’s Heritage Advisor who raised no objection to the proposed amended design.	Yes

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

Canterbury Development Control Plan 2012 (CDCP 2012)

The proposed development has been compared to the requirements of CDCP 2012 as follows:

Control	Requirement	Proposed	Complies
3.1.2 Site Amalgamations	Where comprehensive redevelopment is proposed; <ul style="list-style-type: none"> In B1 or B2 zone a min frontage of at least 12m, and preferably 18m 	12m	Yes

Control	Requirement	Proposed	Complies						
	will provide for development and car parking design that is more efficient.								
3.1.4 Avoid Isolating Undeveloped Sites	New development should not result in the isolation of neighbouring property that would be narrower or smaller than the required and could not be able to accommodate redevelopment.	The proposed development does not result in the isolation of neighbouring properties as the property directly to the east is strata titled.	Yes						
3.1.6 Height	Floor to ceiling heights: <ul style="list-style-type: none"> Provide a minimum 3.3m floor to ceiling height for the ground floor. Provide a minimum 2.7m floor to ceiling height for residential floors. Minimum car parking floor to ceiling height 2.8m. The floor to ceiling height may need to be increased to meet the requirements of the intended use, however, the maximum building height will still need to be complied with. 	The proposed floor to ceiling heights comply with the provisions of the ADG, which overrides CDCP 2012 ceiling height controls.	Yes						
3.1.7 Depth/ Footprint	Residential: <ul style="list-style-type: none"> Maximum 18m depth from glass line to glass line. 	Residential: All apartments comply with the depth requirements specified within the ADG which override the CDCP control in this instance.	Yes						
	Commercial and retail: <ul style="list-style-type: none"> Maximum depth 24m. Minimum depth 10m. 	Commercial: The ground floor commercial premise has a depth ranging between 13m-19.4m.	Yes						
3.1.8 Setback	Comply with the street level setback, number of storeys at the street level, and upper level setback in the following table. <table border="1" data-bbox="406 1547 869 2056"> <thead> <tr> <th></th> <th>Number of storeys at the street and setback</th> <th>Upper level setback</th> </tr> </thead> <tbody> <tr> <td>B2 Zone (except Campsie Civic Centre Precinct, Canterbury Town Centre and Roselands Shopping Centre)</td> <td>1-3 storeys Build to front boundary</td> <td>Fourth storey – 3m Greater than four storeys – 5 m (all storeys to be set back this distance including the fourth storey)</td> </tr> </tbody> </table>		Number of storeys at the street and setback	Upper level setback	B2 Zone (except Campsie Civic Centre Precinct, Canterbury Town Centre and Roselands Shopping Centre)	1-3 storeys Build to front boundary	Fourth storey – 3m Greater than four storeys – 5 m (all storeys to be set back this distance including the fourth storey)	Levels 1-3 are built to the front boundary (New Canterbury Road). The main building line of Levels 4 and 5 are setback 5m from the front boundary. The balconies on Level 4 and 5 encroach the 5m setback by 1m which is acceptable by virtue of Part 3.1.10 of CDCP 2012. Furthermore, the setback is in alignment with the adjoining development to the west.	Yes
	Number of storeys at the street and setback	Upper level setback							
B2 Zone (except Campsie Civic Centre Precinct, Canterbury Town Centre and Roselands Shopping Centre)	1-3 storeys Build to front boundary	Fourth storey – 3m Greater than four storeys – 5 m (all storeys to be set back this distance including the fourth storey)							

Control	Requirement	Proposed	Complies
	A rear setback is not required if the land adjoins a lane.	The rear of the site adjoins Wattle lane. Notwithstanding this, a minimum 2m setback is proposed.	Yes
	Side setback <ul style="list-style-type: none"> Do not provide a side setback in the B1 or B2 zone when the desired character is for a continuous street frontage. 	Refer to comment [1] below for discussion.	Yes
	On boundary with residential zone – side setback <ul style="list-style-type: none"> Establish a 45° height plane projected at 1.5m from the residential boundary. Provide minimum 1.5m setback to the residential zone boundary. A two-storey limit on the boundary with residential zone applies. (Refer to Figure 3.4 in the CDCP). 	The site adjoins a R3 Medium Density Residential Zone to the east. Given the eastern elevation adjoins Wattle Lane, the boundary has been taken from the kerb on the opposite side of Wattle Lane. A four storey design on the boundary is proposed, which does not comply with the two-storey requirement. A small portion of Levels 4 and 5 protrudes beyond the building height plane.	No – refer to comment [2] below
	On boundary with residential zone – rear setback <ul style="list-style-type: none"> Establish a 45° height plane projected at 6m from the residential boundary. Provide minimum 6m setback to the residential zone boundary. A two-storey limit on the boundary with residential zone applies. (Refer to Figure 3.5 in the CDCP). 	The site adjoins an R3 Medium Density Residential Zone to the rear. Given the southern elevation adjoins Wattle Lane, the boundary has been taken from the kerb on the opposite side of Wattle Lane. A three-storey limit on the boundary is proposed, which does not comply with the two-storey requirement. A small portion of Level 5 protrudes beyond the building height plane.	No – refer to comment [2] below
3.1.9 Building Separation	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to visual privacy have no effect in the assessment of residential apartment development applications. Part 3.1.9 of CDCP 2012 is therefore not relevant to the assessment of this application and visual privacy matters have been assessed only in related to Part 3F of the ADG (as detailed in the table above).		
3.1.12 – 3.1.14 Car Parking	Under clause 3J of the ADG, development within 800 metres of a railway station in the Canterbury Bankstown LGA must provide the minimum car parking requirement for residents and visitors that is the lesser of that set out within the RMS's Guide to Traffic Generating Developments or Council's requirements. Refer to discussion above in the table relating to compliance with the minimum parking requirements (3J Car Parking of the ADG compliance table).		

Control	Requirement	Proposed	Complies
3.2.1 Context	New built form and character: <ul style="list-style-type: none"> Building form and design do not have to mimic traditional features, but should reflect these in a contemporary design. 	The design of the proposed development is contemporary through the use of flat roof and colours of materials and does not mimic traditional features.	Yes
3.2.2 Street Address	Entries: <ul style="list-style-type: none"> Locate entries so they relate to the existing street, subdivision pattern, street tree planting and pedestrian access network – for example ensure entries are not obscured by street trees or landscaping. Provide an awning over the entry to contribute to the legibility of the development and the public domain. Provide accessible entries for all potential use such as the transporting of furniture. Provide entries to upper levels in business centres, from the street front façade to encourage activities on the ground floor and service activities to rear of the buildings. 	The commercial entry point is located along New Canterbury Road which will ensure any future commercial/retail use will contribute to an active street frontage.	Yes
		A separate entry point for the residential use is located along the New Canterbury Road frontage. A cantilevered awning is proposed along the New Canterbury Road frontage and part of the Wattle Lane frontage to provide weather protection for both entry points. It is noted that the awning partially overhangs the kerb along the eastern elevation. A condition will be imposed to ensure the awning does not overhang onto the roadway.	Yes – via condition of consent
	Habitable rooms: <ul style="list-style-type: none"> Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to promote positive social interaction and community safety. 	The habitable rooms and private open space of each apartment is orientated towards the adjoining streets.	Yes
3.2.3 Façade Design and Articulation 3.2.4 Façade Details	General: <ul style="list-style-type: none"> Avoid long spans of blank walls along street frontages and address both street frontages with façade treatment, and articulation of elevations on corner sites. Incorporate contrasting elements in the façade - use a harmonious range of high quality materials, finishes and detailing: <ul style="list-style-type: none"> Define a base, middle and top related to the overall proportion of the building, Express key datum lines using cornices, change in materials or change in setback, 	The design of the proposed building is articulated through the inclusion of balconies, opens and setbacks. The design of the building is essentially in two modules through locating private open space areas and increased setbacks in the middle of the site.	Yes

Control	Requirement	Proposed	Complies
	<ul style="list-style-type: none"> - Express the variation in floor to floor height, particularly at lower levels, - Articulate building entries with awnings, porticos, recesses, blade walls and projecting bays, - Use a variety of window types to create a rhythm or express building uses and use recessed balconies and deep windows to create shadows, adding visual depth to the façade, - Detail balustrades to reflect the type and location of the balcony and its relationship to the façade, - Incorporate architectural features which give human scale at street level, including entrances, awnings, colonnades, pergolas and fences, - Use colour, variation in the types of materials and arrangement of façade elements and materials to articulate different parts of a building façade - a material palette can include brickwork, rendered masonry, sheet materials, glazing, sandstone and treated metals and timbers, - Incorporate horizontal and/or vertical elements, such as indentations in the façade plane, string courses and bandings, window openings and building entrances. • Express building layout or structure in the façade - architectural features such as columns, beams, floor slabs, balconies, wall opening and fenestration, doors, balustrades, roof forms and parapets are elements that can be revealed or concealed and organised into simple or complex patterns. • Design façades to reflect the orientation of the site using 		

Control	Requirement	Proposed	Complies
	<p>elements such as sun shading devices, light shelves and bay windows.</p> <ul style="list-style-type: none"> Modulate the wall alignment with a step in of at least 1m. 		
	<p>Solid and void ratio:</p> <ul style="list-style-type: none"> Do not allow balconies and voids to dominate publicly visible façades (excluding glass shop fronts and colonnades in business centres). Use a solid to void ratio in the vicinity of 50%, with each façade measured independently. Disharmony arises when the range of solid to void is extreme, such as fully glazed façades or those with multi-balcony 'egg crates'. Voids include fenestration, balconies, porches and loggias. Do not include shopfronts in the 50% solid to void ratio calculation Use balconies in moderation and integrate them into the overall composition of the façade - do not use a monotonous or repetitive configuration of balconies. Where possible place balconies facing an internal courtyard and do not place all balconies on an external façade. Use balcony types that respond to the street context, building orientation and residential amenity. Use lightweight materials and construction for balconies: <ul style="list-style-type: none"> Support verandas and balconies with slender metal or timber frames, rather than concrete columns or masonry piers, Construct balcony balustrades with glass panels, open metal framing, board or sheet cladding, rather than entirely of masonry, or break up significantly blank walls of masonry with panels. 	<p>Balconies of the proposed development are orientated towards the adjoining streets to improve natural surveillance and obtain solar access (where possible).</p> <p>The balconies are integrated within the design of the building and there is adequate variety in balconies configuration along each street front. Further, the use of a variety of setbacks also ensures the proposed balconies do not appear to be monotonous when viewed from the adjoining streets.</p>	Yes

Control	Requirement	Proposed	Complies
	<p>Locate and proportion windows to minimise scale and bulk of new building:</p> <ul style="list-style-type: none"> Large windows are most-effective when they are located at the corners of a building, or if they are designed as projecting bay windows, Screen major windows with blinds, louvre screens, awnings or pergolas. Do not use dormer windows. 	<p>Large openings are integrated at the north-eastern corner of the site.</p> <p>Appropriate privacy screens have been integrated within the design of habitable room windows that are located within close proximity to existing residential premises (particularly windows along the eastern elevation). This requirement will be enforced via condition of consent.</p>	<p>Yes</p> <p>Yes – via condition of consent</p>
3.2.5 Shopfront	Windows on the street frontage are transparent (not mirrored) to provide visibility between interior and exterior spaces, allow for surveillance of the street and provide interest for pedestrians.	Windows associated with the ground floor commercial/retail premises are transparent to facilitate natural surveillance in and out of the site.	Yes
3.2.7 Frontage Types	<p>Cantilevered Awning:</p> <ul style="list-style-type: none"> The façade of the building is built to the front street boundary. An awning cantilevered from the building façade just underneath the first floor overhangs the footpath by 3m. The footpath is covered so that pedestrians are able walk underneath the awning. Awning height is in the range of 3.2m - 4.2m from natural ground level. Place awning so that it complements the height, depth and form of the desired character or existing pattern of awnings, and provides sufficient protection from sun and rain. 	<p>The proposed cantilevered awning is proposed along the New Canterbury Road frontage and part of the Wattle Lane frontage to provide weather protection for pedestrians accessing both the commercial and residential component of the development.</p> <p>The awning overhangs the footpath by 3m and is a maximum of 3.4m above ground level. The proposed awning is integrated within the design of the building and complements the existing awnings along this portion of New Canterbury Road.</p>	Yes
3.2.8 Roof Design	<p>Emphasise building articulation with the shape and alignment of the roof.</p> <p>Relate roof design to the size and scale of the building, the building elevations and three dimensional building form – including the design of any parapet or terminating elements, and the selection of roof materials.</p> <p>Relate roof design to the desired built form and context.</p>	The proposed roof design is consistent with the design of other commercial/mixed use development along this portion of New Canterbury Road.	Yes

Control	Requirement	Proposed	Complies
	<p>Roof terraces are permitted with consent in all business zones except the B1 Zone.</p> <p>A management strategy is required, and must be approved by Council as part of the development application, for any proposed roof terrace.</p> <p>Supplement open space on roof terraces by providing space and appropriate building systems to support the desired landscape design, incorporating shade structures and windscreens to encourage use of roof top open space.</p> <p>Demonstrate that roof terrace has been designed so as to protect the privacy, solar access and amenity of adjoining buildings. Measures to minimise overlooking of adjoining properties include screening or planting between properties, and preventing rooftop users from standing at the edge of roof terraces that look into adjoining properties through planting and screens.</p> <p>Allow for views and casual surveillance of streets and public open space from roof terraces.</p>	<p>The proposal comprises a roof terrace for communal open space. A Plan of Management was submitted as part of the Statement of Environmental Effects on 24 January 2017.</p> <p>The Plan outlines that no amplified music is permitted within the outdoor communal areas and the building manager will be responsible for cleaning the space on a regular basis.</p> <p>The plan of management will be incorporated as a condition of consent, should the application be supported.</p>	Yes – via condition of consent
3.2.9 Services and Utility Areas	<p>Integrate services and utility areas with the design of the whole development – coordinate materials with those of the building, and integrate with landscaping.</p> <p>Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.</p> <p>Appliances that are fitted to the exterior of a building, and enclosures for service meters, should not detract from the desired architectural quality of new building, or the desired green character of streetscapes.</p> <p>Service authorities and the applicable Australian Standards outline technical</p>	<p>Service and utility areas are integrated into the design of the building as they are located within the basement, landscaping or the building envelope (screened from public view).</p>	Yes

Control	Requirement	Proposed	Complies
	requirements for the location and installation of appliances and meters.		
	<p>Unscreened appliances and meters should not be attached to any façade that would be visible from a street, driveway or a principal communal area within the site:</p> <ul style="list-style-type: none"> • Screen air conditioning units behind balcony balustrades, • Provide screened recesses for water heaters rather than surface mounting them on exterior walls, • Locate meters in service cabinets. 	All services are integrated within the design of the building and/or within the basement.	Yes – via condition of consent
	Provide communal rooftop antennas rather than multiple individual antennas.	Antenna can be conditioned	Yes – via condition of consent
	Co-ordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	Drainage pipes etc are integrated within the overall façade.	Yes
	<p>Mailboxes:</p> <ul style="list-style-type: none"> • Design and provide discretely located mailboxes at the front of the property in accordance with Australia Post standards. 	The mailboxes are located within the entrance to the residential component.	Yes
	<p>Siting solar hot water systems:</p> <ul style="list-style-type: none"> • Locate the system so it is not visible from the street or other public places. • Use colour that is consistent with the colour of roof materials. • Locate the water storage tank so it is separated from the solar collectors and can be situated on a less visually obtrusive part of the roof, or within the building (for example, within the roof space or laundry). 	Hot water systems will be integrated within the design of each apartment and will therefore be screened from public view.	Yes – via condition of consent
3.3.1 Visual Privacy	<p>Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to visual privacy have no effect in the assessment of residential apartment development applications.</p> <p>Clause 2.3.1 of the CDCP is therefore not relevant to the assessment of this application and visual privacy matters have been assessed only in relation to part 3F of the ADG (as detailed in the table above).</p>		
3.3.2 Acoustic Privacy	<p>Address all requirements in <i>'Development Near Rail Corridors and Busy Roads (Interim Guideline')</i> which has been published by the NSW Department of Planning.</p> <p>Design the layout of lower levels facing the road or rail to:</p>	Acoustic privacy has been assessed against the requirements of SEPP 2007 earlier within this report.	Yes

Control	Requirement	Proposed	Complies
	<ul style="list-style-type: none"> • Locate the position of windows facing the noise source and ensure that total unprotected window area is minimal (and following Building Code) so as to limit the amount of airborne noise entering the built fabric, • Ensure that the detailing of the window types addressing the corridors are designed and constructed to attenuate excessive noise - (double and triple glazing and insulated to manufacturers standards), • Ensure that balcony parapet walls are constructed of solid masonry or materials of similar sound attenuating qualities. <p>When designing the public spaces fronting busy roads and the rail corridor at ground level, consider the use of elements such as moving water and screens to achieve sound attenuation.</p>		
3.3.3 Open Space	<p>Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to open space and balconies have no effect in the assessment of residential apartment development applications.</p> <p>Clauses 2.3.3 and 2.3.4 of the CDCP are therefore not relevant to the assessment of this application and open space and balcony matters have been assessed only in relation to part 4E of the ADG (as detailed in the table above).</p>		
3.3.4 Internal Dwelling Space and Design (Including storage)	<p>Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to apartment size and layouts have no effect in the assessment of residential apartment development applications.</p> <p>Clause 2.3.5 of the CDCP is therefore not relevant to the assessment of this application and matters have been assessed only in relation to part 4D of the ADG (as detailed in the table above).</p>		
3.3.5 Housing Choice	<p>Include a mix of unit sizes, such as studio, one, two, three and three plus bedroom apartments.</p> <p>Provide 10% of residential units, in each building with more than 30 units, as accessible and adaptable apartments.</p> <p>Design for flexible apartment configurations that support commercial uses on the ground floor in order to adapt to potential changes in the future.</p>	<p>The proposal comprises a mix of two bedroom, two bedroom plus study and three bedroom apartments of various sizes.</p> <p>Furthermore, three of the 14 apartments proposed (21.4% of apartments) are capable of being adaptable. However, insufficient disabled parking spaces are provided within the basement to cater for three adaptable apartments</p>	Yes – via condition of consent

Control	Requirement	Proposed	Complies
	Promote housing choice by: <ul style="list-style-type: none"> • Providing private gardens or terraces which are directly accessible from the main living spaces of the apartment and support a variety of activities: • Maximising the number of accessible and visitable apartments on the ground floor. • Supporting a change or partial change in use, such as a home office accessible from the street. 	and therefore a condition will be imposed to ensure two of the 14 apartments (14.3% of apartments) are adaptable.	
6.1.1-6.1.4 Access and Mobility	An indicative Building Code of Australia (BCA) Compliance Report prepared by Building Innovations Australia dated 26 April 2016 accompanied the application. In terms of provisions relating to access for persons with a disability, the report concludes that subject to noting the requirements of each clause, compliance with the BCA can be readily demonstrated without significant implication to the design, if approved. The recommendations of the report will be included as a condition of consent, should the application be approved.		Yes – via condition of consent
6.2.1 Internal Layout	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Each apartment comprises a dual orientation, being either north-south or north-east. Some apartments comprise a north, south and easterly orientation.	Yes
	Site the building and outdoor space to avoid shadows cast from nearby buildings.	Primary balconies for each apartment are located along the external façade (northern elevation where possible) to maximise solar access. Further, given the constraints of the site, a roof-top communal space is proposed to provide adequate open space for future residents.	Yes
	Locate communal open space to optimise solar access to apartments.	Communal open space is located on Level 5 to optimise solar access to apartments.	Yes
	Consider providing adequate external clothes drying areas for all residents in the building.	The balconies provided to each apartment comply with the minimum dimension and size requirement and therefore, the area is capable of incorporating external clothes drying areas.	Yes
6.2.2 Internal Layout	Configure the building to maximise solar access to rooms that are occupied during the day (such as living areas, offices, waiting rooms and	Each apartment comprises a dual orientation, being either north-south or north-east. Some apartments comprise a	Yes

Control	Requirement	Proposed	Complies												
	lunchrooms). Locate service areas to the south and west of the building.	north, south and easterly orientation. The primary balcony of each apartment comprises a northerly orientation to obtain as much solar access as possible.													
6.2.3 Window and Glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer. Minimise east-facing and west-facing glazed areas to reduce low summer sun penetration into the building, where this does not compromise the creation of active street frontage and casual surveillance.	Placement of windows on the northern elevation has been incorporated into the design.	Yes												
6.2.4 Shading and Glare	Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Use shading devices such as eaves, awnings, shutters, louvres, pergolas, balconies, colonnades and external planting; provide horizontal shading to north-facing windows and vertical shading to east or west windows.	Shading devices in the form of louvres have been incorporated within the design, particularly to the windows on the eastern elevation.	Yes												
6.2.5 Insulation and Thermal Mass	Maximise thermal mass in floor and walls in northern rooms of the building. Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter, as follows: <table border="1" data-bbox="408 1760 855 1912"> <thead> <tr> <th></th> <th>Other Min R-value</th> <th>Industrial Min R-value</th> </tr> </thead> <tbody> <tr> <td>Roof</td> <td>2.0</td> <td>2.5</td> </tr> <tr> <td>Wall</td> <td>1.0</td> <td>1.5</td> </tr> <tr> <td>Floor</td> <td>1.0</td> <td>1.0</td> </tr> </tbody> </table>		Other Min R-value	Industrial Min R-value	Roof	2.0	2.5	Wall	1.0	1.5	Floor	1.0	1.0	This has been addressed in the BASIX Certificate.	Yes
	Other Min R-value	Industrial Min R-value													
Roof	2.0	2.5													
Wall	1.0	1.5													
Floor	1.0	1.0													
6.2.6 Daylight Access and Sun Access	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to solar and daylight access, have no effect in the assessment of residential apartment development applications.														

Control	Requirement	Proposed	Complies
	Clause 6.2.6 of the CDCP is therefore not relevant to the assessment of this application and matters have been assessed only in relation to Part 4A of the ADG (as detailed in the table above).		
6.2.6 Daylight Access and Sun Access (Adjoining Development)	Existing residential dwellings adjoining the site: At least two hours sunlight between 9am and 3pm on 21 June shall be retained for existing indoor living areas and at least 50% of the principal portion of existing private open space.	Refer to discussion within point [3] below.	Yes
6.2.7 Ventilation	Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to natural ventilation, have no effect in the assessment of residential apartment development applications. Clause 6.2.7 of the CDCP is therefore not relevant to the assessment of this application and matters have been assessed only in relation to Part 4B of the ADG (as detailed in the table above).		
6.2.8 – 6.2.11 Heating, Cooling, Water Heating, Appliances, Lighting and Water Saving Devices	Provide heating/cooling systems to target only those spaces that need heating or cooling – use zone system and isolate those areas that are difficult to heat, such as warehouse floors. Consider the installation of active solar energy systems. In residential and mixed use buildings: <ul style="list-style-type: none"> - Allow entries to open into lobbies or vestibules that are isolated from areas within the apartment, - Provide gas bayonets to living areas, - Provide reversible-ceiling fans for improving air movement in summer and for distributing heated air in winter, - Provide or plan for future installation of solar collectors and photovoltaic panels. 	This has been addressed in the BASIX Certificate.	Yes
6.3.1- 6.3.5 Crime Prevention	Site and Building Layout: Address the street, or both streets and corners	The building and dwellings are orientated towards New Canterbury Road and Wattle Lane.	Yes
	Site and Building Layout: Position habitable rooms with windows adjacent to the main communal area.	No windows are orientated towards the roof-top communal open space area. However, should the application be approved, a condition of consent will be imposed to ensure the roof-	Yes – via condition of consent

Control	Requirement	Proposed	Complies
		top terrace has restricted access to residents only. This has been accepted for similar designs comprising roof top communal open space in the locality.	
	Site and Building Layout: Avoid blind corners in pathways, stairwells, hallways and car parks.	The building layout avoids blind corners.	Yes
	Access Control: Access to the individual units be clearly marked and apparent to visitors.	The entry is to be clearly numbered with the dwellings accessible through that entry.	Yes
	Access Control: Install intercom, code or card locks or similar to main entries to buildings, including car parks.	Intercoms and controlled access measures (e.g. roller doors) to be installed at the residential building entry point, main entry point to basement car park and entry point to residential component of basement car park.	Yes – via condition of consent
	Access Control: Concealment points be eliminated.	The proposal eliminates concealment points by controlling access to the site.	Yes
	Mixed Land Uses: Located shops and business on lower floors and residences on upper floors.	The design comprises ground floor commercial/retail premises with residences located above.	Yes
	Ownership: Dwellings and communal areas to provide sense of ownership.	Sense of ownership is achieved through the use of design features, building materials and site layout.	Yes
6.4 Development Engineering, Flood and Stormwater	The application was referred to Council's Development Engineer who raised no objection to the application, subject to conditions of consent.		Yes
6.5 - 6.5A Heritage	The application was referred to Council's Heritage Advisor who raised no objection to the application, subject to conditions of consent.		Yes
6.6 - 6.7 Landscaping and Tree Preservation	The application was referred to Council's Landscape Architect who raised no objection to the application, subject to conditions of consent.		Yes
6.8.1 Vehicle Access and Parking	Under clause 3J of the ADG, development within 800 metres of a railway station in the Canterbury Bankstown LGA must provide the minimum car parking requirement for residents and visitors that is the lesser of that set out within the RMS's Guide to Traffic Generating Developments or Council's requirements. Refer to discussion above relating to compliance with the minimum parking requirements (3J Car Parking of the ADG compliance table). In addition to the above, the application was referred to Council's Development Engineer and Team Leader Traffic and Transportation		Yes

Control	Requirement	Proposed	Complies
	<p>who raised no objection to the application, subject to conditions of consent.</p> <p>It is acknowledged that mechanical car lifts are proposed to provide vehicular access to the basement. Given the narrow and isolated nature of the site, the proposed mechanical parking device is considered appropriate in accordance with Part 6.8.15(i) of CDCP 2012.</p>		
6.9 Waste Management	The application was referred to Council's Resource Recovery Project Officer who raised no objection to the application, subject to conditions of consent.		Yes

[1] Setback

The site is located within a B2 zone and is located at the periphery of a commercial strip shop style development with residential uses located above. In accordance with Part 3.1.8(vi) a nil setback is permitted in the B2 zone when the desired character is for a continuous street frontage. The character of existing development along this portion of New Canterbury Road is a primarily a continuous street frontage. The proposed nil side setback of the subject development to the western boundary is generally consistent with the existing development as well as the future desired character of the locality.

It is acknowledged that the design comprises a wall on the common boundary, directly adjoining the existing balcony of an apartment within the development to the west and approximately 2.6m from the main building line of the adjoining development. The design of the existing building to the west is unusual and is not consistent with the design of similar style developments within the existing B2 zoned locality. Council's records include applications relating to the adjoining development dating back to the 1970s. Overall, the design of the existing building to the west did not consider the potential redevelopment of the subject site.

Notwithstanding this, it is important that potential impact of the development on the existing building to the west be considered. Should a setback be provided along this elevation, it would not contribute to any significant greater outlook for the balcony or windows located along the eastern elevation of the adjoining development. Furthermore, it would substantially impact on the functionality of any development on the subject site, given its existing width and isolated nature. Given the orientation of the site, the proposed development will only slightly overshadow the second storey balcony at 9am. The balcony that directly adjoins the common boundary extends along the northern elevation of the building. Therefore, the balcony will continue to obtain an appropriate level of solar access in mid-winter. It is also acknowledged that another balcony is located on the third floor of the adjoining development. This balcony is setback from the common boundary by approximately 2.6m. It has a dual north-east orientation and will not be impacted by the proposed development in terms of overshadowing. Based on objections received, the eastern facing windows, closest to the subject site, are to bedrooms. Given the orientation of the site, these windows will not be overshadowed by the proposed development. The living rooms windows of these apartments, face north (New Canterbury Road) and will therefore continue to receive adequate solar access.

Furthermore, should a setback be requested, it would result in a design that is not consistent with the continuous streetscape design of the locality. The treatment and separation between

the subject site and the adjoining building to the west is not dissimilar to the treatment of the adjoining building to the next building further west (710 New Canterbury Road). Furthermore, Levels 4 and 5 are setback 5m from the northern elevation to further facilitate solar access to the adjoining property.

It is acknowledged that the development of the site will alter the existing outlook for residents located within the adjoining development to the west as currently the subject site comprises a single storey development. The existing outlook for adjoining residents does not comprise any iconic views. Furthermore, the western elevation of the building has attempted to provide some visual interest through the inclusion of different coloured rendered panels. This design provides greater visual interest than a plain blank façade. The proposed shop top housing development is a permissible use within the zone and it complies with the maximum building height development standard applicable to the site. A nil side setback is proposed along part of the western boundary which is in keeping with majority of the existing similar development in this zone as well as the future desired character. The building has been essentially separated into two buildings, connected by a common circulation area. This design reduces the perceived bulk of the development and also provides for articulation and separation, specifically along the western elevation. This design response is supported as it improves the visual impact of the development and solar access impacts, primarily when viewed from the west or east.

[2] Building Height Plane

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

- Side: Part 3.1.8(viii-ix) requires a development to be located within a 45 degree height plane, projected and measured at 1.5m from the residential boundary.
- Side: Part 3.1.8(x) stipulates that a two-storey limit on the boundary with the residential zone applies.
- Rear: Part 3.1.8(xi-xiii) requires development to be located within a 45 degree height plane, measured at 6m from the residential boundary.
- Rear: Part 3.1.8(xiii) stipulates that a two-storey limit on the boundary with the residential zone applies.

As outlined within the figures below, the proposed design marginally encroaches the 45 degree building height plane along the side elevation (eastern elevation) as well as along the rear elevation (southern elevation), particularly on the upper levels (Levels 4 and/or 5). Furthermore the design does not comply with the two storey height limit on either elevation as a four storey design is proposed along the eastern elevation and a three storey design is proposed along the southern elevation.

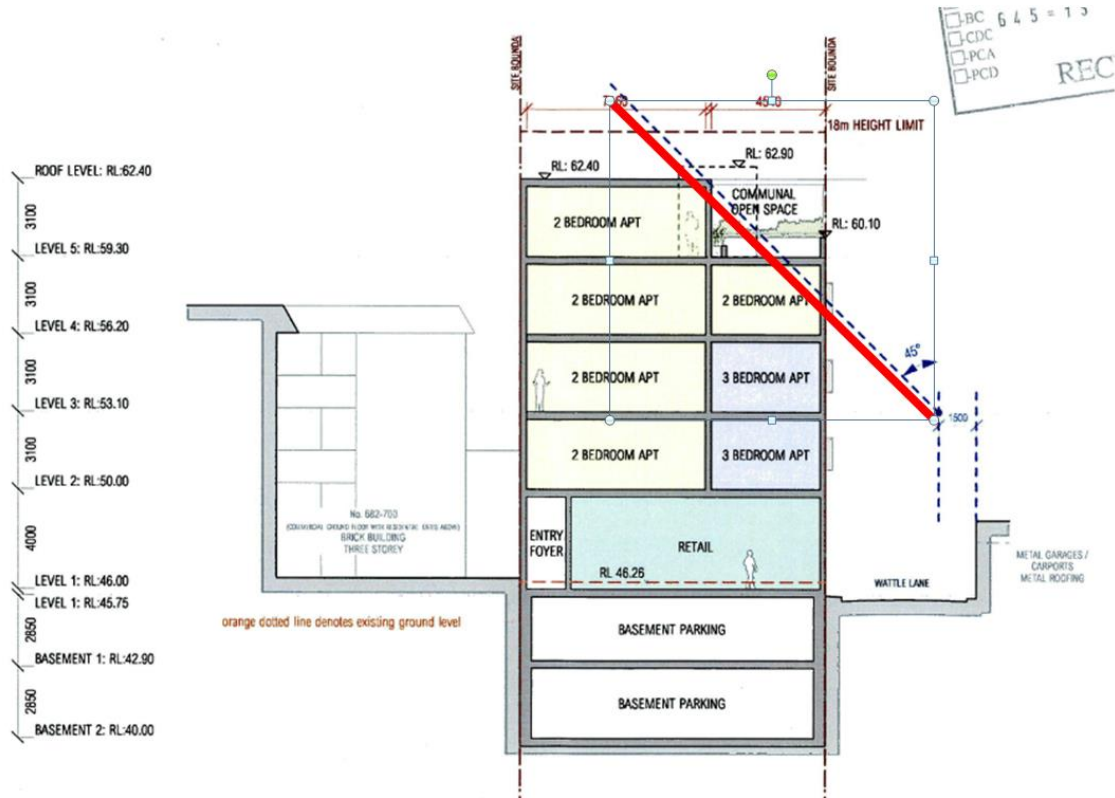


Figure 6: Side Setback (red line indicates building envelope requirement)

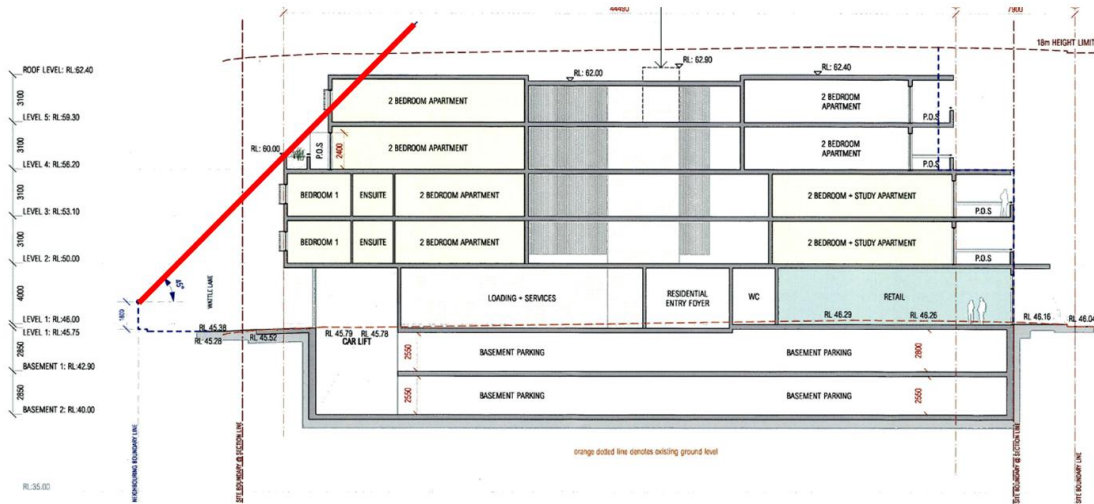


Figure 7: Rear Setback (red line indicates building envelope requirement)

The objectives of Part 3.1.8 are as follows:

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

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

- The design is in keeping with the desired street building wall and complies with the setback controls along New Canterbury Road which establishes and defines the street edge.
- The design incorporates setting back Level 5 along the eastern elevation and Levels 4 and 5 along the southern elevation to reduce bulking size and bulk.
- The entire building is setback a minimum of 2m from the rear boundary, despite Part 3.1.8(ii) specifying that a rear setback is not required for development that adjoins a lane. This design feature also assists in reducing building size and bulk.
- The development complies with the maximum 18m building height control.
- As outlined within this report, despite the proposed variation to the building height control, an appropriate level of amenity will be maintained do adjoining properties. Appropriate measures will be imposed to ensure visual privacy is maintained to properties located to the east. Furthermore, the design achieves compliance with the minimum solar access to adjoining properties control.

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

[3] Solar access to adjoining properties

Given the orientation of the site, the property to most likely be affected by the proposal is the property located directly to the south of the site on the opposite side of Wattle Lane (known as 16 Melford Street) and the properties to the east of the site.

To the east of the site are the rear of the properties fronting Melford Street. The rear of these properties (comprising outbuildings and landscaped area) are not impacted by the proposed development until 11am. It is important to note, no windows are located along the western elevation of the outbuildings adjoining Wattle Lane to the east. At 11am, majority (>50%) of the rear yard of each property will receive solar access, with the exception of 10 Melford Street which is already overshadowed by the existing Church at 8 Melford Street to its north. Solar access to the private open space of 10 Melford Street is generally maintained as existing until 1pm. Majority of the dwellings will not be impacted by the proposed development until 1pm. On this basis, at least two hours solar access is maintained to the properties located to the east and their associated private open space in mid-winter.

The property located at 16 Melford Street to the south of the site comprises its private open space area at the rear of the site which is directly south of the subject site. Solar access to this site is suitably maintained through-out the day in accordance with Council's controls, however specifically between 1pm-3pm, where majority of overshadowing caused by the subject development is located to the north of 16 Melford Street.

Given the orientation of the site, the existing shop top housing development to the west will not be significantly impacted by the proposed development, in terms of solar access. The overshadowing diagrams submitted identify that a portion of the balcony directly adjoining the western boundary of the site will be overshadowed by the proposed development at 9am. However, even in this instance, more than 50% of the balcony will receive solar access. The eastern facing windows of the proposed development to the west will not be impacted by the

development. The building at 682-704 New Canterbury Road casts shadow on itself from 10am onwards.

In light of the above, the development complies with Council's solar access provisions.

ADDITIONAL CONSIDERATIONS

Ausgrid

Ausgrid were notified of the subject application. Ausgrid raised no objection to the proposal subject to conditions ensuring that any work undertaken near overhead power lines to be done in accordance with the relevant Ausgrid rules and standards and the relevant workcover document. Should the application be supported, appropriate conditions will be imposed to satisfy Ausgrid's comments.

Environmental Health

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

Youth and Safety

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

Part 7 – Notification

The application was publically advertised for 21 days on three separate occasions. The second and third readvertising periods were required due to the changes in the proposed design. The advertising periods concluded on 17 February 2016, 7 June 2016 and 14 June 2017. During these advertising periods, 18 objections were received from nine households and two petitions (one comprising signatures from 40 households and the other from 33 households).

The matters raised in the submissions are broken down into categories and are discussed below:

Variations to Standards

- **The development does not comply with the maximum 18m building height standard within Canterbury Local Environmental Plan 2012.**

The recent revision has reduced the building height. The maximum building height is 16.61m which complies with the maximum 18m building height standard.

- **The development is inconsistent with the objectives of the zone within Canterbury Local Environmental Plan 2012.**

The development is consistent with the objectives of the B2 Local Centre zone as it is located within walking distance of a railway station and bus services, it comprises a

ground floor retail component which facilitates retail and business uses within an accessible location.

- **The development does not comply with setback controls outlined within Canterbury Development Control 2012, specifically in regard to setback to the development to the west.**

In accordance with Part 3.1.8(vi) a nil setback is permitted in the B2 zone when the desired character is for a continuous street frontage. The design comprises a wall on the common boundary, directly adjoining the existing balcony of an apartment within the development to the west and approximately 2.6m from the main building line of the adjoining development. The design of the existing building to the west is unusual and is not consistent with the design of similar style developments within the existing B2 zoned locality. Based on Council's assessment, the nil setback is in keeping with the desired character of the area and will not result in any significant adverse impacts on the adjoining residential properties.

- **The development does not comply with the building height plane control outlined within Canterbury Development Control 2012.**

The revised design does propose to encroach, at points, the building height plane control specified within CDCP 2012. On this basis, the proposed design was considered on its merits. Council's assessment determined that despite the non-compliance, the proposed design was in keeping with the objectives of the control and would still achieve compliance with the solar access provisions for adjoining properties. On this basis, the proposed variation is considered acceptable in this instance.

- **The development does not comply with front and rear setback controls specified within Canterbury Development Control Plan 2012.**

The proposed development does comply with the front setback controls specified within CDCP 2012. Part 3.1.8(ii) also states that a rear setback is not required if the land adjoins a rear lane. This control is applicable to the site. Despite this control, the entire building has been setback a minimum 2m from the rear boundary.

- **The basement does not comprise enough storage within the apartment to comply with the minimum requirements in the ADG.**

The ADG limits the amount of storage to be provided within the basement. The ADG states that at least 50% of the required storage area for each apartment is to be provided within the respective apartment itself. This is to ensure storage is easily accessible to future residents. The proposed design complies with the minimum storage requirements. Furthermore, the minimum storage requirements will be enforced by way of condition of consent.

- **The development does not comply with the solar access requirements within the ADG.**

The original designs submitted to Council did not comply with the minimum solar access requirements specified within the ADG. The applicant was requested to revise

the design to achieve compliance with this controls, as well as others. The revised design exceeds the minimum solar access provisions outlined within the ADG.

- **The development does not comply with the deep soil requirements within the ADG.**

The ADG outlines minimum deep soil requirements. However, it acknowledges that the minimum requirements may not be achieved in certain instances, for instance whether 100% site coverage occurs at the ground level. This instance occurs at the site. Notwithstanding this, alternative forms of landscaping have been incorporated within the design. On this basis, the exclusion of deep soil area within the design is acceptable in this instance.

- **Inadequate solar access will be provided to apartments 3, 7 and 11 which results in a non-compliance with the ADG.**

Part 4A(3) of the ADG specifies that a maximum number of 15% of apartments in a building are to receive no direct sunlight between 9am and 3pm at mid-winter. Three of the 14 proposed apartments (total of 21% of apartments) will not receive any solar access to internal living areas and private open space. The proposed design ensures 11 of the 14 apartments (78.57%) will receive at least two hours solar access to the internal living area and private open space. This number exceeds the minimum 70% requirement. On this basis, the proposed design achieves compliance with the objective of Part 4A(3) and is therefore considered acceptable in this instance.

- **The 45 degree height plane has been calculated incorrectly as it has been taken from the opposite side of Wattle Lane.**

Given the site is bound by a lane to the south and the east, the 'residential' boundary has been taken from the kerb on the opposite side of the lane. This interpretation and calculation is consistent with how this control has been applied for similar developments in similar instances.

Impacts

- **The proposed nil setback to the western boundary will result in adverse privacy and solar impacts to existing residents of the property to the west.**

No windows are provided along the western elevation of the proposed development. Furthermore, the location of the communal open space area has been revised to be located along the eastern elevation, to minimise potential privacy impacts to existing properties located to the west.

In terms of solar access, given the orientation of the site, the existing shop top housing development to the west will not be significantly impacted by the proposed development, in terms of solar access. The overshadowing diagrams submitted identify that a portion of the balcony directly adjoining the western boundary of the site will overshadowed by the proposed development. However, even in this instance, more than 50% of the balcony will receive solar access. The eastern facing windows of the proposed development to the west will not be impacted by the development. The building at 682-704 New Canterbury Road cast shadow on itself from 10am onwards.

- **The proposed nil setback to the western boundary will negatively impact the standard of living of the existing residents.**

An appropriate level of amenity will be retained to existing residents located to the west. The proposed development does comprise a nil setback to the western boundary. It is noted that a balcony directly adjoins the western boundary and the potential solar access impacts on this development has been considered in the abovementioned point. The eastern facing windows of the proposed development to the west will not be impacted by the development, in terms of overshadowing.

The existing development at 682-704 New Canterbury Road is setback a minimum of 2.6m (approx) which will continue to facilitate ventilation of the relevant apartments. Furthermore, the western elevation of the building has attempted to provide some visual interest through the inclusion of different coloured rendered panels. This design provides greater visual interest than a plain blank façade. The proposed development complies with the maximum building height control and the treatment of the development to the western boundary is consistent with the objective of the control and the future desired character of the area.

- **The development, including the rooftop communal open space, will result in adverse privacy impacts.**

Mitigation measures, including the incorporation of fixed louvres and privacy screens will be imposed via condition of consent to ensure an appropriate level of privacy is maintained to existing properties located to the east of the development. In terms of properties to the west, as outlined above, no windows are proposed along the western elevation. The development is substantially separated from existing developments to the south.

In addition to the above, a condition will be imposed, should the application be supported, to ensure a 1m deep planter bed is provided for the entire length of the eastern elevation of the communal open space area. This design will prevent future occupants of the site standing on the edge of the terrace and peering over.

These mitigation measures will ensure an appropriate level of privacy will be maintained to future occupants of the site as well as existing adjoining residential properties.

- **The development will block natural ventilation to existing properties adjoining the site to the west.**

The existing development at 682-704 New Canterbury Road is setback a minimum of approximately 2.6m which will continue to facilitate ventilation of the relevant apartments.

- **The development will obstruct existing views enjoyed by residents in adjoining properties (i.e. of the locality, Botany Bay, airport, suburbs along the Cook River).**

Case Law does not determine views of the locality, airport or suburbs as being 'iconic' and therefore highly regarded as opposed to views of major landmarks (i.e. the city/opera house/harbour). Furthermore, given these views are to the side (the east) of the development to the west, they are harder to maintain than views from the front or rear of a development. The proposed development complies with the maximum height development standard and is in keeping with the desired future character of the area. On this basis, obstruction of existing views enjoyed by residents in adjoining properties (particularly those to the west), would be hard to avoid, given the planning controls relating to the site, the height of the existing development to the west, orientation of the site and orientation of the existing development to the west. In this instance, and given the type of views currently enjoys (streetscape/locality), the obstruction caused by the proposed development is considered acceptable.

- **Noise generated by construction of the proposed development will impact upon residents' enjoyment and health.**

All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays. This requirement will be enforced by condition of consent.

- **The location of the vehicular access point to the retail parking area will result in lights flashing into neighbouring properties.**

The development that directly adjoins Wattle Lane to the east comprise a church or outbuildings (i.e. garages) of properties facing Melford Street. No windows are located directly opposite the driveway associated with the retail component of the site. Therefore the lights associated with vehicles entering or exiting the site will not adversely impact on nearby residential properties. Notwithstanding this, use of the proposed retail tenancy will be subject to a separate DA. Any impacts associated with the potential use of the tenancy will be considered as part of Council's assessment of that DA.

- **No screening devices have been incorporated within the design to improve privacy impacts to the adjoining residents.**

Mitigation measures, including the incorporation of fixed louvres and privacy screens will be imposed via condition of consent to ensure an appropriate level of privacy is maintained to existing properties located to the east of the development. In terms of properties to the west, as outlined above, no windows are proposed along the western elevation. The development is substantially separated from existing developments to the south.

- **The design of the apartments does not comply with the minimum requirements within the ADG.**

The design of the apartments does comply with the minimum width and area requirements specified within the ADG.

Traffic/Parking

- **The nil rear setback will result in traffic hazards for vehicles travelling along Wattle Lane.**

The development is setback minimum 2m from the rear boundary. The application was reviewed by Council's Team Leader Traffic and Transportation who raised no objection to the application.

- **The development will result in adverse traffic and parking impacts on Wattle Lane and the locality.**

The development complies with the required parking controls specified within the ADG and CDCP 2012. Furthermore, the application was reviewed by Council's Team Leader Traffic and Transportation who raised no objection to the application.

- **The proposed use of car lifts is slow. Furthermore, when the lift breaks down or is in repairs it will encourage residents to park on the street instead.**

This concern was raised with the applicant. On this basis, two lifts have been incorporated within the design to ensure should one break down/be repaired, the other can operate. Furthermore, the applicant provided details on the specifications of the car lifts which were reviewed by Council's Development Engineer. Council's Development Engineer raised no objection to the development, subject to conditions of consent.

- **The use of the turntable within the commercial parking area is not acceptable as it will slow traffic flow along Wattle Lane.**

The turntable within the commercial parking area has been removed.

- **The vehicular access to the commercial parking area is not suitable for a truck.**

The proposed design has been referred and revised by Council's Development Engineer who raised no objection to the development, subject to conditions of consent.

- **The parking areas do not comply with the Australian Standards.**

The proposed design has been referred and revised by Council's Development Engineer who raised no objection to the development, subject to conditions of consent.

- **The development does not comply with parking requirements.**

The development complies with the required parking controls specified within the ADG and CDCP 2012.

Other

- **The gross floor area of the development is excessive for the size of the site.**

No floor space ratio control applies to the site.

- **No building articulation is provided along the eastern boundary.**

The eastern elevation is appropriately articulated through setting back the main building line of Level 5 as well as the inclusion of a void and windows along the elevation.

- **The design does not comprise a designated bin or bulky goods storage area without blocking other loading access.**

The location of the bin and bulky goods storage area has been relocated to within the site and does not obstruct the main loading access point. The application was referred to Council's Resource Recovery Project Officer as well as Council's Development Engineer who raised no objection to the design, subject to conditions of consent.

- **The plans do not indicate how a wheelchair can access and circulate within the bin area.**

The access report submitted outlined that the design is able to meet the relevant disability standards. The recommendations of the access report will be included as a condition of consent, should the application be supported.

- **The development will result in persons having to walk along Wattle Lane.**

The proposed development is located within the boundaries of the subject site and therefore the existing pedestrian condition along Wattle Lane will remain.

- **The loading area is not large enough to accommodate the required vehicles to access the site.**

The proposed design has been referred and revised by Council's Development Engineer who raised no objection to the development, subject to conditions of consent.

- **The proposed awning may obstruct vehicles travelling along Wattle Lane.**

Council agrees with this matter. Should the application be supported, a condition of consent will be imposed to ensure the proposed awning does not overhang the roadway and is in line with the kerb.

- **The five storey nature of the development is not in keeping with other development in the locality.**

The proposed five storey development complies with the maximum building height control and is in keeping with the objectives of the zone. The proposed design achieves a high level of compliance with the relevant planning controls, with the exception of the standards relating to building separation and building height plane. The proposed variations to the building separation and building height plane controls have been considered on merit and are considered acceptable in this instance.

- **The colours and materials do not match the character of existing buildings in the locality.**

This matter was considered, specifically in regard to the potential impact on the draft heritage conservation area and item to the west of the site. The application was reviewed by Council's Heritage Advisor who raised no concern with the proposal.

- **The proposed excavation associated with the basement may result in damage to adjoining properties.**

It is recommended that a condition requiring the applicant to provide a dilapidation report for the adjoining properties to the west, prior to the issue of the Construction Certificate be included on any consent issued. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant will be required to rectify all damages.

- **Safety for residents travelling along Wattle Lane will be compromised.**

The proposed development is located within the boundaries of the subject site and therefore the existing pedestrian condition along Wattle Lane will remain. The proposed vehicular entry points have been setback from the corner of the site to limit any adverse visibility hazard/impact.

- **Pollution (i.e. dust, dirt and debris) will be created by construction of the proposed development will impact upon residents' enjoyment and health.**

A condition of consent will be imposed to ensure demolition and construction works are undertaken in accordance with the relevant standards to limit pollution.

- **The number of proposed apartments (20) is excessive for the size of the site.**

The revised design reduces the number of apartments to 14.

- **The proposed design does not comprise any setback of the upper floors.**

The upper floors, specifically Levels 4 and 5 along the northern and southern elevations and Level 5 along the eastern elevation are setback.

- **Hazardous materials occur on site and these cannot be safely removed from the site.**

Any excavated material not utilised elsewhere on the property, will require proper disposal and transport in accordance with the Waste Avoidance and Recovery Act, and the Protection of the Environment Operations Act. A condition will be imposed in this regard.

- **The design has no consideration to the draft heritage conservation area and item along Melford Street.**

The draft heritage conservation area and item (8 Melford Street) to the east of the site was considered as part of Council's assessment. Council's Heritage Advisor recommended a number of changes to the design during the assessment of the application. Council's Heritage Advisor raised no objection to the revised design.

- **No stormwater plans have been submitted.**

Stormwater plans were submitted as part of the application. Council's Development Engineer reviewed the application and raised no objection, subject to conditions of consent.

- **The location of the waste storage area is not acceptable.**

The application was referred to Council's Resource Recovery Project Officer who raised no objection to the design, subject to conditions of consent.

- **The rear lane should be one way and should be widened.**

The proposed development does not alter the functioning of the rear lane. Should this be of concern, it is recommended that Council's Traffic and Transportation Division be contacted to discuss this requirement.

- **The building is uniform, not articulated and dull.**

The proposed development is articulated through setting back the upper floors and the inclusion of appropriate openings along the northern, southern and eastern elevations. Concern was raised in regards to the type of materials in relation to the proposed heritage area; however Council's Heritage Advisor raised no objection to the proposed materials. In this instance the proposed use of materials is considered acceptable.

- **The applicant has not considered SEPP 55 – Remediation of Land.**

State Environmental Planning Policy 55 – Remediation of Land was considered by the applicant. The applicant submitted a Preliminary Site Investigation, Detailed Site Investigation Report and Remediation Action Plan all prepared by Environmental Investigations Australia Pty Ltd as requested by Council's Environmental Health Officer.

Upon review of the report, Council's Environmental Health Officer raised no concern, subject to conditions of consent.

- **The main mechanical exhaust rise is terminating at the ground floor which will cause toxic fumes to be released in close proximity to residential homes.**

The application was reviewed by Council's Environmental Health Officer who raised no objection to the proposed design, subject to conditions of consent.

- **The louvres along the eastern elevation should be fixed.**

Agreed. Should the application be approved, a condition of consent will be imposed to ensure the louvres along the eastern elevation are fixed.

- **The windows along the eastern elevation should comprise a 1.8m sill height.**

Given louvres are proposed to be applied to the entire surface of each window along the eastern elevation and given these louvres will be fixed (enforced by condition), the proposed sill height is considered appropriate. This design is considered to ensure privacy is maintained to existing adjoining properties without reducing the level of amenity to also be provided to future occupants of the site.

- **The balconies associated with apartments 3, 7 and 11 should have a privacy screen.**

Agreed. This requirement will be incorporated as a condition of consent.

Canterbury Development Contributions Plan 2013

The Canterbury Development Contributions Plan 2013 applies to the proposed development. The proposed development attracts a development contribution of \$208,140.92 in the event of an approval being issued. This has been included as a condition of development consent.

Section 79C(b) - Likely Impacts of the Development

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

National Construction Code

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

Proposed Excavation Works

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It is recommended that a condition requiring the applicant to provide a dilapidation report for the adjoining properties to the west, prior to the issue of the Construction Certificate be included on any consent issued. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant will be required to rectify all damages.

Sediment and Erosion Control

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

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

Section 79C(c) - Suitability of Site for the development

The site is zoned B2 Local Centre under CLEP 2012. The proposed residential flat building development is permissible in the subject site's current zoning. The proposal has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act 1979, and as demonstrated throughout the body of this report, the proposal generally complies with our controls. The proposed variations to the relevant ADG and CDCP 2012 controls regarding building separation, solar access and building height plane have been assessed on their merit and are acceptable for the reasons outlined within the body of the report.

Section 79C(d) – Submissions Made

The application was publically advertised for 21 days on three separate occasions. The second and third readvertising periods were required due to the changes in the proposed design. The advertising periods concluded on 17 February 2016, 7 June 2016 and 14 June 2017. During these advertising periods, 18 objections were received from nine households and two petitions (one comprising signatures from 40 households and the other from 33 households).

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

Section 79C(e) - The Public Interest

The proposed shop top housing development replaces an existing single storey commercial building and therefore better utilises an existing underutilised site by providing greater housing opportunities for the locality. The building will consist of two adaptable dwellings which will provide for additional residential accommodation opportunities.

The design provides a positive contribution to the locality in terms of design quality and amenity for future occupants without creating any significant adverse impact on adjoining land uses. The proposed development is therefore considered to be in the public interest.

CONCLUSION

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

The proposed variations to the solar access, building separation and building height plane controls will not result in any significant adverse impact on the amenity of future occupants

of the site as well as existing residents on adjoining properties. The design of the proposed development is compatible with the future and desired local character of the area and represents a quality development that will positively contribute to the streetscape and indeed the local built environment. As such, it is recommended that the development application be approved subject to conditions.

CONDITIONS OF CONSENT

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Protection from termites
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Mechanical ventilation
 - 1.2. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only); or Evidence of a Home Building (Private) Insurance Certificate.
 - 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or license number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

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

DEMOLITION

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

- 5.7. Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- 5.8. Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- 5.9. Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- 5.10. The capacity and effectiveness of soil and water management devices must be maintained at all times.
- 5.11. During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- 5.12. A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- 5.13. Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- 5.14. Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- 5.15. Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- 5.16. Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details outlined in the table below, except where amended by the conditions specified in this Notice.

Drawing Number & Revision	Drawing Name	Prepared By	Dated
040, Rev K	Demolition Plan	Environa Studio	26.04.17
101, Rev K	Basement 2 Plan	Environa Studio	26.04.17
102, Rev K	Basement 1 Plan	Environa Studio	26.04.17
103, Rev K	Level 1 Plan	Environa Studio	26.04.17
104, Rev K	Level 2 Plan	Environa Studio	26.04.17
105, Rev K	Level 3 Plan	Environa Studio	26.04.17
106, Rev K	Level 4 Plan	Environa Studio	26.04.17
107, Rev K	Level 5 Plan	Environa Studio	26.04.17
110, Rev K	Roof Plan	Environa Studio	26.04.17
120, Rev K	Section AA	Environa Studio	26.04.17
121, Rev K	Section BB	Environa Studio	26.04.17
130, Rev K	Elevation: South East Facing	Environa Studio	26.04.17
132, Rev K	Elevation: North West Facing	Environa Studio	26.04.17
133, Rev K	Courtyard Elevations	Environa Studio	26.04.17
210, Rev K	Materials and Finishes	Environa Studio	26.04.17
211, Rev K	Material Terms & Abbreviations	Environa Studio	26.04.17
220, Rev K	Waste Management Plan	Environa Studio	26.04.17
230, Rev K	Construction Management	Environa Studio	26.04.17
501, Rev K	Sediment Control Plan	Environa Studio	26.04.17
970, Rev K	Privacy Plan	Environa Studio	26.04.17
981, Rev K	Area Calculations (Storage)	Environa Studio	26.04.17
LA-DA01, Rev A	Landscape Plan and Section	Sydney Design Collective	January 2017
LA-DA02, Rev A	Landscape Plan and Section	Sydney Design Collective	January 2017
LA-DA03, Rev A	Planting Palette	Sydney Design Collective	January 2017
1661-S1/4, Rev F	Stormwater Drainage/Sediment Control Plan	John Romanous & Associates	29.09.2016
1661-S2/4, Rev F	Stormwater Drainage/Sediment Control Plan	John Romanous & Associates	29.09.2016

1661-S3/4, Rev F	Stormwater Drainage/Sediment Control Plan	John Romanous & Associates	29.09.2016
1661-S4/4, Rev F	Stormwater Drainage/Sediment Control Plan	John Romanous & Associates	29.09.2016
-	BCA 2015 Indicative Compliance Report	Building Innovations Australia	26.04.2016
-	Traffic and Parking Assessment	Parking & Traffic Consultants	21.4.2017
2204/7, Rev B	Acoustic Report	West & Associates Pty Ltd	23.18.2015
170556.L1a	Structural Engineer Statement	Australian Consulting Engineers	24.04.2017
-	Level 5 Communal Open Space Management Plan	Sutherland & Associates Planning	January 2017

- 6.1. The combined living, dining and kitchen room of apartments 02 and 06 must be revised to comprise a maximum depth of 8m, from a window. The revision to the layout cannot result in the introduction of an additional bedroom that may result in additional parking and apartment size requirements. Revised plans indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- 6.2. The frontage of the retail tenancy is to comprise transparent glass.
- 6.3. The minimum storage area provided to each apartment must comply with the area breakdown outlined in Drawing No. 981, Rev K prepared by Environa Studio dated 26.04.17.
- 6.4. The privacy louvres applied to each window along the eastern elevation are to be fixed. The privacy louvres are to provide outlook for future occupants but must not allow persons to look down. Revised plans indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- 6.5. A fixed louvred privacy screen must be constructed along the eastern elevations of the private open space areas associated with apartments 3, 7 and 11. The privacy screen is to be fixed on top of the eastern balustrade of the balcony to achieve an overall height of 1.8m from finished floor level. Revised plans indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- 6.6. A 1m deep landscape planter bed must be provided along the entire length of the eastern elevation of the communal open space area on Levels 5 and the entire length of the western elevation of the communal open space area on Level 2 to deter persons standing and peering over the edge. Revised plans

indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

- 6.7. The privacy screening included along the western elevation of the common circulation area on each floor must be fixed. The privacy louvres are to be angled 20degrees to the south to ensure the design does not facilitate direct lines of sight to the development to the west. Revised plans indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
 - 6.8. The south facing window associated with bedroom 1 of apartment 13 must be revised to comprise a sill height of at least 1.5m above finished floor level to ensure an appropriate level of privacy is provided to future occupants. Revised plans indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
 - 6.9. Intercom, code or card locks or similar must be installed at main entries to the building to control access, including car parks. Access to the communal open space areas must be restricted to residents (and their guests) only.
 - 6.10. All services are to be integrated into the design of the building.
 - 6.11. A communal rooftop antenna is to be provided, rather than multiple individual antennas. Revised plans indicating this change must be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
 - 6.12. A total of two apartments must be accessible or adaptable.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013 after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$208,973.49. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$18,902.25
• Open Space and Recreation	\$184,750.87
• Plan Administration	\$5,320.37

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be

paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

8. The use of the retail tenancy on the ground floor is subject to a separate development application.
9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
10. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
11. All building construction work must comply with the National Construction Code.
12. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
13. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
14. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
15. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
16. That if the work involved in the erection or demolition of a building:
 - (a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient or
 - (b) Building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. A permit for such hoardings shall be submitted to council for approval prior to the issue of any Construction Certificate.

The hoarding is to be erected, sufficient to prevent any substance from, or in connection with, work falling into the public place.

The hoarding must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

17. Where construction/building works require the use of a public place, including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PRIOR TO THE COMMENCEMENT OF WORKS

18. 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) 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

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.

19. 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.

20. 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.

SYDNEY WATER REQUIREMENTS

21. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand , Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

AUSGRID REQUIREMENTS

22. The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:
- Changes in electrical load requirements
 - Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.)
 - Works affecting Ausgrid's easements, leases and/ or right of ways
 - Changing the gradients of any roads or paths
 - Changing the level of roads or foot paths
 - Widening or narrowing of roads
 - Closing roads or laneways to vehicles
 - Land subsidence and vibration impact on Ausgrid assets as a result of excavation / reinforcement activities
 - In all cases Ausgrid is to have 24 hour access to all its assets.

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
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

DILAPIDATION AND EXCAVATION

23. A photographic survey of the adjoining properties at 682-704 New Canterbury Road, Hurlstone Park detailing the physical condition of that property, both internally and externally, including such items as walls, ceilings, roof, structural members and other

similar items, shall be submitted to the Principal Certifying Authority and Canterbury-Bankstown City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premise is to be provided to the Principal Certifying Authority and Canterbury-Bankstown City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.

24. A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 682-704 New Canterbury Road, Hurlstone Park, and its ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

ROADS AND MARITIME SERVICES

25. All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along Canterbury Road boundary.
26. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

27. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime 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.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

28. The proposed development should be designed such that road traffic noise from New Canterbury Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
29. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
30. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on New Canterbury Road during construction activities.
31. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on New Canterbury Road.
32. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the New Canterbury Road boundary.
33. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

ENVIRONMENTAL HEALTH OFFICER

34. All the noise control recommendations outlined in the development application acoustic report prepared by West & Associates Pty Ltd (Reference No: 15310, Dated: 23 August 2015) are to be complied with. Revised plans indicating the recommended changes are to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
35. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
36. The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood or adjoining occupations. If a noise nuisance occurs, the person in control of the premises must arrange at their cost for an acoustic assessment to be carried out by an accredited

Acoustic Consultant, obtain Council's concurrence for the recommendations of the Acoustic Consultant, and implement those recommendations so as to remove the noise nuisance. The acoustic assessment is to be conducted by a suitably qualified Acoustic Consultant recognised by the Australian Association of Acoustical Consultants (AAAC) and who has not been previously involved with the proposal. The acoustic assessment must be completed within 30 days from the date requested by Council.

37. All the recommendations outlined in the Hazardous Materials Survey prepared by eiaustralia Pty Ltd (Reference No: E22664 AD_Rev0, Dated: 2 February 2017) must be complied with.
38. Remediation and validation works shall be carried out in accordance with the Remedial Action Plan prepared by eiaustralia Pty Ltd, ref: E22664 AD_Rev0 and dated 2 February 2017.
39. After completion of the remedial works, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. The construction certificate shall not be issued until the Principal Certifying Authority approves this Validation Report. This report shall be prepared with reference to the Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:
 - (a) Describe and document all works performed.
 - (b) Include results of validation testing and monitoring.
 - (c) Include validation results of any fill imported on to the site.
 - (d) Show how all agreed clean-up criteria and relevant regulations have been complied with.
 - (e) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
40. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.
41. Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

LANDSCAPE

42. The landscaping must be completed according to the submitted landscape plan (drawn by Sydney Design Collective, drawing no. LA-DA01, 02 and 03 revision A, dated January 2017) except where amended by the conditions of consent. The landscaping is to be maintained at all times to the Council's satisfaction.

43. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
44. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
45. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
46. The proposed planting to all podium levels shall comply with the following as required in the CDCP 2012 Part 6.6: Landscape:
- Raised planters:
- Use masonry or concrete construction;
 - Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
 - Provide waterproofing to each planter box.
- Minimum soil depth:
- 100-300mm for turf
 - 300-450mm for groundcovers;
 - 500-600mm for small shrubs;
 - 600-750mm for medium shrubs;
 - 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
 - 1000mm for medium trees with approximate soil area of 6m x 6m; and
 - 1300mm depth for large trees with approximate soil area of 10m x 10m.
47. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate.
- 47.1. Provide detailed planting plans with planting densities to provide continuous planting to the garden beds at maturity.
- 47.2. Provide planting to the raised garden bed between Units 01 and 03 as shown on Architectural drawing 104 revision J.
- 47.3. Provide barbecues to the Level 5 Communal Open Space.
- 47.4. Provide adequate soil depths to all on podium beds and raised planter boxes and show this information on the plan.

- 47.5. Provide Construction Details including standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and planter boxes)
48. Provide a Maintenance Schedule including:
- 48.1. replacement strategy for failures in plant materials and built works,
 - 48.2. maintenance schedule for watering, weeding and fertilizing during the establishment period
 - 48.3. A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan.

DEVELOPMENT ENGINEER
STORMWATER
PRIOR TO CONSTRUCTION CERTIFICATE

49. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- a) The design must be generally in accordance with the plans, specifications and details dated 29.09.2016; drawing number 1661 – S1/4, S2/4, S3/4 and S4/4 Rev. F, prepared by John Romanous and Associates Pty. Ltd.
 - b) Plans are to be updated to match the approved architectural drawings.
 - c) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the drainage pit along Wattle Lane.
 - d) All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
 - e) The rising main from the basement pump out tank must discharge to the OSD.
 - f) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - g) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
50. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.

51. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
52. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Canterbury Councils DCP 2012.

PRIOR TO AND DURING CONSTRUCTION

53. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
54. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.

PRIOR TO OCCUPATION CERTIFICATE

55. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
56. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
57. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
58. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

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

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

RETAINING WALL(S)

PRIOR TO CONSTRUCTION CERTIFICATE

60. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

PRIOR TO OCCUPATION CERTIFICATE

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

AWNING(S)

PRIOR TO CONSTRUCTION CERTIFICATE

62. Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
- a) The street awning(s) must be setback 600mm from the kerb line.
 - b) The awnings must be entirely self-supporting; posts are not permitted.
 - c) The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a Certificate of Currency must be submitted to the Principal Certifying Authority.
 - d) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
 - e) The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act. Note that this Consent does not give approval to construct an awning in the road.

- f) The applicant must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.
- g) The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
- h) If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
- i) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
- j) A maintenance plan must be provided in respect of the awning(s) to address the following issues at a minimum:
 - i. Inspection schedule of structural members, connections, and supports covering the life of the awning(s).
 - ii. Inspection schedule of non-structural components.
 - iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.

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

PRIOR TO OCCUPATION CERTIFICATE

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

ROCK ANCHORING

PRIOR TO CONSTRUCTION CERTIFICATE

- 65. The submitted Geotechnical Report provides an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury City Council prior to the issue of a Construction Certificate.
- 66. Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

67. Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.
68. Where temporary anchors are proposed to be used in New Canterbury Road and Wattle Lane an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:
- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
 - b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
 - c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
69. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

PARKING

PRIOR TO CONSTRUCTION CERTIFICATE

70. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
 - b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - c) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - d) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of *AS/NZS 2890.1-2004*.
 - e) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of *AS/NZS 2890.1:2004*.
 - f) All gates must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
 - g) A traffic management system for the proposed car-lift must be provided and implemented. Details and specifications of the car lift system are to be included.

The selected system must not restrict the vehicle utilised and must accommodate all vehicles within AS 2890.1:2004. Furthermore, the system utilised must not impact on-street parking. The system must be practical and must address how it will continue to serve the tenants during services, and inconveniences such as power shortages.

- h) The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.

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

PRIOR TO AND DURING CONSTRUCTION

71. A road opening Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
72. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line each. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
73. If the vehicle access is to be reconstructed the levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
74. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

PUBLIC IMPROVEMENTS

75. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
76. The reconstruction of the kerb and gutter along all areas of the site fronting Wattle Lane and New Canterbury Road is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

77. The reconstruction of the public footpath paving and associated works along all areas of the site fronting New Canterbury Road is required. The details and specification required can be obtained by contacting Peter Lay from Council's Asset Department. Work being carried out by Council or an approved contractor, at the applicant's cost.

WASTE

78. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5:00 a.m. The bins must not be presented on the road.

MAPPING

79. Future street addressing for the proposed development is advised as follows: 680 New Canterbury Road, Hurlstone Park NSW 2193.
80. You are advised to contact Council's Strategic GIS Officer, Michael Czuczman, on 9789 9506 to confirm street addressing prior to the issuing of an Occupation Certificate and supply a Schedule of Lots and Addresses.

COMMUNITY SAFETY

81. Due to the increase in Fraud offences (i.e. identity theft) in our City, it is recommended that letterboxes are built into the façade of the building or areas must be monitored by Closed Circuit Television located under an awning.
82. Landscaping on the roof terrace should not act as a natural ladder for users to climb onto.
83. Anti-graffiti paints and clear over sprays must be applied to prevent graffiti vandalism.

CRITICAL INSPECTIONS

84. Class 2, 3 or 4 Buildings

- 84.1. at the commencement of the building work, and
- 84.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 84.3. prior to covering any stormwater drainage connections, and
- 84.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 84.5. at the commencement of the building work, and
- 84.6. prior to covering any stormwater drainage connections, and

- 84.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
85. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

86. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.
87. 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.
88. Compliance with the requirements of Development Control Plan No. 37 - Energy Smart Homes Policy must be demonstrated by submitting to the Principal Certifying Authority relevant Certificates of Compliance (Hot water system, plumbing fittings, insulation, clothes dryer) before the issue of an Occupation Certificate. Copies of Certificates of Compliance may be found in the appendices of DCP 37 and must be completed by appropriately qualified persons.

WE ALSO ADVISE

89. If you appoint a Principal Certifying Authority other than Council, any certificate provided to us must be accompanied by a \$36 registration fee.
90. This application has been assessed in accordance with the National Construction Code.
91. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
92. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Air handling systems
 - Protection from termites
 - Smoke alarms
 - BASIX completion
93. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.

94. Before you dig, call “Dial before you Dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
95. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
96. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act”. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
97. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
98. If you are not satisfied with this determination, you may:
 - 98.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination.; or
 - 98.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.