



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

9 December 2019 - 6.00pm

Location:

**Council Chambers
Cnr Chapel Road and the Mall,
Bankstown**

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

BASS HILL WARD

- 1 7 McClean Street, Georges Hall (known as "The Crest")
- Construction of a new Scoreboard 3

CANTERBURY WARD

- 2 2-16 Sixth Avenue, Campsie
- Demolition of existing structures and construction of an eight storey residential flat building comprising 125 apartments and two and a half levels of basement parking. 15

REVESBY WARD

- 3 56 Lucas Road, East Hills
- Modification of existing structures and construction of a new two storey dwelling, inground swimming pool and outbuilding. 79

ROSELANDS WARD

- 4 188 Lakemba Street, Lakemba
- Demolition of existing factory and construction of a five storey shop-top development consisting of 25 residential units, three commercial tenancies and two levels of basement parking 101
- 5 37 Ludgate Street, Roselands
- Modification application to delete condition three and continue use as a place of public worship. 169

Development Committee - 09 December 2019

ITEM 1	7 McClean Street, Georges Hall (known as "The Crest")
	Construction of a new Scoreboard
FILE	DA-862/2019 – Bass Hill
ZONING	RE1 Public Recreation
DATE OF LODGEMENT	25 October 2019
APPLICANT	Bankstown Sports JRL
OWNERS	Canterbury Bankstown Council
ESTIMATED VALUE	\$6000
AUTHOR	Fergus Ryan

REPORT

This matter is reported to the Canterbury Bankstown Local Planning Panel as the site which the development application relates is owned by Canterbury Bankstown Council.

Development Application No. DA-862/2019 proposes the construction of a scoreboard at Steven Folkes Reserve, intended for use by Bankstown Sports Junior Rugby League.

The proposal has been assessed against the matters for consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, which included, amongst other things, an assessment against State Environmental Planning Policy No 55 – Remediation of Land, Bankstown Local Environmental Plan 2015, the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment and Bankstown Development Control Plan 2015. The assessment identified no non-compliances with any relevant controls contained within the abovementioned planning legislation.

Having regard to the provisions contained in the *'Introduction and List of Amendments'* to the Bankstown Development Control Plan 2015, the development application was not required to be neighbour notified nor advertised.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions included at 'Attachment B'.

ATTACHMENTS

- A. Section 4.15 Assessment Report
- B. Conditions of Consent

DA-862/2019 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 7 McClean Street, Georges Hall ("The Crest"). The site comprises a series of playing fields, associated at grade car parking areas, an amenity block and associated storage areas. The site, in association with those that adjoin, provides for a range of multi-recreational sporting facilities, the most recognisable being that of the Dunc Gray Velodrome. The area immediately in front of the proposed site of the development is known as Steven Folks Reserve. In the vicinity is a Council storage shed, a car park, and Bankstown Sports Junior Rugby League Clubhouse.

Sites along the western side of Mc Clean Street are zoned as R2 Low Density Residential with the nearest dwelling (at 70 Mc Clean Street) located 245 metres to the north of the proposed site of development. The land to the east and south-east is used for various recreational purposes.

The aerial photo below identifies the site. The photo shows the adjoining sporting fields and complex. The black triangle shows the approximate location of the proposed development.



PROPOSED DEVELOPMENT

The development application proposes the construction of a brick scoreboard. The dimensions of the scoreboard are 4.876m high x 3m wide x 0.47m deep. The structure will be located approximately 25 metres from the existing car park and shed, and approximately 80 metres from the existing Bankstown Sports JRL clubhouse.

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

Environmental planning instruments [section 4.15(1)(a)(i)]***State Environmental Planning Policy No 55 – Remediation of Land***

The provisions of Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

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

No historical evidence exists to suggest that the site was previously occupied by an activity or a land use that would cause it to be contaminated. As such it is not considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the proposed development pursuant to the provisions of SEPP 55.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, being a deemed SEPP from 1 July 2009 under the then Clause 120 of Schedule 6 of the EP&A Act 1979. The GMREP No. 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications.

An assessment of the proposal indicates that it is consistent with the general aims and objectives of the plan and there is no inconsistency with the planning principles as set out in Clause 8 of GMREP No. 2.

Bankstown Local Environmental Plan 2015

The following clauses of the *Bankstown Local Environmental Plan 2015* (BLEP) were taken into consideration:

Clause 1.2 – Aims of Plan

Clause 2.1 – Land use zones

Clause 2.2 – Zoning of land to which Plan applies

Clause 2.3 – Zone objectives and Land Use Table

Clause 6.2 – Earthworks

An assessment of the development application revealed that the proposal complies with the matters raised in each of the above clauses of Bankstown Local Environmental Plan 2015.

The site is zoned 'RE1 Public Recreation' under the BLEP and is classified as 'Community Land' in accordance with the Local Government Act 1993. A 'recreation area' is permissible with the consent of Council in a 'RE1 Public Recreation' zone.

'Recreation area' is defined as follows;

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The Crest of Bankstown Plan of Management (2001) makes no specific mention regarding scoreboards.

According to Councils draft Generic Plan of Management for Community Land and Crown Land (currently on internal exhibition, November 2019) scoreboards are deemed an 'ancillary building' as referred to in the definition of 'recreation area' above, and specifically permits them at sportsgrounds.

The site is not subject to any building height or floor space ratio controls.

Based on the above, the construction of a scoreboard on the site is considered to constitute an ancillary building in a recreation area and is therefore permissible in the zone.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

There are no draft environmental planning instruments applicable.

Development control plans [section 4.15(1)(a)(iii)]

The development does not trigger any controls contained within the Bankstown Development Control Plans 2015. However, the development remains consistent with the objectives outlined within the DCP.

Planning agreements [section 4.15(1)(a)(iiia)]

A planning agreement has not been entered into under section 7.4 of the Environmental Planning and Assessment Act 1979 nor has the applicant offered to enter into a draft planning agreement.

The regulations [section 4.15(1)(a)(iv)]

The development remains consistent with the provisions contained in the Environmental Planning and Assessment Regulation 2000.

The likely impacts of the development [section 4.15(1)(b)]

The development will not have an impact on the locality for the following reasons;

- The scoreboard is located approximately 215 metres from the nearest public road (Mc Clean Street)
- There is a stand of trees located between the closest residence (at Mc Clean Street) and the scoreboard
- The scoreboard, while close to existing vegetation, stands clear of it.
- The size of the scoreboard in relation to the rest of the area will mean it will not dominate the environment.
- The location of the scoreboard is clear of pedestrian traffic, as it is to be located off an established path.

Suitability of the site [section 4.15(1)(c)]

The site is considered to be suitable to accommodate a scoreboard that will be used in association with the adjacent playing fields.

Submissions [section 4.15(1)(d)]

Having regard to the provisions contained in the 'Introduction and List of Amendments' to the Bankstown Development Control Plan 2015, the development application was not required to be neighbour notified nor advertised hence no public submissions have been received.

Furthermore, given the nature and scale of the development, the application was not required to be externally referred.

The public interest [section 4.15(1)(e)]

The proposed development would not contravene the public interest. The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by ensuring that any adverse impacts on the surrounding area and the environment are avoided. As the report has demonstrated, the development appropriately responds to the provisions and development standards of all applicable environmental planning instruments, in addition to any objectives contained in the Bankstown Development Control Plan 2015.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015, State Environmental Planning Policy No 55 – Remediation of Land and Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. The associated assessments did not identify any non-compliances with any relevant controls contained within the above-mentioned legislation.

RECOMMENDATION

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

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-862/2019, submitted by Bankstown Sports JRL, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
A01	Site plan and sediment control plan	A	20/08/2019	ABCON Engineers
A02	Elevation and section plan			

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

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

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 5) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 6) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

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

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

- 7) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 8) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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

- 11) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 12) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 13) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 14) 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.

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 17) The hours of site works shall be limited to between 7.00am and 5.00pm on weekdays and on Saturdays. No work shall be carried out on Sundays and public holidays.

- 18) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 19) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 20) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 21) 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.
- 22) The construction and fixing of the signage is to be carried out in accordance with details prepared by a suitably qualified practising structural engineer, in accordance with the structural provisions of the Building Code of Australia.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 23) The use of the structure must not commence unless an occupation certificate has been issued for the structure.
- 24) 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.

USE OF SITE

- 25) The scoreboard shall be maintained in good working order at all times.

-END-

Development Committee - 09 December 2019

ITEM 2	2-16 Sixth Avenue, Campsie
	Demolition of existing structures and construction of an eight storey residential flat building comprising 125 apartments and two and a half levels of basement parking.
FILE	DA-351/2018 - Canterbury
ZONING	R4 High Density Residential
DATE OF LODGEMENT	10 August 2018
APPLICANT	Amcot Construction Pty Ltd
OWNERS	George Saab
ESTIMATED VALUE (CIV)	\$27,901,623.00
AUTHOR	Planning

REPORT

This matter is reported to Council's Local Planning Panel as the application seeks consent for a development for which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies and is four or more storeys in height.

Development Application No. 351/2018 proposes the demolition of existing buildings and associated structures and the construction of an eight storey residential flat building over two and a half levels of basement parking.

The application has been assessed against the relevant policies, in particular State Environmental Planning Policy 65 – Design Quality of Residential Development, the Apartment Design Guide, the Canterbury Local Environmental Plan 2012 and the Canterbury Development Control Plan 2012.

The key issues raised as part of the assessment of the development against these policies primarily included the design of the development and solar access. Consequently, the amended proposal is consistent with these provisions.

The application was notified for a period of 21 days from 4 September 2018 to 2 October 2018. A total of two submissions were received, which raised issues relating to bulk and scale, privacy, solar access, dampness, parking and character. Most issues are related to the overall size of the proposal; however the proposal largely complies with the built form controls permitted under the Canterbury Local Environmental Plan 2012 and the Canterbury Development Control Plan 2012.

The proposed development is consistent with the objectives of the suite of planning controls applicable to the development. The proposal is therefore recommended for approval.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

ATTACHMENTS

- A. Section 4.15 Assessment Report
- B. Conditions of Consent

DA-351/2018 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is known as 2-16 Sixth Avenue Campsie, legally described as:

- Lot 1, DP 125349
- Lot 1, DP 10514
- Lots A and B, DP 312268
- Lots A and B, DP 394878
- Lots A and B, DP 307066

The consolidated site is rectangular shaped, with an overall frontage and rear boundary of 80.475m, north and south side boundaries of 50.29m and a site area of 4,047m². The site is relatively flat, with a slight slope to the street of approximately 0.6m. There is a cross fall of approximately 2.85m running south to north.

The subject site is zoned R4 High Density Residential and located adjacent to land zoned B2 Local Centre. Development within the street is primarily dwellings within the R4 zone (western side) and shop top housing, residential flat buildings and dwellings in the B2 zoned portion of the street (eastern side). To the rear of the site facing Fifth Avenue (zoned R4), development comprises a mix of two to three storey residential flat buildings and dwelling houses.

Existing development on the subject site includes single dwellings and ancillary structures such as garages, sheds and fencing. Large canopy trees line the Sixth Avenue frontage, primarily along the western side of the street. Campsie Railway Station is located approximately 400m south-east of the site.



Figure 1 | Aerial of the subject site in blue. **Source:** NearMaps 2019

PROPOSED DEVELOPMENT

The subject application seeks approval for the demolition of existing structures and construction of an eight storey residential flat building with 125 apartments over three levels of basement parking and associated works.

The design of the development has been altered significantly during the assessment of the application, as shown below:



Figure 2 | Proposed development at Lodgement



Figure 3 | Current proposed development

The specifics of the development are as follows:

Floor	Description
Basement Level 3	<ul style="list-style-type: none"> - 45 x car spaces - Storage spaces - Plant area - Lift 1, 2 and 3 access - Fire stairs
Basement Level 2	<ul style="list-style-type: none"> - 86 x car spaces (including 10 x visitor car spaces) - Storage spaces - Plant area - Lift 1, 2 and 3 access - Fire stairs
Basement Level 1	<ul style="list-style-type: none"> - 54 x car spaces (including 14 accessible spaces and 14 visitor spaces) - Car wash - 35 bicycle spaces - Storage spaces - Plant area - Lift 1, 2 and 3 access - Fire stairs - Waste collection area - Bulky waste collection area - OSD tank
Ground Floor / Level 1	<ul style="list-style-type: none"> - 1 x studio apartments - 5 x 1 bedroom apartments - 10 x 2 bedroom apartments - 1 x 3 bedroom apartment - Rear landscaping and communal open space - 3 x lift access - Main entrance - Fire / booster hydrants
Level 2	<ul style="list-style-type: none"> - 2 x studio apartments - 4 x 1 bedroom apartments - 6 x 2 bedroom apartments - 6 x 3 bedroom apartments (including two storey apartments) - 3 x lift access
Level 3	<ul style="list-style-type: none"> - 2 x studio apartments - 4 x 1 bedroom apartments - 6 x 2 bedroom apartments - 6 x 3 bedroom apartments (including two storey apartments) - 3 x lift access
Level 4	<ul style="list-style-type: none"> - 2 x studio apartments - 4 x 1 bedroom apartments - 5 x 2 bedroom apartments - 3 x 3 bedroom apartments (including two storey apartments) - 3 x lift access
Level 5	<ul style="list-style-type: none"> - 2 x studio apartments - 2 x 1 bedroom apartments

	<ul style="list-style-type: none"> - 10 x 2 bedroom apartments - 4 x 3 bedroom apartments (including two storey apartments) - 3 x lift access
Level 6	<ul style="list-style-type: none"> - 2 x studio apartments - 2 x 1 bedroom apartments - 8 x 2 bedroom apartments - 3 x lift access
Level 7	<ul style="list-style-type: none"> - 2 x studio apartments - 2 x 1 bedroom apartments - 13 x 2 bedroom apartments (including two storey apartments) - 1 x 3 bedroom apartment (a two storey apartment) - 3 x lift access
Level 8	<ul style="list-style-type: none"> - 2 x studio apartments - 8 x 2 bedroom apartments (including two storey apartments) - 2 x lift access

Statutory Considerations

When determining this application, the relevant matters listed in Section 4.15C 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 – Contaminated Land (SEPP 55)
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)
- State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4.15(1)(a)(i)]

- **State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)**

Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, 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 subject site has been historically utilised for residential purposes. The applicant also submitted a Geotechnical Investigation Report prepared by Mark Kiryakos (Geotechnical Engineer). The report contains recommendations with regard to future excavation and building foundations; including consideration of acid sulphate soils and groundwater impacts.

Council's Environmental Health Officer has reviewed the information submitted with the application and raises no issues regarding contamination of land or the recommendations of the geotechnical investigation report. Conditions of consent have been included to require the work recommended by the report, in addition to those recommended by Council's Environmental Health Officer.

Given the residential history of the site and subject to recommended conditions of consent, clause 7 of SEPP 55 has been satisfied.

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

Ausgrid

The proposed development involves works within 5m of overhead powerlines and requires the installation of a new substation. In accordance with clause 45 of SEPP (Infrastructure), a referral to the electricity supply authority for the area was required.

The application was referred to Ausgrid on 22 August 2018, however no response was received. In accordance with the provision of SEPP (Infrastructure) and the Environmental Planning and Assessment Act 1979, a lack of response is considered to represent a deemed approval from Ausgrid.

Roads and Maritime Services (RMS)

The proposed development does not trigger clauses 101 or 102 of SEPP (Infrastructure), in particular with regard to vehicle access, noise and vibration or traffic generating development. Notwithstanding, the application was referred to the RMS for review, who raise no issues with the proposal. Recommended conditions of consent from RMS have been incorporated into the recommended conditions of consent.

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

A valid BASIX Certificate accompanied the Development Application. The Certificate details the required thermal comfort, energy and water commitments which are also illustrated on the submitted architectural plans. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 in this instance.

- **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The aim of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) seek to protect the biodiversity value or trees and other

vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The Vegetation SEPP applies to the subject site based on the zoning and proposed tree removal which requires Council's approval.

Council's Tree Section have reviewed the proposed tree removal and are satisfied that subject to the proposed replacement trees and the alternative driveway design proposed (supported by Council's Development Engineer as detailed further within this report), the proposal satisfies the provisions of the Vegetation SEPP.

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

This policy applies to residential apartment development and is required to be considered when assessing this application. Residential apartment development is defined under SEPP 65 as development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. The development must consist of the erection of a new building, the conversion of an existing building or the substantial redevelopment or refurbishment of an existing building. The building must also be at least 3 or more storeys and contain at least 4 or more dwellings. Residential apartment development does not include boarding houses or serviced apartments.

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.

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 the height controls and will align with the desired future character of the locality. Noting that the subject site has a site specific provision facilitating additional height and FSR for the consolidation of sites, the design ensures that the proposed development is relatively appropriate in terms of scale and bulk with a view of applicable development standards.

Principle 2: Built Form and Scale

The development complies with the site specific height and FSR controls that apply to the site. Redevelopment of the area will realise increased density, and the subject proposal 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.

The range of materials significantly contributes to the articulation of the building and reduces the overall bulk and mass of the building.

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 as sought by the suite of planning controls.

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 proposed development has adequate landscaped areas and an appropriate layout and design which has considered the local context and the relevant controls and standards within the Canterbury Development Control Plan 2012. The design provides for safe, useable and communal areas which promote social interaction whilst locating heavily used social areas in a way to avoid conflict with neighbouring properties.

Principle 6: Amenity

The proposed development has been designed to maximise solar access. The proposed units will have considerable internal amenity, including size and room dimensions which primarily exceed the minimum standards within the Apartment Design Guide. As such they will provide more than adequate space to meet the needs of future occupants.

Storage is provided within all units with additional storage within the allocated basement car parking spaces, whilst the outdoor private terraces 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 Canterbury Development Control Plan 2012 in the design of the project. The proposal provides increased activation and passive surveillance of the surrounding streets and private open space areas on the site. Residential entry and lobby areas are to be secured and well lit.

Principle 8: Housing Diversity and Social Interaction

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

Principle 9: Aesthetics

The proposed use of pattern, texture, form and colour seeks to produce a design aesthetic that reflects the quality of residential accommodation provided. The articulation of the external façades and 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.

Section	Design Criteria	Proposed	Complies
Part 3 Siting the Development			
3C Public Domain Interface	<ul style="list-style-type: none"> - Avoid long, high blank walls and fences - Direct access from the street to ground floor apartments and windows overlooking the street improve safety and social interaction; - Key components to consider when designing the interface include entries, private terraces or balconies, fence and walls, changes in level, services location and planting. - Safety considerations (real or perceived) and consideration of social interaction opportunities when viewed from the public domain. - Terraces, balconies and courtyard apartments to have direct street level entry where possible; - Changes in levels between ground floor and terraces to balance passive surveillance and privacy; - Provide seating at building entries, letter boxes and private courtyards adjacent the street. - Multiple building entrances to be clearly defined through architectural detailing, changes in materials, plant species and colours; - Concealment opportunities minimized. 	<p>The proposed development aligns with the footpath levels surrounding the site.</p> <p>The proposal features ground floor apartments with terraces that have direct entry to the street, providing activation and interaction with the public domain.</p> <p>The proposal had appropriately responded to the cross fall across the site.</p> <p>The proposal has been able to minimise its appearance of services and maintained the high quality street trees along the frontage.</p>	Yes
3D Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site. Total site area is 4,047m², requiring a minimum 1,011.75m²).</p> <p>Min 6m dimension.</p>	<p>1,032.28m²</p> <p>A range of facilities including seating areas, multiple break out areas and a playground have been included in the primary area.</p>	Yes

Section	Design Criteria	Proposed	Complies	
	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).	The primary communal open space receives two hours of solar access between 9am and 3pm on 21 June.	Yes	
3E Deep Soil Zones	Deep soil zones are to meet the following minimum dimensions:		7% = 283.29m ² Proposed = 448.614m ² There are minor encroachments into the rear 6m rear deep soil areas by balcony areas, however that type of arrangement is encouraged for ground floor apartments to facilitate interaction and surveillance between private and public areas. Further, the proposal achieves more than the minimum 7%.	
	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		

Section	Design Criteria	Proposed	Complies									
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:	The proposal complies with the visual privacy provisions except for minor encroachments within the centre of the development.	No, however acceptable as discussed in previous column.									
	<table><tr><th>Building Height</th><th>Habitable Rooms & Balconies</th><th>Non-habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr></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	For example, the visual privacy conditions between apartments 24 and 25 towards apartment 22, a distance of 6.2m instead of 9m. This is repeated for several levels and on the opposite internal section of the building (apartment 27 and above).
	Building Height	Habitable Rooms & Balconies		Non-habitable Rooms								
	Up to 12m (4 storeys)	6m		3m								
Up to 25m (5-8 storeys)	9m	4.5m										
		However, this arrangement is generally consistent with the Part 3F blank wall to habitable room distance of 6m, and is only non-compliant due to the pop out windows of apartment 22/27. These pop out windows increased the amenity of the attached rooms (bedroom and bathroom) without compromising on visual privacy as sought by this control due to the angling of the window. Outlook is also generally still maintained to the affected rooms, or available at other rooms in the apartment.										
3J Bicycle and Car Parking	For development within 800 metres of a railway station the minimum car parking requirement for residents and visitors is the lesser of that set out within the Guide to Traffic Generating Developments or Council requirements as set out in the table below. Otherwise, the CDCP 2012 controls apply.	<p>The site is 400m from Campsie Railway Station.</p> <p>The proposal meets the car parking requirements set out in the Canterbury Development Control Plan 2012. (see that section for detailed breakdown)</p>	Yes									

Section	Design Criteria	Proposed	Complies
	The car parking needs for a development must be provided off street.	Given that there is sufficient parking provided in basement, there should be no need for on street parking.	Yes
3G Pedestrian Access and Entries	<p>Multiples entries should be provided to activate the street edge.</p> <p>Building entries should be clearly distinguishable from private entries.</p> <p>Building access areas (lift lobbies, stairwells and hallways) should be clearly visible from public domain and communal spaces.</p> <p>Minimise ground floor and underground level changes along pathways and entries. Steps and ramps integrated into design.</p> <p>Provide pedestrian links to streets and destinations with clear sight lines.</p>	<p>The proposed development provides both private entries and a clearly defined central entry which is appropriately delineated through architectural detailing.</p> <p>The proposal has minimised the need for ramps and stairs within the development and provides clear sightlines to the street.</p>	Yes
Part 4 Designing the Building			
4A Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	72%	Yes

Section	Design Criteria	Proposed	Complies
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	16.7% The number of apartments that receive no solar access is slightly above the 15% maximum target. The proposal has been designed in line with the design guidance criteria, optimising sunlight throughout the development through dual aspect apartments, shallow apartment layouts, two storey apartments and bay windows. Despite the minor non-compliance, the design has minimised the number of apartments that do not receive solar access, and as a result is considered acceptable.	No, however considered acceptable.
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartment at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	70%	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Maximum 15.3m	Yes

Section	Design Criteria	Proposed	Complies										
4C Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum Ceiling Height for Apartment and Mixed Use Buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m main living area floor 2.4 for second floor, where its area does not exceed 50% of the apartment area</td></tr></table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum Ceiling Height for Apartment and Mixed Use Buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m main living area floor 2.4 for second floor, where its area does not exceed 50% of the apartment area	2.7m floor to ceiling heights.	Yes, to be enforced by recommended conditions of consent.		
Minimum Ceiling Height for Apartment and Mixed Use Buildings													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m main living area floor 2.4 for second floor, where its area does not exceed 50% of the apartment area												
4D Apartment Size and Layout	<p>Apartment are required to have the following minimum internal areas:</p> <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All apartments meet or exceed the minimum apartment sizes.	Yes
Apartment Type	Minimum Internal Area												
Studio	35m ²												
1 bedroom	50m ²												
2 bedroom	70m ²												
3 bedroom	90m ²												
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Each habitable room contains a window as required.	Yes										

Section	Design Criteria	Proposed	Complies															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Open plan layout room depth is limited to a maximum of 8m from a window.	Yes															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Bedrooms meet the minimum size requirements. This is also enforced by conditions of consent.	Yes, subject to conditions of consent.															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Each bedroom has a minimum dimension of 3m. This is also enforced by conditions of consent.	Yes, subject to conditions of consent.															
	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	Living and combined living / dining areas achieve the minimum width.	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Cross over and cross through apartments achieve minimum 4m width.	Yes															
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table><tr><td>Dwelling type</td><td>Min Area</td><td>Minimum Depth</td></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling type	Min 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	All balconies achieve the minimum area and dimensions. Some are assisted by areas that are 1m in depth.	Yes
	Dwelling type	Min 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																
The minimum balcony depth to be counted as contributing to the balcony area is 1m.																		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Ground floor private open space areas achieve the minimum dimensions of 15m ² and depth of 3m.	Yes															

Section	Design Criteria	Proposed	Complies										
4F Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Maximum of 8	Yes										
4G Storage	<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div> <table><tr><td>Dwelling type</td><td>Storage size volume</td></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <div>At least 50% of the required storage is to be located within the apartment.</div>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	<div>Storage areas within the apartments have been details, however sizes have not been adequately detailed for storage areas in the basement.</div> <div>Conditions of consent have been recommended to require the minimum storage requirements to be met.</div>	Yes, subject to conditions 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												
4H Acoustic Privacy	<div>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses</div> <div>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas</div> <div>Rooms with similar noise requirements are grouped together</div> <div>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</div>	<div>The proposal has been designed with consideration of co-location of similar room types throughout the development, where possible. There is generally good acoustic separation between the communal open space and bedroom areas, with minimal rooms compromised in generally unavoidable areas. A condition of consent has been included to require acoustic treatment of those bedrooms affected.</div>	Yes, subject to conditions of consent.										

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

The subject site is zoned R4 High Density Residential under the provisions of the Canterbury Local Environmental Plan 2012 (CLEP 2012). In accordance with clause 1.2 of the CLEP 2012, the proposal is consistent with the relevant aims of the plan.

Clause 2.3 Zone objectives and Land Use Table

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

The objectives of the R4 High Density Residential Zone are as follows:

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

The proposed development meets the objectives of the R4 zone as it provides for residential housing within a high density urban environment. The density residential design comprises a mix of residential types through incorporating a variety of one, two and three bedroom apartments, including two storey apartments, to contribute to the needs of the community.

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.3 Zoning	R4 High Density Residential	Residential Flat Building, which is permitted with consent.	Yes
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition proposed.	Yes

Provision/ Standard	Requirement	Proposal	Complies
4.4B Development at 2-16 Sixth Avenue, Campsie	(1) This clause applies to land at 2–16 Sixth Avenue, Campsie, being Lot 1, DP 125349, Lot 1, DP 10514, Lots A and B, DP 312268, Lots A and B, DP 394878 and Lots A and B, DP 307066.	The subject site has a frontage of 80.59m and a site area of 4,047m ² .	Yes
	(2) Despite clauses 4.3 (2) and 4.4 (2), development consent may be granted for a building that has a maximum height of 25 metres and a maximum floor space ratio of 2.9:1 on land to which this clause applies if— (a) the site area is at least 3,000 square metres, and (b) the street frontage is at least 50 metres.	<p>The proposed height is 25m underneath lift overrun 2.</p> <p>The proposed GFA is 11,142.4m². The resultant FSR is 2.75:1.</p> <p>However, the latest set of plans have failed to indicate the RL's of the lift overruns and larger skylights. As the proposed height was measured to be 25m at its highest under lift overrun 2, conditions of consent have been imposed to require the RL's from previous plans to be detailed on the construction certificate plans, being. This will include conditions to ensure the operable skylights are below the 25m height limit.</p> <p>Lift overrun 1 – RL36.17 Lift overrun 2 – RL39.97 Lift overrun 3 – RL38.17</p>	Yes, subject to conditions of consent.
Part 6 Local Provisions			

Provision/ Standard	Requirement	Proposal	Complies
6.1 Acid Sulfate Soils	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	Class 5 Acid Sulphate Soils. The submitted Geotechnical Report finds that limited ASS was detected in the soil testing and recommended further testing during the excavation stage of the development.	Yes
6.2 Earthworks	Before granting consent to development including earthworks, the following must be considered: (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	A Geotechnical Investigation Report was submitted with the application which details recommendations that satisfy the provisions of clause 6.2.	Yes
6.4 Stormwater Management	Consent must not be granted unless: (a) Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration. (b) Includes on-site detention if practical as an alternative means of water supply. (c) Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts.	The development has incorporated deep soil zones and permeable areas at ground level throughout the site. Council's Development Engineer has reviewed the proposal and is satisfied, subject to conditions of consent.	Yes

Provision/ Standard	Requirement	Proposal	Complies
6.6 Essential Services	Essential services must be available or adequate arrangements have been made to make them available, including: <ul style="list-style-type: none"> - the supply of water; - the supply of electricity (substation); - the disposal and - management of sewage; - stormwater drainage or on-site conservation; - suitable vehicular access. 	Adequate provision of services, including vehicular access, substation and fire hydrants have been provided. It is noted that a 'driveway' has been provided for the substation. This is not required and has been deleted by condition of consent.	Yes, subject to conditions of consent.

Proposed Environmental Planning Instruments [Section 4.15(1)(a)(iii)]

There are no proposed environmental planning instruments that are relevant to the proposed development.

Development Control Plans [section 4.15(1)(a)(iii)]

As the subject application was lodged on 10 August 2018, the proposed development is subject to amendment 3 of the Canterbury DCP 2012 and saved from amendments 4, 5 and 6.

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

The proposed development has been assessed against the relevant requirements of the Canterbury Development Control Plan 2012, with key controls highlighted as follows:

Part B1 – Transport and Parking

An assessment of the proposal against the car and bicycle parking rates in Part B1 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
Car Parking	<ul style="list-style-type: none"> • Studio or 1 bedroom: 1 space per dwelling (38 x 1 = 38 spaces required). • 2 bedroom: 1.2 spaces (the 0.2 space to remain as common property) per dwelling (68 x 1.2 = 81.6 (82) spaces required). • 3 bedroom: 2 spaces per dwelling (19 x 2 = 38 spaces required). • Visitor: 1 space per 5 	<p>A total of 184 car parking spaces are provided. This meets the required demand of 184 car parking spaces, including a car wash bay.</p> <p>23 spaces are designated as visitors space, a condition will be placed to increase this number to 25 spaces.</p>	Yes, subject to conditions of consent.

	dwellings 125/5 = 25 spaces required). Note: 1 per 3 required in some instances. <ul style="list-style-type: none"> • Car wash bay: 1 car wash bay. Total: 158 residential spaces, 25 visitor spaces plus 1 x car wash bay required. Totalling 184 Spaces	A condition will be placed to ensure that 14 (i.e. 68 x 0.2) spaces are retained in common property.	
Bicycle Parking	<ul style="list-style-type: none"> • Residents: 1 space per 5 dwellings (25) spaces required). • Visitors: 1 space per 10 dwellings (12.5 (13)) spaces required) Total: 38 spaces required.	43 spaces are shown on the plan, of which 5 are shown as visitor spaces. A condition will be placed on the consent to ensure that 13 spaces are maintained as visitors bicycle spaces.	Yes, subject to conditions of consent.

Part B2 – Landscaping and Part B3 – Tree Preservation

The application was referred to Council's Landscape Architect who raised no objection with the current design, subject to conditions of consent.

It is noted that Council's development engineer has allowed an alternative driveway design in order to facilitate retention of the street trees, which contribute positively to the streetscape.

Part B4 – Accessible and Adaptable Design

The access report prepared by Vista access architects was submitted as part of the DA. The report concludes that the design generally complies with the relevant standards. Where the design includes some non-compliances, these matters can be resolved through minor design changes or BCA Performance Solutions at the relevant Construction Certificate stage. On this basis, the design is considered acceptable from an accessible and adaptable design perspective.

Part B5 – Stormwater and Flood Management

The application was referred to Council's Development Engineer who raised no objection with the current design, subject to conditions of consent.

Part B7 – Crime Prevention and Safety

An assessment of the proposed design against the relevant provisions of Part B7.

The proposal has been considered against the key provisions of Surveillance, Access Control, and Territorial Reinforcement and Space Management as required under Parts B7.2 and B7.3.

- Surveillance

The proposal avoids blind corners and allows for active and passive surveillance

of the communal areas within the site. Entry points are well located and easily legible from the street. Views to the street are not restricted by landscaping or fencing. The overall design does not provide hidden areas for intruders to hide.

- **Access Control**
Entrances are easily identifiable and conditions in relation to street naming and numbering will allow for ease of identification. Fencing and planting ensures a sense of place and prevents unauthorised access.
- **Territorial Reinforcement and Space Management**
The development encourages a sense of ownership through appropriate definition of private and public spaces.

Given the above, it is considered that the proposal is in accordance with the provisions of the Crime Prevention and Safety requirements of the Canterbury Development Control Plan 2012. Conditions will be placed on the consent to require that the development meets the safety requirements of this part of the Development Control Plan.

Part B9 - Waste

The application was referred to Council's Project Officer – Resource Recovery who raises some issues with the current design, however these are resolvable subject to the recommended conditions of consent.

C4 - Residential Flat Buildings

An assessment of the proposal against the relevant provisions contained in Part C4 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
C4.2.1.1 - Frontage	4+ storey building: Min 30m frontage	The site frontage is 80.47m	Yes
C4.2.1.2 - Isolated Sites	Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate coordinated development.	No isolation will occur as a result of this proposal.	Yes
C4.2.1.3 - Open space and balconies	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the minimum balcony provisions within the ADG has been undertaken earlier within this report. Furthermore, an assessment against the communal open space requirements specified within the ADG has also been undertaken earlier within this report.		
C4.2.1.4 – Layout and Orientation	Orientate development to maximise solar access and natural lighting.	The development is orientated towards the street and the applicant has met the requirements of the ADG in that	Yes

		<p>over 70% of the apartments receive at least 2 hours of direct solar access to living spaces and private open spaces.</p> <p>The applicant has utilised corner sites, bay style windows and maisonettes to achieve the solar access requirements.</p>	
	Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	The site is located to the north of dwellings and flat building development. The casting of shadows has been limited, whilst the development remains under the height and with appropriate setbacks.	Yes
	Site new development and private open space to avoid existing shadows cast from nearby dwellings.	The proposed development has limited overshadowing from the north and the development is suitable in the area.	Yes
	Site a building to take maximum benefit from cross-breezes and prevailing winds.	<p>The proposed development benefits from cross breezes and the applicant has provided a site analysis.</p> <p>In addition, the development proposal meets the requirements for cross ventilation as required by the Apartment Design Guide.</p>	Yes
C4.2.2.2 - Height	Basement that projects greater than 1m above ground level comprises a storey	The proposal accords with maximum height controls of the Canterbury Local Environmental Plan 2012 and no part of the basement projects greater than 1m above natural ground level.	Yes
C4.2.2.3 - Setbacks	Side: Min 4m	<p>Site setbacks are:</p> <p>North 6m</p> <p>South 6m</p> <p>There are small intrusions to the ground floor terraces, however these are acceptable and do not constitute part of the built form of the building</p>	Yes
	Front and Rear: Min 6m	<p>Front and rear minimum setbacks are 6m.</p> <p>There is a slight intrusion to the</p>	Yes

		front setback as a result of the design of the entrance, however this is an important identifying feature and is, on merit, considered acceptable.	
	<u>Deep Soil – Setbacks:</u> Front and Rear: Min 5m Side: Min 2m	Deep soil is met on the front, rear and northern sides of the development. Where intrusions occur these are for ground floor terraces or for access walkways and footpaths. On the south site, the basement ramp access is proposed and this does extend into the deep soil area. However, the location of the basement access is appropriate as it provides for increased side setbacks and allows for a more cohesive overall design.	Yes
C4.2.2.4 - Building Depth and C4.2.2.5 - Separation	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to controls to which the SEPP relates. An assessment against the minimum building depth and separation provisions within the ADG has been undertaken earlier within this report.		
C4.2.2.6 - Floor to Ceiling	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to controls to which the SEPP relates. An assessment against the minimum floor to ceiling provisions within the ADG has been undertaken earlier within this report.		
Part C4.2.3 – Building Design			
Contemporary Built Form	New building forms and design features shall not mimic traditional features.	The proposed development is a contemporary modern design.	Yes
	Access to upper storeys must not be via external stairs.	No external stairs are proposed.	Yes
	All dwellings must contain one kitchen and laundry facility.	All dwellings contain a kitchen and laundry facilities	Yes
Building Entries	Entries to residential buildings must be clearly identifiable.	The entries are clearly identifiable by design and materials.	Yes
	A minimum of one habitable room per dwelling must be oriented towards the streets.	Habitable spaces are orientated towards Sixth Avenue.	Yes
	Ground level private terraces located within the front setback must be setback at least 1m from the street boundary to accommodate a landscape strip which should remain in communal	A 1m landscape strip is provided to the front of the site to allow for adequate screening of private open space. Conditions will ensure ownership.	Yes

	ownership.		
Façade Design	Façade design should reflect the orientation of the site using elements such as sun shading devises etc.	The proposed development has an appropriate façade design. The façade incorporates adequate shading and allows sufficient light to enter apartments.	Yes
	Articulating Façade Panels: Street Elevations: 6m to 8m Side Elevations: 10m to 15m	The façade is appropriately articulated using materials and design not avoid a long flat feature. The use and stepping of balconies provides for suitable breaks on the side elevations.	Yes
	Avoid long flat walls along street frontages – stagger the wall alignment with a step.	Long flat walls are avoided. There is appropriate use of materials which allows for a variety in the design of the building to maintain visual interest. The use of contrasting materials and colours ensures that the development avoids a bland and bulky design feature. The design incorporates suitable breaks to provide for a harmonious street rhythm, and also accentuates lower elements, whilst generally receding higher elements.	Yes
	Incorporate contrasting elements in the façade.		
	Layer and step facades in order to avoid buildings forms that are bland, bulky or over scaled.		
Pavilions	Facades should be layered and stepped in order to avoid building forms that are bland, bulk and over scaled.		
	Layering of facades should incorporate the base and upper storey elements.		
	Layering of facades should incorporate the base and upper storey elements.		
	Stepping of facades should be provided by balconies, staggered alignments for exterior walls and by contrasting design elements.		
C4.2.3.3 - Dwelling Layout and Dwelling Mix	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to controls to which the SEPP relates. An assessment against the minimum dwelling layout provisions within the ADG has been undertaken earlier within this report.		
	Min 10% of apartments to be adaptable or accessible	13 units (or 10.4% of apartments) are adaptable and accessible.	Yes
C4.2.4.1 - Solar Access and Overshadowing	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to controls to which the SEPP relates. An assessment against the solar access provisions within the ADG has been undertaken earlier within this report.		

Solar Access and Overshadowing – Adjoining Development	Development to retain a minimum of 2 hours of sunlight between 9am-3pm on 21 June for existing living areas and 50% of the principal private open space.	The proposed development fails to achieve solar access to northern neighbours in line with the requirements of the control.	No, see discussion below.
C4.2.4.2 – Acoustic Privacy	Protect sensitive rooms such as bedrooms Co locate similar uses / rooms Screen rooms or balconies that face driveways / basement ramps.	The proposed layout maintains adequate acoustic privacy for proposed future occupants and provides for suitable layouts to ensure ongoing acoustic privacy.	Yes
C4.2.5.1 - Fences	Front fences within the front boundary setback are to be no higher than 1.2m	A condition can be placed to ensure that fences within the front setback are not higher than 1.2m	Yes, by condition of consent.
C4.2.5.2 - Building services	Integrate systems, services and utility areas within the design of the whole development.	The proposed development appropriately integrates services, conditions will be placed to ensure full integration.	Yes, by condition of consent.

The proposed development is consistent with the above objectives and numerical controls, with the exception of the following numerical controls:

C4.2.4.1 – Solar Access to Neighbouring Properties.

Control C4.2.4.1 of the Canterbury Development Control Plan 2012 requires that development retains a minimum of 2 hours of sunlight between 9am-3pm on 21 June for existing living areas and 50% of the principal private open space. The solar access plans show that neighbouring properties retain at least 2 hours solar access, with the exception of 29 Ninth Avenue and 31-35 Ninth Avenue. 29 Ninth Avenue is a two storey dwelling, and 31-35 Ninth Avenue is a residential flat building.

29 Ninth Avenue receives direct solar access from 9am to 10:30am, totalling 1 hour 30 minutes.

Some of the properties within 31 Ninth Avenue (the eastern block) receive early morning sun, between until 9am and 9:30am and then from 2:30pm onwards, totalling 1 hour of direct sunlight. Other units (western block of 31 Ninth Avenue) receive solar access from 2:15pm onwards (totalling 45 minutes of direct solar access).

The proposed development therefore fails to maintain adequate solar access to all neighbouring property owners. However, the proposed development is within the maximum height limit, as set by the site specific provision within the Canterbury Local Environmental Plan 2012 and achieves the required setbacks. In addition, the future anticipated height control for these the properties fronting Ninth Avenue is 21m.

Due to the orientation of the property, the proposed development would not be able to be developed of a similar scale and maintain adequate solar access to neighbouring

properties. To retain fully compliant solar access would result in a substantially different style of development which would not be in keeping with the envisaged development as sought by the Canterbury Local Environmental Plan 2012.

Due to the lodgement date of this application, the proposal is assessed against Amendment 3 of the Canterbury Development Control Plan 2012. The more recent amendments allow for consideration of solar access between 8am and 4pm. When this is considered, some of the units in 31-35 Ninth Avenue receive adequate solar access of 3 hours.

Given the compliance of the development with the other relevant controls of the Local Environmental Plan and the Development Control Plan, on balance, it is considered that this proposal is worthy of support.

- **Canterbury Development Contributions Plan 2013**

In accordance with the provisions of the Canterbury Development Contributions Plan 2013, Section 7.11 contributions apply to the proposed development on the subject site. The proposed development attracts a contribution of \$1,563,446.80 under Section 7.11 Contributions. Having regard to the provisions of the Plan, this is required to be paid prior to the issue of a Construction Certificate. A condition has been imposed in this regard.

Planning agreements [section 4.15(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

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

Any Coastal Zone Management Plan [section 4.15(1)(a)(v)]

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

The likely impacts of the development [section 4.15(1)(b)]

- **National Construction Code**
The development application has been reviewed and assessed by Council's Building Surveyor who has raised no objection to the proposal subject to appropriate conditions being imposed, including that full compliance with the National Construction Code is to be achieved.
- **Proposed excavation works**
The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. Relevant conditions of consent requiring the applicant to provide a dilapidation report for the adjoining

properties, prior to the issue of the Construction Certificate, have been recommended. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant would be required to rectify all damages.

- Construction / Excavation Waste

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

- Sediment and Erosion Control

Standard conditions have been 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.

Suitability of the site [section 4.15(1)(c)]

The application has been assessed under Section 4.15 of the Act, and as demonstrated throughout the body of this report, the proposal is generally consistent with the planning controls and standards.

The proposed development is permissible in the zone, subject to consent and the site is suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised and notified in accordance with Part A3 of the Canterbury Development Control Plan 2012 from 4 September 2018 to 2 October 2018. Two objections were received during this period. The objections received are summarised as follows:

Loss of sunlight

Comment: The applicant has provided solar access diagrams which have been checked by Council.

Control C4.2.4.1 of Canterbury Development Control Plan 2012 requires that Development retains a minimum of 2 hours of sunlight between 9am-3pm on 21 June for existing living areas and 50% of the principal private open space. The solar access plans show that neighbouring properties retain at least 2 hours of solar access, with the exception of 29 Ninth Avenue and some units within 31 Ninth Avenue.

29 Ninth Avenue receives direct solar access from 9am to 10:30am, totalling 1 hour 30 minutes.

Some of the properties within 31 Ninth Avenue (the eastern block) receive early morning sun, between until 8am and 9:30am and then from 2:30pm

onwards, totalling 3 hours of direct sunlight. Other units (western block) receive solar access from 2:15pm onwards (totalling 1hour 45 minutes of direct solar access). This would result in four units not achieving two hours of solar access.

The proposed development therefore fails to maintain adequate solar access to all neighbouring property owners. However, the proposed development is within the maximum height limit, as set by Canterbury Local Environmental Plan 2012 and achieves the required setbacks.

Due to the orientation of the property, the proposed development would not be able to be developed of a similar scale and maintain adequate solar access to neighbouring properties. To retain fully compliant solar access would result in a substantially different style of development which would not be in keeping with the envisaged development as sought by the planning controls of the Canterbury Local Environmental Plan 2012.

Given the compliance of the development with the other relevant controls of the Local Environmental Plan and the Development Control Plan, on balance, it is considered that this proposal is worthy of support.

Loss of privacy

Comment: The proposed development meets the minimum setbacks as required under the Canterbury Development Control Plan 2012. The setback controls aim to provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely potential amenity impacts of new development.

Given that the proposal is compliant with the setback controls, it is not considered that that the development can be recommended for refusal on the grounds of loss of privacy.

Lack of on-site car parking

Comment: The Canterbury Development Control Plan 2012 requires that 184 spaces are provided on site to cater for the development and to avoid the requirement for utilising on street parking. 184 spaces are provided within the 3 basement levels proposed. Given this, it is considered that there is sufficient off-street parking.

Out of keeping with the character of the area

Comment: *The proposed development has been considered in line with the envisaged character of the area.*

The proposed development type, a Residential Flat Building, is permissible in the zone with consent. Whilst there are limited developments of this size in

the area, the Canterbury Local Environmental Plan 2012 envisages that the redevelopment of this site will have a maximum height of 25m.

Planning case law indicates that height, setbacks and landscaping are three of the key considerations in assessing the impact of a proposal on the character of the area. Council has considered these aspects of the application and has found the proposed development to be compliant.

Given this, Council considers the proposal to be in keeping with the desired future character of the area and in line with State Environmental Planning Policies and Canterbury standards, policies and controls.

The public interest [section 4.15(1)(e)]

The public interest is served through the consistent and measured application of the relevant plans, policies and standards. The proposal is generally consistent with these policies and, as such, is in the public interest.

Objections were received in relation to this application. However, determining whether a matter is contrary to the public interest is not solely based on the fact objections were received.

Council generally considers that the proposal meets the planning controls and should be supported and that this would be in the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is consistent with the objectives of the applicable suite of planning controls including *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development*, the *Canterbury Local Environmental Plan 2012* and the *Canterbury Development Control Plan 2012*. Given the assessment above, it is considered that the development application can be supported.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix B.

CONDITIONS OF CONSENT

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Division 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Sections 9.37 and 9.50 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-351/2018, in accordance with the drawings, reports and report recommendations as listed in the table below, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Rev	Dated	Prepared by
6-CP-DA-01	Site Plan	A	09.05.2019	Axel Richter Architect
6-CP-DA-02	Basement 3	A	09.05.2019	Axel Richter Architect
6-CP-DA-03	Basement 2	A	09.05.2019	Axel Richter Architect
6-CP-DA-04	Basement 1	B	28.10.2019	Axel Richter Architect
6-CP-DA-05	Level 1	D	15.11.2019	Axel Richter Architect
6-CP-DA-06	Level 2	D	15.11.2019	Axel Richter Architect
6-CP-DA-07	Level 3	D	15.11.2019	Axel Richter Architect
6-CP-DA-08	Level 4	D	15.11.2019	Axel Richter Architect
6-CP-DA-09	Level 5	D	15.11.2019	Axel Richter Architect
6-CP-DA-10	Level 6	D	15.11.2019	Axel Richter Architect
6-CP-DA-11	Level 7	D	15.11.2019	Axel Richter Architect
6-CP-DA-12	Level 8	D	15.11.2019	Axel Richter Architect
6-CP-DA-13	Roof	D	15.11.2019	Axel Richter Architect
6-CP-DA-14	Section A	B	09.05.2019	Axel Richter Architect
6-CP-DA-15	Section B-B	B	09.05.2019	Axel Richter Architect
6-CP-DA-16	East Elevation (Sixth Avenue)	D	15.11.2019	Axel Richter Architect
6-CP-DA-17	North Elevation	D	15.11.2019	Axel Richter Architect
6-CP-DA-18	West Elevation	C	15.11.2019	Axel Richter Architect
6-CP-DA-19	South Elevation	C	15.11.2019	Axel Richter Architect
6-CP-DA-20	Ceiling Heights	A	09.05.2019	Axel Richter Architect
LDA-01	Existing Tree Plan	A	01.08.2018	Ground Ink Landscape Architects
LDA-02	Landscape DA Plan	A	01.08.2018	Ground Ink Landscape Architects
LDA-03	Typical Unit Landscape Design and Sections	A	01.08.2018	Ground Ink Landscape Architects
LDA-04	Landscape Sections	A	01.08.2018	Ground Ink Landscape Architects
LDA-05	Plant Palette	A	01.08.2018	Ground Ink Landscape Architects
RTC-9718	Arboricultural Assessment & Development Impact Report	-	11 July 2018	Rain Tree Consulting Arboricultural Management
-	Root Investigation Statement	-	15 February 2019	Naturally Trees
18105-01/6	Erosion and Sediment Control Plan	B	8 October 2019	ING Consulting Engineers Pty Ltd
18105-02/6	Basement 3 Plan	B	8 October 2019	ING Consulting Engineers Pty Ltd

18105-03/6	Basement 1 & 2 Plan	B	8 October 2019	ING Consulting Engineers Pty Ltd
18105-04/6	Ground Floor Plan	B	8 October 2019	ING Consulting Engineers Pty Ltd
18105-05/6	Typical Floor, Roof & Catchment Plan	B	8 October 2019	ING Consulting Engineers Pty Ltd
18105-06/6	Notes & Details	B	8 October 2019	ING Consulting Engineers Pty Ltd
-	Demolition Management Plan	-	-	H&R Hassarati Pty Ltd
-	Parking, Ramp and Driveway Certification of a Proposed Residential Development.	V3A	June 2018	ML Traffic Engineers

The following amendments to the above plans are required to be made prior to the issue of a construction certificate:

- a) To comply with the provisions of the Apartment Design Guide and to ensure appropriate levels of residential amenity, all master bedrooms will have a minimum area of 10m² and all other bedrooms will have a minimum area of 9m² excluding wardrobe space.
- b) To comply with the provisions of the Apartment Design Guide and to ensure appropriate levels of residential amenity, all bedrooms will have a minimum dimension of 3m in any direction excluding wardrobe space.
- c) To ensure appropriate levels of residential amenity, all apartments must meet the minimum storage areas as identified in Design Criteria 4G – Storage of the Apartment Design Guide. Basement storage must show the area and height of storage cages in the basement and allocation of basement storage spaces to individual apartments. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the works have been constructed in accordance with the above.
- d) To ensure appropriate levels of residential amenity and to avoid the creation of a nuisance due to noise, acoustic treatments of all bedrooms located within 3m of driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space areas and circulation area must be undertaken to minimise noise disturbance in accordance with Part 4H of the Apartment Design Guide. An acoustic report must be submitted to the principal certifying authority prior to the issue of a construction certificate detailing acoustic treatments to these apartments.
- e) To ensure compliance with the maximum height controls and to ensure the development is compatible with the character of the area, the maximum height permitted for the development is 25m above natural ground level. To comply with the plans outlined in Condition 2 above, the maximum RLs for the lift overruns are set at
 - i. Lift 1 = RL36.17

ii. Lift 2 = RL39.97

iii. Lift 3 = RL38.17

No variation to these RL heights are permitted and the development must not be more than 25m in height.

- f) The floor to ceiling height in all living areas must be a minimum of 2.7m for all levels as indicated on the approved plans.
 - g) In the interests of design and to ensure compliance with the maximum height standards, all sky lights must be fully operational at a height below 25m above natural ground level.
 - h) In the interests of visual amenity, the driveway leading to the substation is not permitted and does not form part of this consent.
 - i) In the interests of design and access requirements, all the recommendations and findings of the Access Report prepared by Vista Access Architects (Reference Number 18113), must be incorporated into the development.
 - j) All building services, including air conditioning, fire, ventilation, antennas, clothes drying areas, hot water systems, electrical, and so on, must be fully integrated within the fabric of the building and must not be visible from the public domain.
 - k) Resident, commercial and visitor car parking shall be clearly signposted at the entry to the car parking area.
 - l) The bathroom and ensuite window(s) must be translucent glass.
 - m) Details of mechanical ventilation must be provided for all hallways to avoid trapped smells.
- 3) The substation must be the same size and location as shown in the approved plans. Additional substations or changes in size/location are not permitted. Any changes to the substation size and location, including any potential additional substations, are not permitted and require a modification application for any changes. Council will not permit any changes that would lead to a substation in the front setback or landscaped area. The substation must not be situated within any approved commercial tenancy, any landscaped area or in any area visible from the public domain. Blast walls or similar structures are not permitted. A modification application is required for any changes to the substation location, additional substations, blast walls or the like.
- 4) All substation, hydrants, boosters and other services must be contained within cabinets in the built form areas shown in the approved plans subject to this consent. The indicated cabinet louvres must utilise finishes and materials from the approved colours and finishes schedule.
- 5) Any heat shield and/or associated fire assembly structures/facilities not shown on the approved plans are not permitted and a modification application is required for any such structures/facilities.
- 6) Air-conditioning units must not be visible from the public domain. Equipment and associated wiring must be visually concealed. Air-conditioner units must not be

located on an awning, any visible face of the building or on roofs in a way that would be visible from any street, footpath or park.

- 7) Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- 8) Any lighting of the premises must be installed in accordance with AS 4282-1997, 'Control of the obtrusive effects of outdoor lighting', so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 9) The building must comply with the Category 1 fire safety provisions that are applicable to the building's proposed use.
- 10) No changes to the finishing materials and colours are permitted. If a change to the external finishing materials or colours are required, a modification of this application must be submitted to and determined by Council prior to the issue of a Construction Certificate.
- 11) Prior to the commencement of any demolition, earthworks and construction works; dilapidation reports must be prepared for all adjoining dwellings and a copy is to be provided to the owner(s) of each respective property. The reports must clearly identify the condition of the existing dwelling and other improvements prior to the commencement of works. All care shall be taken during the demolition, earthworks and construction works to ensure the structures, footings and walls are protected, and should any change in condition occur from that recorded in the dilapidation reports, the rectification of such shall be at full cost to the developer.
- 12) All recommendations set out in the Geotechnical Investigation Report, reference number G2018-32B, authored by Mark Kiryakos, dated 22 February 2019 must be undertaken. Any recommendations relating to works to be undertaken during construction must be followed and form part of this consent.

ROADS AND MARITIME SERVICES

- 13) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- 14) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.

- 15) All vehicles are to enter and exit the site in a forward direction.
- 16) Waste collection should not obstruct/impact through traffic on Sixth Avenue.
- 17) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

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

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

- 18) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 19) Prior to the issue of a Construction Certificate, approval from the Canterbury Bankstown Traffic Committee shall be obtained for a change to the provisions along Sixth Avenue for the erection of sign "No stopping except waste collection vehicles" (or similar) for a distance of approximately 30m north of the northern edge of the driveway to allow for the collection of waste bins by Council's waste collection services. Any works required to be undertaken as a result of obtaining such permission shall be undertaken in accordance with any approval from the Canterbury Bankstown Traffic Committee.
- 20) Prior to the issue of a Construction Certificate a copy of the Site Contamination Validation Report must be submitted to Council. This validation report must be prepared by a suitably qualified environmental consultant. The validation report must be prepared in accordance with relevant NSW EPA guidelines, including 'Guidelines for Consultants Reporting of Contaminated Sites' (NSW Office of Environment and Heritage, 2011) 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.
- 21) Landscaping must be installed in accordance with the approved landscape plan.
- 22) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side (behind the front building line) and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of

lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 23) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 24) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with Council's Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 25) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

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

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

- 26) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 27) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 28) Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, this condition has been levied on the development after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$1,563,446.80. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$ 141,415.64
• Open Space and Recreation	\$ 1,382,247.25
• Plan Administration	\$ 39,783.91

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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.

The Development Contributions Plan 2013 may be inspected at Council's Campsie Customer Service Centre, 137 Beamish Street, Campsie or from Council's website www.cbcity.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

- 29) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 30) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
 - a) A heavy duty combined VFC of maximum width of 6.0 metres at the property boundary **except where recommended except where recommended otherwise by the approved arborist report and root investigation report.**
 - b) Drainage connection to Council's kerb & gutter system.
 - c) Removal of all redundant driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) Reconstruction of footpath along the whole site frontage.
 - e) Repair of any damage to the public road including the footway occurring during development works.
 - f) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any

public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 31) Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plans prepared by ING Consulting Engineers Pty Ltd, drawing number 18105-02/6/B, 18105-03/6/B, 18105-04/6/B, 18105-05/6/B, 18105-06/6/B, dated 08.10.2019. The final plans shall be certified by the design engineer that it complies with Council's Canterbury Development Control Plan 2012 Part B5, the BASIX Certificate and the relevant Australian Standards.
- 32) The OSD system must have a safe overflow mechanism designed for 1% ARI with a provision of 50% blockage factor.
- 33) The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890 parking series. 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". Note: The gradient of the vehicular access must not exceed 1 in 20 (5%) for the first 6000 mm inside the property boundary in accordance with Clause 3.3(a) of *AS/NZS 2890.1: 2004*.
 - c. A minimum of 2200mm Headroom must be provided throughout the access and parking facilities and 2500 for accessible parking spaces and shared areas. 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*.

- 34) 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.
- 35) 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.
- 36) Any pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's relevant Development Control Plan (DCP). Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 37) Engineering details and manufacturers specifications for any pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 38) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

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

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

- 39) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 40) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping, and shall comply with the following conditions:

Vacant Land Charge Application:

A vacant land charge form must be submitted, and all domestic garbage and recycling bins removed before an application for a Construction Certificate (CC) is submitted. The application must include confirmation from Council's Waste Operations Unit that all bins have been removed.

Waste Storage Room Construction:

A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the waste and recycling storage room (Basement 1) and waste collection room (Level 1) has been designed to be constructed in accordance with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that is non-slip and have a smooth and even surface.
- c. The rooms are to be integrated within the building, a minimum 2.7m unobstructed room height is required in accordance with the Building Code of Australia;
- d. The walls must be constructed of solid impervious material.
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to be installed in both rooms.
- h. A self-closing door openable from within the rooms.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the rooms.
- k. Any doorways must be a minimum 2m wide.
- l. Any walkways must be a minimum 2m wide
- m. Designed to fit 8 x 660L recycling bins
- n. Designed to fit 10 x 660L garbage bins
- o. Designed to fit 6 x 240L garden organic bins.

(Note: 660L bins are 1,250mm H x 1,377mm W x 850mm D. The bins need to be positioned lengthwise along the wall in the waste storage room)

(Note: 240L bins are 1,080mm H x 580mm W x 735mm D)

Bin Lifting Equipment:

A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the bin lift/hoist from the waste and recycling storage room (Basement 1) to waste collection room (Level 1) has been designed to be constructed in accordance with the following requirements:

- a. Internal area of the lift/hoist must measure a minimum of 1,500mm (H), 1,400mm (W), 1,300mm (D) and/or a 3 seater couch plus room for two people
- b. Access to the lift/hoist must be limited to the caretaker responsible for moving the bins and bulky waste for collection

- c. When operational, access from the waste and recycling storage room must be prevented
- d. The lift/hoist platform must be able to carry one full 660L garbage bin plus the weight of one or two people to a minimum of 800 kilograms.

Bulky Waste Storage Room Construction:

A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the bulky waste storage room (Basement 1) has been designed to be constructed in accordance with the following requirements:

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
- b. The floors must be finished so that is non-slip and has a smooth and even surface.
- c. The walls must be constructed of solid impervious material.
- d. The room is to be integrated within the building, a minimum 2.7m unobstructed room height is required in accordance with the Building Code of Australia;
- e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
- f. Walls, ceiling and floors must be finished in a light colour.
- g. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to be installed
- h. A self-closing door openable from within the room.
- i. Must be constructed to prevent the entry of birds and vermin.
- j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
- k. Any doorways must be minimum 2m wide.
- l. Any walkways must be a minimum 2m wide
- m. Designed to a minimum size of 11m²

Bin-carting Route / Collection Point:

A design certificate and detailed plans are to accompany any Construction Certificate (CC) application which demonstrate that the bin carting route from the waste collection room (Level 1) to the kerbside collection point has been designed to be constructed in accordance with the following requirements:

- a. Within 15m of a layback at the kerbside collection point
- b. To be solid, concrete and non-slip
- c. A minimum 2m wide
- d. Free from obstructions and steps
- e. To be a maximum grade of 1:30 (3%)

Council Inspection – Waste Management Facilities:

At completion of basement level, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval and Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer

connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.

- 41) Any fire assemblies / facilities required to be on a frontage of a building must be integrated into the building design and screened from public view within cabinets and integrated into the built form using finishes and materials from the approved colours and finishes schedule. **Fire assemblies / facilities must not be located in the public domain or in landscaped areas.**
- 42) Any heat shield and/or associated fire assembly structures/facilities not shown on the approved plans are not permitted and a modification application is required for any such structures/facilities.
- 43) In the unforeseen event that a substation is required, contrary to the advice provided to Council, the size and location of the substation is to be submitted for approval to Council and Ausgrid, prior to the issue of any Construction Certificate or the commencement of use, whichever is earlier. A substation has not been approved and if required, must form part of a Section 4.55 modification application to Council.

The substation must not be situated within any landscaped area, must not be situated in any area visible from the public domain and must be integrated into the building.

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier an area of land **within** the building to enable an electricity substation to be installed.

- 44) All roof-top plant and associated equipment must be located within the approved building envelope and must not be visible from the public domain.
- 45) Individual air conditioning units to the facade or balconies of the building are not approved. Air-conditioning units must not be visible from the public domain. Equipment and associated wiring must be visually concealed. Air-conditioner units must not be located on an awning, any visible face of the building or on roofs in a way that would be visible from any street, footpath or park.
- 46) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

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

- 47) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

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.

- 49) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 50) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.
- 51) The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.
- 52) All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 53) The building work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building work.
- 54) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 55) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 56) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 57) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 58) A compliance certificate must be must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. An assessment will determine the availability of

water and sewer services, which may require extension, adjustment or connection to the mains.

A section 73 Compliance Certificate must be completed before an occupation certificate will be issued. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- 59) 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.

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

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

- 61) Written notice must be given to adjoining residents seven (7) days prior to the commencement of demolition advising of the commencement date.
- 62) Written notice is to be given to Council for inspection prior to demolition. Such written notice is to include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolisher.
- 63) The following inspections must be undertaken by Council:

- i. A pre-commencement demolition inspection when all site works required as part of this consent are installed on the site and prior to demolition work commencing; and
 - ii. A final demolition inspection when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.
- 64) Payment of an inspection fee at Council's current rate will be required prior to inspection. Council requires 48 hours notice to carryout inspection.
- 65) Prior to demolition work, a sign must be erected at the front of the property with the demolishers name, licence number and contact phone number.
- 66) Demolition work may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition work is to be carried out at any time on a Sunday or a public holiday.
- 67) All demolition work must be carried out in accordance with Australian Standard 2601-2001 - The demolition of structures.
- 68) Where asbestos containing materials are to be removed, demolition is to be carried out by contractors who have a current SafeWork NSW licence in asbestos removal.
- 69) An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work.
- 70) Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority.
- 71) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- 72) A copy of the final demolition inspection report is to be submitted to the Principal Certifying Authority prior to the commencement of building work.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 73) The hours of site works shall be limited to between 7.00am and 5.00pm on weekdays and on Saturdays. No work shall be carried out on Sundays and public holidays.
- 74) The building work must be carried out in accordance with the requirements of the Building Code of Australia.

- 75) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority and Council verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 76) All Civil and Hydraulic engineering works on site must be carried out in accordance with Canterbury Development Control Plan 2012. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 77) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 78) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 79) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 80) All boundary fencing behind the front building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 81) The stormwater drainage system shall be constructed in accordance with Canterbury Development Control Plan 2012 and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 82) The wastewater from any car wash bay shall be collected and disposed of, in accordance with the requirements contained in Council's Canterbury Development Control Plan 2012.
- 83) 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.

- 84) In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

Council may also request that a NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

- 85) Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an Occupation Certificate.

All imported fill must be compatible with the existing soil characteristics of the site.

- 86) Any soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the 'Waste Classification Guidelines' (NSW EPA, 2014) prior to off-site disposal.

Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

- 87) The requirements of the approved Waste Management Plan (WMP) shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works. When implementing the WMP the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*

- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*
 - c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
 - d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
 - e) Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste.
 - f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
 - g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.
 - h) All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated must be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts must be made available to Council on request.
- 88) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 89) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 90) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.

- 91) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
1. protect and support the adjoining premises from possible damage from the excavation, and
 2. where necessary, underpin the adjoining premises to prevent any such damage.
- 92) The stormwater drainage system shall be constructed in accordance with Canterbury Development Control Plan 2012 Part B5 and the engineering plans and details approved by the Principal Certifying Authority (PCA). *Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.*
- 93) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

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

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

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 94) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 95) 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.
- 96) The site must be consolidated into one allotment. The plan of consolidation must be lodged and registered with the Land and Property Information NSW prior to the release of any Occupation Certificate or occupation of the building.
- 97) An identification report by a registered surveyor must be submitted to the principal certifying authority to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.

- 98) 184 off street car spaces and one car wash bay being provided in accordance with the submitted plans. This shall comprise a minimum of:

158 residential spaces,
25 residential visitor spaces, and
1 car wash bay.

The car wash bay may not be used as a parking space and must be retained as a car wash bay for the lifetime of the development.

An appropriate number of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

- 99) 43 bicycle parking spaces being provided in accordance with the submitted plans. This shall comprise a minimum of:

25 residents bicycle spaces, and
13 residential visitor spaces

All spaces will be appropriately signposted and retained for the lifetime of the development.

- 100) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

- 101) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.

- 102) Lighting must be provided to the entries of the development, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

- 103) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 104) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 105) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

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

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

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

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

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

- 107) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before an occupation certificate will be issued.
- 108) Prior to the issue of any Occupation Certificate, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval and the Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, truck turntables, and that all waste facilities are fit for purpose.
- 109) Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its contractors to enter and exit for the purpose of waste and recycling collection. The development is also required to indemnify council and its contractors against claims for loss or damage or wear and

tear of access roads or to other parts of the building. A positive covenant shall be placed on the property title, such as section 88B certificate.

- i. Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.
- ii. The provision of Council's waste collection service will not commence until formalisation of the agreement.

110) Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

- (c) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Principal Certifier prior to a Construction Certificate being issued.
- (d) A separate development application must be submitted prior to the installation of any external telecommunication apparatus, or the like.

CONDITIONS TO BE SATISFIED AS PART OF THE ONGOING OPERATION/USE OF THE COMPLETED DEVELOPMENT

111) The deep soil areas located in the front setback along Sixth Avenue and along both side setbacks must be retained as deep soil and landscaping respectively for the life of the development. No encroachments for services or any structure is permitted.

112) All hallways within the development must be mechanically ventilated for the life of the development to avoid trapped smells.

113) The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in

the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).

- 114) Should a noise issue (relating to the development) not previously identified arise (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
- 115) The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 116) The approved Waste Management Plan (WMP) is to be implemented throughout the ongoing use of the development.
- 117) The development must operate in full compliance with Council's Waste Management collection requirements
- 118) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:
 - a. Responsibility for cleaning and maintaining waste storage bins and containers
 - b. Responsibility for cleaning and maintaining waste storage room
 - c. Responsibility for the transfer of bins and bulky waste to the nominated collection point
 - d. Method of communication to new tenants and residents concerning the developments waste management system.
 - e. Cleaning up and management of bulky waste
 - f. Responsibility for maintaining the compost bin or worm farm
- 119) Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.
- 120) No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 121) The City of Canterbury Bankstown provides signage which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials

can be placed in each bin. This signage is to be placed and maintained within all waste storage areas of the development.

- 122) Additional lighting should be installed in pedestrian traffic ways, so as to illuminate the area during hours of darkness.
- 123) Landscaping around the site should not act as a natural ladder for potential offenders to gain access to balconies above the ground floor.
- 124) An anti-graffiti coating must be applied to the exterior of the building so as to prevent graffiti vandalism. A building that is subject to graffiti will leave an impression that it is not cared-for or well maintained. It is unsightly, can affect the sense of safety of residents, impact businesses, and is costly to remove in the long term. Preventing graffiti will promote a cared-for image for the community and result in enhanced feelings of safety within and around the development.
- 125) Due to the increase in Fraud, particularly mail theft, all letterboxes are to have security locks on them.
- 126) To ensure appropriate use of the site, maximise community safety and protect the amenity of the local area vandal proof dome style Closed Circuit Television (CCTV) cameras must be installed, to cover all the exterior surrounds and public domain surrounding the site. The cameras must provide effective coverage of the entire frontage of the site and must be compliant with Australian Standards AS4806. All cameras must provide image quality in keeping with identification, recognition or detection of targets and be of sufficient quality and clarity for use by police as evidence in court. CCTV signage is to be placed at all entries into premises and in all areas where CCTV is operating as per Australian Standard AS4806.1 –2006. Sign formats as per the requirements of Australian Standard S9 AS4806.2:2006.
- 127) The system must be capable of burning to a disc, in a simple operation to a video file and the playback software required to view the video file. CCTV Footage must be provided to the Police or Council within 24 hours of receiving a request for such footage. Data must be kept for a minimum of 21 days.
- 128) The CCTV system must be registered with the NSW Police CCTV Register at:http://www.police.nsw.gov.au/services/additional_services/register_my_business_cctv_details
- 129) All staff interacting with the system, its location or requests for data must be provided with an appropriate degree of training in its operation.

PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

- 130) Any proposal for strata subdivision of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.
- 131) Prior to the issue of any Subdivision Certificate, the following items are to be complied with:
- (a) The developer shall create the following easements, where necessary over the relevant lots, on the plan of subdivision under provisions of the Conveyancing Act. A statement shall be placed on the Section 88B Instrument that nominates Canterbury-Bankstown Council as the authority empowered to release, vary or modify the easements created.
 - a. Easements to drain water (for inter-allotment drainage).
 - b. Easement for services (for utilities).
 - c. Right of carriageway (for internal driveway, vehicle manoeuvring).
 - d. Easement for overhang (for eaves and gutters).
 - (b) The following information shall be submitted to Council or accredited certifier (where applicable) with an application for a Subdivision Certificate:
 - i. Original plan of subdivision prepared and signed by a qualified surveyor, plus five (5) copies;
 - ii. Copy of the relevant development consent, including all Section 96 Modifications if applicable,
 - iii. Evidence that all conditions of consent relevant to the release of the subdivision certificate have been complied with,
 - iv. A certificate of compliance (Section 73 Certificate) from Sydney Water if required,
 - v. Certification by a registered surveyor that all services such as stormwater, drainage, water, gas, electricity and telephone are contained separately within each lot or within easements created to accommodate such services
 - vi. A certificate from a Registered Surveyor which demonstrates that the height and location of all floor slabs and external walls complies with the approved plans. In this regard, the certificate from the Registered Survey is required to identify the finished floor level of the floor slabs and external walls and the offsets to property boundaries.
 - vii. A Work As Executed Plan prepared by a registered surveyor, together with certification from a qualified professional civil engineer of the constructed on-site drainage and/ or stormwater detention system, shall be obtained prior to release of the linen plans.

The Work As Executed plans shall be shown on a copy of the approved stormwater drainage plan and shall contain all information specified in Council's Development Engineering Standards.

The Work As Executed information shall be shown in red on a copy of the approved plans. The information shall be submitted to the Engineer prior to certification.

SCHEDULE A: ADVICE TO APPLICANTS

Inspection of building works shall be undertaken as determined by the PCA. If Canterbury-Bankstown Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.

Where a combined development consent is issued for demolition of buildings and construction of new work, a Construction Certificate must be obtained for the work, including demolition.

Also, 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 to nearest cross street) for underground utility services information for any excavation areas.

-END-

Development Committee - 09 December 2019

ITEM 3	56 Lucas Road, East Hills
	Modification of existing structures and construction of a new two storey dwelling, inground swimming pool and outbuilding.
FILE	DA-447/2019A – Revesby
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	2 July 2019
APPLICANT	Kristy and Anthony Bova
OWNERS	Kristy and Anthony Bova
ESTIMATED VALUE	\$495,000
AUTHOR	Jeremy Swan, The Planning Hub – Independent Town Planning Consultant

REPORT

This matter is reported to Council's Local Planning Panel in accordance with the Panel's delegation from the NSW Minister for Planning, as the applicant and land owner is a member of council staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

Development Application No. DA-447/2019 proposed the demolition of existing dwelling and structures and construction of a new two storey dwelling, inground swimming pool and outbuilding and was approved subject to conditions by the Canterbury Bankstown Local Planning Panel on 2 September 2019.

The applicant has lodged a Section 4.55(1A) modification which seeks to delete Condition 3, minor changes to schedule of external finishes, and deletion of the front fence.

The deletion of Condition 3 is not supported, however an alternative was put forward by the applicant if the deletion was not supported. The applicant's alternative is a privacy screen, which is considered acceptable, and is recommended to be modified accordingly.

In respect of the minor changes to the schedule of external finishes and the deletion of the front fence, these are all supported as they do not result in any unacceptable environmental impact.

POLICY IMPACT

The matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications

RECOMMENDATION

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

ATTACHMENTS

- A. Assessment Report
- B. Conditions of Consent

DA-447/2019/A ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 56 Lucas Road, East Hills, NSW, 2213. The existing lot has a primary frontage to Lucas Road of 13.7m and a fall of approximately 1.4m from east to west. The site has an overall area of 836.1sqm by title, is rectangular in shape and is zoned R2 Low Density Residential.

Currently, the site contains an existing single-storey dwelling and single garage located towards the rear of the site. The surrounding development consists of other residential dwellings, with multiple properties along the street being subject to recent residential developments. The site to the north consists of a single storey dwelling and ancillary structures, with the site to the south similarly containing a single storey dwelling and ancillary structures.

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



Figure 1: Aerial of subject site, outlined in red. **Source:** Sixmaps



Figure 2: Map showing the site and surrounding lot context. **Source:** Sixmaps

PROPOSED DEVELOPMENT MODIFICATIONS

The applicant seeks to modify an existing development consent for demolition of existing structures and construction of a new two storey dwelling, inground swimming pool and outbuilding with the following changes:

- Delete Condition 3 which states *“The 2nd storey side boundary windows to Bedroom 2 are to include a sill height of 1.5 metres. Second Floor plan to be amended to match the Eastern and the Northern elevation plans prior to the issue of the Construction Certificate.”*
- Minor changes to schedule of external finishes with additional words shown in **bold** below:
 - 4.- Composite – Modwood ‘Black Bean Smooth’ **or dark grey** or similar;
 - 6. Metal – Privacy Screening, White Finish, **dark Grey** or Similar;
 - 8. External Floor Tiles – Light Grey **or Dark Grey** or Similar; and
 - 9. Silver Garage Door **or Dark Grey** or Similar.
- Deletion of the front fence.

4.55(1A) ASSESSMENT

In considering the proposed Section 4.55(1A) Application, the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 have been taken into consideration in the preparation of this report and are as follows:

Section 4.55(1A) Provisions

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, Council has to be satisfied that:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

The impact of the proposed modification is discussed in detail below and is considered to have minimal environmental impact.

- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

The proposed modification involves minor modifications to the proposed dwelling and as modified, is substantially the same development as the development for which the consent was originally granted.

- (c) it has notified the application in accordance with:*
(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Neighbouring properties were notified and no submissions were received.

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

No submissions were received.

The development as modified is substantially the same development as approved, and it does not result in any change to approved floor space ratio, building heights, or car parking spaces. The works proposed are minor in nature and sit within the already approved building envelope.

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such matters as are of relevance to the proposed development.

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy No. 55 – Remediation of Land

The proposed modifications will have no impact on the proposal's original assessment against the provisions of the SEPP No. 55 Remediation of Land.

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

A valid BASIX Certificate accompanied the original development application. The Certificate details the water, thermal comfort and energy commitments which are also detailed on the submitted plans.

The proposal satisfies the requirements of State Environmental Planning Policy Building Sustainability Index: BASIX) 2004 and an updated BASIX certificate is not deemed necessary.

Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment

The subject site is located within an area that is identified as being affected by the *Greater Metropolitan Regional Environmental Plan (GMREP) 2 – Georges River Catchment*, being a deemed SEPP from 1 July 2009 under the then Clause 120 of Schedule 6 of the EP & A Act 1979. The GMREP No.2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications.

As assessment of the modified proposal indicates that it is consistent with the general aims and objectives of the plan and there is no inconsistency with the planning principles as set out in Clause 8 of GMREP No. 2.

Bankstown Local Environmental Plan 2015 (BLEP 2015)

The site is zoned R2 - Low Density Residential under the BLEP 2015 and the proposed development to a dwelling is permissible with consent. As such, the proposal complies with the standards found in the BLEP 2015.

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

Clause 1.2 – Aims of the Plan;
 Clause 2.1 – Land Use Zones;
 Clause 2.2 – Zoning of land to which Plan applies;
 Clause 2.3 – Zone objectives and Land Use Table;
 Clause 2.7 – Demolition requires development consent;
 Clause 4.3 – Height of Buildings;
 Clause 4.4 – Floor Space Ratio;
 Clause 4.5 – Calculation of floor space ratio and site area;
 Clause 4.6 – Exceptions to development standards;
 Clause 6.1 – Acid Sulfate Soils;
 Clause 6.2 – Earthworks; and
 Clause 6.3 – Flood Planning.

An assessment of the modified development application has revealed that the proposal does not result in any non-compliance with the above clauses of the Bankstown Local Environmental Plan 2015.

It is noted that a variation to Clause 4.3(2B)(b) in relation to the maximum wall height for a dwelling house supported by a Clause 4.6 variation request was approved as part of the original DA. There are no changes proposed to the height of the proposed development.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

There are no draft EPI's that are proposed to impact on the subject site of this development application.

Development control plans [section 4.15(1)(a)(iii)]

The following table provides a summary of the relevant controls that relate to the modified development application against the controls contained within Part B1 – Residential Development, of the *Bankstown Development Control Plan 2015*.

STANDARD	BDCP 2015 PART B1	
	REQUIRED	COMPLIANCE
Section 2 – Dwelling Houses		
Clause- 2.17 Visual privacy	Where development proposes a window that directly looks into the living area or bedroom window of an	The deletion of Condition 3 is considered not acceptable, however the applicant has proposed an alternative in the event that the

STANDARD	BDCP 2015 PART B1	
	REQUIRED	COMPLIANCE
	<p>existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>	<p>deletion of condition 3 is not acceptable.</p> <p>The applicant's alternative is a privacy screen, which is considered acceptable, and condition 3 has been recommended to be modified accordingly. This is further discussed later in this report.</p>
Section 14 – Ancillary Development (Outdoor Structures)		
Clause 14.1-14.4 Front Fences	The maximum fence height for a front fence is 1.8 metres.	The proposed modification involves the removal of front fencing. The removal is considered acceptable and will not result in any unacceptable impact as a fence is not required to comply with the DCP.

Deletion of Condition 3

The proposed modification seeks to delete condition 3.

Condition 3 of DA-447/2019 states:

The second storey side boundary windows to Bedroom two are to include a sill height of 1.5 metres. Second Floor plan to be amended to match the Eastern and the Northern elevation plans prior to the issue of the Construction Certificate.

The applicant made representation at the Canterbury Bankstown Local Planning Panel meeting on 2 September 2019, seeking to have the condition deleted.

The panel considered the applicant's submission and states in their minutes:

"The Panel is of the opinion that the disputed sill height should be 1.5 metres noting that the property adjoining to the North has potential for redevelopment which is likely to be two storeys. Further, the sill heights of the other upper storey windows on the Northern elevation are also all 1.5 metres."

The applicant in this modification states that the proposed dwelling complies with Clause 2.17 of BDCP 2015 – Part B1 as both side windows of Bed 2 do not directly look into the living area or bedroom windows of an existing dwelling.

Clause 2.17 requires a development to design with consideration to an existing adjoining dwelling to ensure that privacy is maintained between the new development and the existing adjoining dwellings. Nothing in this clause requires a development to provide privacy measures for a potential future dwelling on an adjoining property, as the clause specifically relates to an existing dwelling on an adjoining property.

The adjoining property to the north (No. 54 Lucas Road) is a single storey dwelling, and there are no windows within the existing adjoining dwelling that the proposed dwelling will look directly into. It is also noted that there is a large setback for the driveway on the adjoining property which provides a good separation between dwellings of approximately 4m (i.e. not the minimum of separation of 1.8m, being a 900mm setback per dwelling).

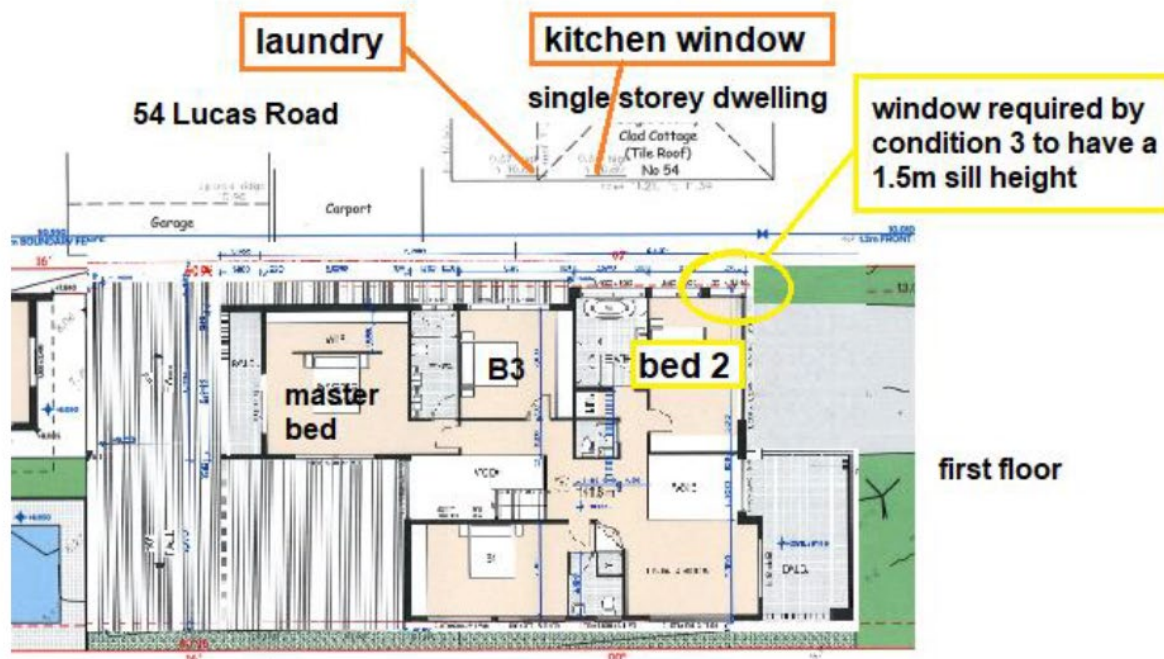


Figure 3: 2nd Storey floor Plan and Relationship to Adjoining Dwelling at 54 Lucas Street **Source:** Applicant

The applicant has included a revised plan which shows privacy screening to the side/northern elevation of the corner window of Bed 2 as an alternative to the 1.5 metre sill height (required by condition 3).

The applicant states that it would be preferable that condition 3 is deleted altogether and that no privacy screen is required. However, if the assessment officer insists that Clause 2.17 of BDCP 2015 is not complied with and that privacy screening to the window is required the plan could be approved as part of this modification.

Comment:

Council's DCP has a number of relevant objectives that relate to privacy, including:

Objective (c) which states *"to ensure the building form and building design of dwelling houses provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy."* and

Objective (d) which states *"to ensure the building form and building design of dwelling houses do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy."*

Balancing the request by the applicant and ensuring that privacy is protected both existing and into the future it is considered appropriate that some level of privacy protection is required.

The deletion of Condition 3 is not supported, however the applicant's alternative which includes a privacy screen is considered acceptable and is considered an acceptable alternative screening device.

Therefore, it is recommended that Condition 3 be modified accordingly and the plan reference in condition 1 is to be modified as well.

Planning agreements [section 4.15(1)(a)(iia)]

There are no planning agreements that apply to this application.

The regulations [section 4.15(1)(a)(iv)]

The proposed development does not raise any issues with respect to the Regulations.

The likely impacts of the development [section 4.15(1)(b)]

The proposed modification has managed any likely impacts. The modification is generally compliant with Council's planning controls.

Suitability of the site [section 4.15(1)(c)]

The proposed development is permissible on the subject site and presents a built form that is compatible with the existing and desired future character of the locality. Subject to appropriate conditions of consent, the site is considered to be suitable for the proposed modified development.

Submissions [section 4.15(1)(d)]

No submissions were received during the notification period. Between 15 October 2019 and 28 October 2019.

The public interest [section 4.15(1)(e)]

With regard to the relevant planning considerations, it is concluded that the proposed development would not contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the *Bankstown Local Environmental Plan 2015* and the *Bankstown Development Control Plan 2015*.

The deletion of Condition 3 is not supported, however an alternative was put forward by the applicant if the deletion was not supported. The applicant's alternative is a privacy screen, which is considered acceptable, and condition 3 has been recommended to be modified accordingly.

In respect of the minor changes to the schedule of external finishes and the deletion of the front fence, these are all supported as they do not result in any unacceptable environmental impact.

RECOMMENDATION

It is recommended that:

Clause 4.15(1A) Modification to Development Application No. 447/2019/1 be approved subject to the attached condition.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.447/2019, submitted by Kristy and Anthony Bova, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
02 CC03	Site Plan	A	02/07/2019 29/09/2019	Virtual Y Designs
03	Demolition Plan	A	02/07/2019	Virtual Y Designs
04	Ground Floor – Dwelling	A	02/07/2019	Virtual Y Designs
05	First Floor Plan - Dwelling	A	02/07/2019	Virtual Y Designs
06	Roof Plan – Dwelling	A	02/07/2019	Virtual Y Designs
07	Ground Floor – Pool Room	A	02/07/2019	Virtual Y Designs
08	Roof Plan – Pool Room	A	02/07/2019	Virtual Y Designs
09	Site Section	A	02/07/2019	Virtual Y Designs
10 CC04	Elevations 1	A	02/07/2019 29/09/2019	Virtual Y Designs
11	Elevations 2	A	02/07/2019	Virtual Y Designs
12	Elevations 3	A	02/07/2019	Virtual Y Designs
13	Sections	A	02/07/2019	Virtual Y Designs
14 CC02	Streetscape Elevation	A	02/07/2019 29/09/2019	Virtual Y Designs
15	Driveway Section	A	02/07/2019	Virtual Y Designs
21 CC01	Finishes Schedule	A B	02/07/2019 29/09/2019	Virtual Y Designs
L01	Landscape Plan	A	29/06/2019	Virtual Y Designs
A9133(2) - Cover	General Notes	C	23/07/2019	Alpha Engineering & Development
A9133(2) – SW01	Sediment and Erosion Control Plan	C	23/07/2019	Alpha Engineering & Development
A9133(2) – SW02	Ground Floor Drainage Plan	C	23/07/2019	Alpha Engineering & Development
A9133(2) – SW03	First Floor and Roof Drainage Plan	C	23/07/2019	Alpha Engineering & Development

- ~~3) The 2nd storey side boundary windows to Bedroom 2 are to include a sill height of 1.5 metres. Second Floor Plan to be amended to match the Eastern and the Northern Elevation plan prior to the issue of the Construction Certificate. A privacy screen is to be attached to the 2nd storey side boundary window to Bedroom 2 as detailed in Drawing No. CC04 – Elevation 1 (Revision A) dated 29/09/2019. Amended plans are~~

to be provided detailing the privacy screen on all plans including Elevation 2 and First Floor Plan – Dwelling prior to the issue of the Construction Certificate.

- 4) The pool room must not be used for the purpose of a self-contained dwelling.

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

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

- 5) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 6) Landscaping shall be installed in accordance with the approved landscape plan.
- 7) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 8) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

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

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

- 9) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 10) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.

- 11) Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Bankstown Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$4,950 shall be paid to Council.

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

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

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 13) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
- a) A light duty VFC of maximum width of 5.0 metres at the property boundary for each proposed lot.
 - b) Drainage connection to Council's kerb & gutter system.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) Repair of any damage to the public road including the footway occurring during development works.
 - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least 21 days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 14) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the concept stormwater drawing number A9133(2)-SW02, A9133(2)-SW03 and A9133(2)-SW04, Revision C, dated – 23.07.2019, prepared by Alpha Engineering and Development. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 15) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 16) Where Council approved cut or fill exceeds 200mm and stable batter of one vertical to three horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

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

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

- 17) 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 the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road

- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.

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

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

- 18) The building work in accordance with the development consent must not be commenced until:
 - a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 19) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained

in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

- 20) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 21) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 22) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 23) 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.

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

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

- 26) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that

such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- 27) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a) in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
 - b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 28) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 29) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 30) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 31) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 32) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 33) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for

drainage. Separate approval may be required for retaining walls should they be required.

- 34) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 35) The swimming pool is to be enclosed by a child resistant barrier comprising fences and gates designed, constructed, installed and maintained in accordance with Australian Standard 1926-2012 - Swimming Pool Safety Part 1: Safety barriers for swimming pools.

A notice containing the words "Young Children Should be Supervised When Using this Swimming Pool" and "Pool Gates Must Be Kept Closed At All Times" and "Keep Articles, Objects and Structures At Least 900 Millimetres Clear Of The Pool Fence At All Times" together with a simple flow sequence containing details of resuscitation techniques must be displayed in a prominent position in the immediate vicinity of the pool.

Overflow and discharge pipes from the pool and filtration unit must be connected to the sewer.

- 36) The proposed use of the pool / spa filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.
- 37) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 38) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 39) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 40) 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.
- 41) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 42) A copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 43) The swimming pool / spa shall not be used until Council or the PCA has issued a final Compliance Certificate.

-END-

Development Committee - 09 December 2019

ITEM 4	188 Lakemba Street, Lakemba
	Demolition of existing factory and construction of a five storey shop-top development consisting of 25 residential units, three commercial tenancies and two levels of basement parking
FILE	DA-507/2017– Roselands
ZONING	B2 – Local Centre
DATE OF LODGEMENT	20 December 2017
APPLICANT	Urban Link Pty Ltd
OWNERS	MMK Properties Pty Ltd
ESTIMATED VALUE	\$8,093,421.00
AUTHOR	Planning

SUMMARY REPORT

This matter is reported to the Canterbury Bankstown Local Planning Panel as the application seeks consent for a development for which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies and is four or more storeys in height.

Development Application No. DA-507/2017 proposes to demolish all existing structures on site, excavate two levels of basement parking and construct a five storey shop-top development comprising of three commercial tenancies, 25 residential units, roof top communal open space and two levels of basement parking (including 37 car spaces, one courier bay and one car wash bay).

DA-507/2017 has been assessed against the relevant provisions of State Environmental Planning Policy 55 – Contaminated Land (SEPP 55), State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65), State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007), State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX), Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposal generally complies, except for the proposed variation to front setback requirement of the Canterbury Development Control Plan (CDCP) 2012. The proposal is generally consistent with the objectives and controls of the

relevant provisions, with key areas including setbacks.

The application was advertised/notified for a period of 21 days (*17 January 2018 – 7 February 2018*). One objection was received during this period, which raised concerns relating to privacy, solar access, height breaches and traffic and parking. The concerns raised within the submission have been addressed within the Development Assessment report.

POLICY IMPACT

The recommendation of this report is that the Development Application DA-507/2017 be approved subject to the imposition of conditions. Such a determination would not have any policy implications, as it would uphold the relevant planning and development controls.

FINANCIAL IMPACT

There are no likely financial implications for Council as a result of this application.

RECOMMENDATION

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

ATTACHMENTS

- A. Assessment Report
- B. Conditions of Consent

ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The site is located at 188 Lakemba Street, Lakemba. The property is legally described as Lot 43, DP 4217 and comprises a site area of approximately 1025m². The site is located on the corner of Lakemba Street and Croydon Street. The primary street frontage to the north is Lakemba Street, measured at 20.12m, and to the west is Croydon Street (51.06m). The site experiences a fall from the rear toward the front of the site of approximately 1.6m.

The site is currently occupied by an older commercial / light industrial factory building. The premise has primarily operated as a food processing (nut) factory over the last twenty years.

The Lakemba area is undergoing a period of transition from light industrial factory development and traditional two storey shop top premises / 'walk up' residential flat buildings to high density residential and mixed use development. The surrounding area comprises single storey dwellings to the east along Lakemba Street. Directly to the west is a three storey commercial building. To the rear of the site along Croydon Street is R4 High Density Residential zoned land; however the area has been predominantly redeveloped by three storey 'walk up' residential flat buildings. Similarly, opposite the site are historical two to three storey 'walk up' residential flat buildings. To the east of the site is 2-26 Haldon Street, a Joint Regional Planning Panel approved eight storey development which has been constructed.

The site is located within the Lakemba Local Centre as identified in Section D 7.3 of Canterbury Development Control Plan 2012.

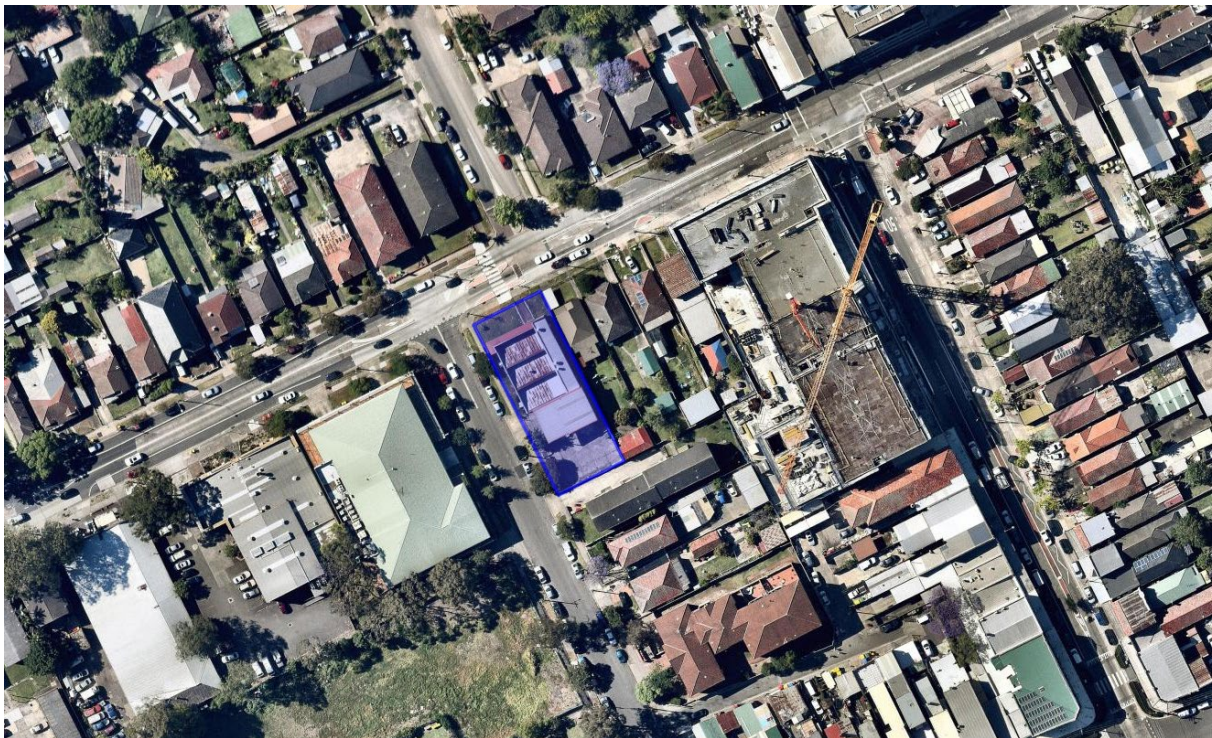


Figure 1: Aerial of the subject site. **Source:** NearMap 2019



Figure 2: Oblique aerial view of the subject site. **Source:** NearMap 2019



Figure 3: Subject site as viewed from the corner of Lakemba Street and Croydon Street
Source: Google Streetview 2017



Figure 4: Subject site as viewed from the rear of the site along Croydon Street

Source: Google Streetview 2017

PROPOSED DEVELOPMENT

The Development Application proposes:

- Demolition of all existing structures at 188 Lakemba Street;
- Excavate the site for a two level basement carpark for 39 spaces;
- Construction of a five storey shop top housing development comprising three retail tenancies, 25 residential units, roof top communal open space and two levels of basement parking (including 37 car spaces, one car wash and one courier bay).

The specifics of the development are as follows:

Floor	Description
Lower Basement	<ul style="list-style-type: none"> • 22 x residential car spaces (1 accessible bay) • Storage areas
Upper Basement	<ul style="list-style-type: none"> • 2 x residential car spaces (2 accessible bays) • 13 x commercial spaces (2 accessible bays) • 8 x bicycle spaces • 1 x car wash bay • 1 x courier/delivery bay • Storage areas
Ground Floor	<ul style="list-style-type: none"> • 3 x retail tenancies • 1 x substation • Waste collection rooms (residential and commercial)

	<ul style="list-style-type: none"> • Basement car park entrance to Croydon Street • 2 Residential Lobby entrances
Level 01	<ul style="list-style-type: none"> • 2 x 1 bedroom unit (inclusive of 1 Accessible Unit) • 1 x 1 Bedroom unit + study • 5 x 2 bedroom units (inclusive of 1 Accessible Unit)
Level 02	<ul style="list-style-type: none"> • 2 x 1 bedroom unit (inclusive of 1 Accessible Unit) • 1 x 1 Bedroom unit + study • 5 x 2 bedroom units (inclusive of 1 Accessible Unit)
Level 03	<ul style="list-style-type: none"> • 1 x 1 bedroom unit • 2 x 2 bedroom units • 2 x 3 bedroom unit (inclusive of 1 Accessible Unit)
Level 04	<ul style="list-style-type: none"> • 1 x 1 bedroom unit + study • 2 x 2 bedroom units • 1 x 3 bedroom unit + study
Level 05/ Rooftop	<ul style="list-style-type: none"> • Communal open space (300m²) • Stair access and lift overrun • Shade structures and seating

Statutory Considerations

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

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

Permissibility

The development is described as a mixed use development containing retail premises and residences above, in a shop top housing typology. Shop top housing is permissible in the B2 Local Centre Zone with consent.

SECTION 4.15 ASSESSMENT

The proposed development has been assessed under Sections 1.3 and 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4.15(1)(a)(i)]**State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)**

The object of this Policy is to provide a State wide approach to the remediation of contaminated land for the primary purpose of reducing the risk of harm to human health or any aspect of the environment.

The proposed scheme is accompanied by a Phase One Preliminary Site Investigation Report, authored by STS GeoEnvironmental Pty Ltd and dated June 2018 was submitted with amended plans.

The Phase One Preliminary Site Investigation (PSI) Report prepared by STS GeoEnvironmental Pty Ltd (Report: 18/1448, Project No: 18964/9556C, Dated: June 2018) identified possible asbestos-based materials and lead-based paint are present in the fabric of the building.

Note: *This is consistent with Council's Contaminated Land Policy and SEPP 55. The Detailed Site Investigation is to be completed and submitted prior to DA approval to allow Council to review the documentation and ensure the site is suitable for its proposed use.*

The preliminary Stage 2 report found that, whilst cadmium and zinc contaminants were found on site, the soil contamination samples did not reveal contaminants that would pose a risk to human and environmental receptors. The Report details a number of recommendations that are to be implemented prior to construction. These include:

- A hazardous material survey of all existing site structures is recommended prior to the start of any demolition work at the site;
- An Unexpected Find Protocol (UFP) should be [prepared for the site to allow for appropriate management of unexpected contamination which could potentially be encountered during the construction phase of the proposed development;
- Waste soils to be generated by proposed excavation works are appropriately classified for potential beneficial reuse and/or disposal at a licensed landfill facility;
- A Remedial Action Plan (RAP) should be prepared for the site to remediate the cadmium, zinc and TPH F3 hotspot (BH3) identified during the PSI in the event that revegetation of this area of the site is envisaged.

Subsequently, a RAP has been submitted as part of this application.

The reports have been reviewed by Council's Environmental Health Officer who is satisfied with the recommendations contained therein, subject to imposition of conditions of consent. Both the recommendations contained in the reports and these conditions have been incorporated into the final conditions of consent.

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

The proposed development involves works within 5m of overhead power and requires the installation of a new substation. In accordance with clause 45 of SEPP (Infrastructure), a referral to the electricity supply authority for the area was required.

Ausgrid have assessed the plans lodged in support of the application, and advise that they consent to the proposed development subject to conditions relating to certain matters including the supply of electricity to the site, infrastructure installation, and managing any impacts on existing electricity network assets.

The full set of conditions contained in Ausgrid's advice is included in the recommended conditions of consent at Attachment 'C' to this report.

Roads and Maritime Services (RMS)

This policy aims to facilitate the effective delivery of infrastructure, including providing appropriate consultation with relevant public authorities about certain development during the assessment process.

The relevant Clauses from State Environmental Planning Policy (Infrastructure) 2007 are:

Clause 101 - Development with frontage to a classified road

This Clause is applicable as Lakemba Street is identified as a regional road by the RMS, and therefore is a classified road. This application was referred to the RMS for comment. Road and Maritime Services have reviewed the proposed development and have no objections to this application, subject to conditions of consent.

Clause 102 - Impact of road noise or vibration on non-road development

This Clause is not relevant, as this clause relates to development that is adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles but the traffic volumes published by the RMS do not include this road in this category.

Nonetheless the applicant has prepared an acoustic report (Document reference: 20160193.1/2911A/R1/TA prepared by Acoustic Logic Consultancy Pty Ltd dated 29 November 2017) detailing means of attenuating the impact of traffic noise on the occupants of the development to meet the requirements of AS2107-2016 'Recommended design sound levels and reverberation times for building interiors' and the NSW Government Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guidelines December 2008. A condition of consent requires compliance with the acoustic report by Acoustic Logic Consultancy Pty Ltd.

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

Multi Dwelling BASIX Certificate No. 883445M_03 accompanies this application. The Certificate makes a number of energy/resource commitments relating to water, energy and thermal comfort. Certain commitments requiring to be shown on plans in order to satisfy objectives of the SEPP have not been shown. However, the BASIX Certificate requirements have been incorporated into the conditions of consent.

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

This policy applies to residential apartment development and is required to be considered when assessing this application. Residential apartment development is defined under SEPP 65 as development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. The development must consist of the erection of a new building, the conversion of an existing building or the substantial redevelopment or refurbishment of an existing building. The building must also be at least 3 or more storeys and contain at least 4 or more dwellings. Residential apartment development does not include boarding houses or serviced apartments.

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. These principles are discussed as follows:

The design verification statement submitted was by a qualified registered architect. The design verification statement received, indicates how the principles have been addressed by the development under each heading. An assessment of the principles is provided below.

Principle 1: Context and Neighbourhood Character

The locality surrounding the development is predominantly occupied by a mixture of single storey dwelling houses, two storey residential flat buildings, with the exception of some industrial and commercial uses. However, this land is zoned B2 – Local Centre and, as evidenced by the approvals already issued, will ultimately be four and five storey developments along a portion of Lakemba Street and Haldon Street. Lakemba Street is under transition and the proposal is consistent with the desired future character.

Principle 2: Built Form and Scale

The arrangement of bulk and the scale of the building are similar to other developments on the street and contribute satisfactorily to the future definition of the streetscape and character. The proposal responds appropriately to its prominent location, presenting an articulated form that is both vertically and horizontally modulated. The building height and

setbacks numerically comply with the ADG, Canterbury LEP and DCP controls which demonstrate the appropriateness of the design-

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. The Apartment Design Guide requires that living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. This proposal achieves a figure of 72% (18 out of 25 units) which satisfies this requirement. In addition, 76% of the units within the development satisfy the natural ventilation requirement (minimum 60%) contained within the Apartment Design Guide.

Principle 5: Landscape

The ADG states that a positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Moreover, that good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management. The proposed communal open space achieves these requirements satisfactorily.

Principle 6: Amenity

The proposed development has been designed to comply with the solar access requirements of the Apartment Design Guide and achieves adequate cross-flow ventilation. The proposed units will have considerable internal residential amenity. In addition, the proposal does not result in detrimental impacts on the amenity of adjoining properties, attributed to the appropriate siting and scale of the development.

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 proposal provides increased activation and passive surveillance of the surrounding streets and private open space areas on the site. Residential entry and lobby areas are to be secured and well lit.

Principle 8: Housing Diversity and Social Interaction

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

Principle 9: Aesthetics

The proposed use of pattern, texture, form and colour produce a design aesthetic that reflects a desirable quality of residential accommodation. The articulation of the external façades reduces the appearance of bulk of the building to a satisfactory degree. These elements contribute to the desired future character of the locality and enhance the existing surrounding streetscape.

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.

	Design Criteria	Proposed	Complies
Part 3 Siting the Development			
3C Public Domain Interface	<ul style="list-style-type: none"> • Avoid long, high black walls and fences • Direct access from the street to ground floor apartments and windows overlooking the street improve safety and social interaction; • Key components to consider when designing the interface include entries, private terraces or balconies, fence and walls, changes in level, services location and planting. • Safety considerations (real or perceived) and consideration of social interaction opportunities when viewed from the public domain. • Terraces, balconies and courtyard apartments to have direct street level entry where possible; • Changes in levels between ground floor and terraces to balance passive surveillance and privacy; • Provide seating at building entries, letter boxes and private courtyards adjacent the street. • Multiple building entrances to be clearly defined through architectural detailing, changes in materials, plant species and colours; • Concealment opportunities minimized; • Visual prominence of underground car vents should be minimized and located at a low level where possible; 	<p>Ausgrid substation location has been incorporated into the façade along Croydon Street and is proposed to be integrated within the streetscape by virtue of screening</p> <p>The fire hydrant booster located at the residential entry on Lakemba Street is incorporated within the façade of the development.</p> <p>Residential entry points have been proposed on both street frontages. The entries incorporate architectural elements and materials that define each entry point.</p> <p>The site falls from the rear of the site towards Lakemba St. The proposal has staggered the finished floor levels of the retail tenancies to assist in each tenancy addressing the street.</p> <p>The waste storage areas (commercial and residential) are proposed to be located near the entry of the basement car parking and out of view from the street.</p>	Yes

	<ul style="list-style-type: none"> Substations, pump rooms, garbage storage areas and other services should be located in basement car parks or out of view; Ramping for accessibility should be minimized in relation to footpath levels 		
3D Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site. Total site area is 1,025m², requiring a minimum 256.25m²)</p> <p>Communal open space is an important environmental resource that provides:</p> <ul style="list-style-type: none"> outdoor recreation opportunities for residents, connection to the natural environment and valuable 'breathing space' between apartment buildings. <p>It also contributes to the appeal of a development and the wellbeing of residents.</p> <p>The function of open space is to provide amenity in the form of:</p> <ul style="list-style-type: none"> landscape character and design opportunities for group and individual recreation and activities opportunities for social interaction • environmental and water cycle management opportunities to modify microclimate • amenity and outlook for residents <p>Facilities are provided within communal open spaces and common spaces for a range of age groups</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks</p>	<p>Roof top (principle) communal open space = 314.4m²</p> <p>203.5m² of the communal open space is utilised for active purposes, with the space incorporating:</p> <ul style="list-style-type: none"> Outdoor BBQ facilities Outdoor seating Timber pergolas Movable seating <p>1.</p> <p>Whilst adequate facilities have been provided, roof top communal open spaces are directly exposed to the sun which can become hot in the summer period. This proposal benefits from the inclusion of shading structures being incorporated on the rooftop.</p> <p>The diversity of materials, textures and finishes within the space provides visual interest within the space, whilst providing opportunities for group or individual activities of differing ages to occur.</p>	Yes.
	<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9 am and 3 pm on 21 June (mid-winter).</p>	<p>The principal useable communal space, being the rooftop communal open space, receives direct solar access between 9am and 3pm midwinter.</p>	Yes.

3E Deep Soil Zones	<p>Deep soil zones are to meet the following minimum dimensions:</p> <table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m²</td><td>-</td><td rowspan="4">7% (71.75sqm)</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></table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7% (71.75sqm)	650m ² - 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	<p>Total site area is 1,025m², requiring a minimum 71.75m²</p> <p>No deep soil has been provided that meets the 3m requirement within the ADG. The area where the sewer is proposed to be relocated is 2.1m wide.</p> <p>90.5m² (8.8%) provided with a minimum 2.1m dimension</p> <p>119.8m² (11.68%) of landscaped area at the rear of the site.</p> <p>The ADG allows for reduced deep soil areas in town centre locations, such as this site and Council has approved similar variations in the past.</p>	<p>Yes, see discussion below [1]</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)													
Less than 650m ²	-	7% (71.75sqm)													
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	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building Height</th><th>Habitable Rooms & Balconies</th><th>Non-habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr></table> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (See Figure 3F.2 of ADG). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p> <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density</p>	Building Height	Habitable Rooms & Balconies	Non-habitable Rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	<p>Located to the east is a dwelling house.</p> <p><u>East setback:</u> Ground floor = Nil (commercial) - 2.1m Level 1 = Nil blank walls Level 2 = Nil blank walls Level 3 = Nil blank walls Level 4 = Nil blank walls</p> <p><u>West setback (secondary frontage):</u> Subject to CDCP 2012 setbacks</p> <p><u>North setback (frontage):</u> Subject to CDCP 2012 setbacks</p> <p><u>South setback (rear):</u> This boundary is located adjoining R4 –High Density Residential zone, therefore an additional 3 metre setback is required.</p> <p>Ground floor = 2.1m Level 1 = 6m (to the blank wall of Unit 1.06 and Unit1.07; 9m to habitable area of Unit 1.07 and 1.08. Level 2 = As above (also, two storey limit on boundary) Level 3 = 9m to habitable rooms</p>	<p>No</p>			
Building Height	Habitable Rooms & Balconies	Non-habitable Rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													

	residential development to provide for a transition in scale and increased landscaping (figure 3F.5)	Level 4 = 12m to habitable areas Also subject to CDCP 2012 rear setbacks and building height plane.							
3H and 3J Vehicle Access and Car Parking	<table><tr><th>Development Type</th><th>Parking Requirement Sub-regional</th></tr><tr><td>Mixed use / shop top / residential flat building.</td><td><ul style="list-style-type: none">0.6 space per studio/ 1 bedroom unit (8 x 0.6) = 4.80.9 spaces per 2 bedroom unit (14 x 0.9) = 12.61.4 spaces per 3 bedroom unit (3 x 1.4) = 4.22.+1 space per 5 units (<u>visitor parking</u>) = 5 spaces</td></tr><tr><td>Office/Business / restaurant</td><td>1 per 30m² 420m² = 14 car spaces</td></tr></table>	Development Type	Parking Requirement Sub-regional	Mixed use / shop top / residential flat building.	<ul style="list-style-type: none">0.6 space per studio/ 1 bedroom unit (8 x 0.6) = 4.80.9 spaces per 2 bedroom unit (14 x 0.9) = 12.61.4 spaces per 3 bedroom unit (3 x 1.4) = 4.22.+1 space per 5 units (<u>visitor parking</u>) = 5 spaces	Office/Business / restaurant	1 per 30m ² 420m ² = 14 car spaces	<p>The proposal is located 300m from Lakemba Train Station. The RTA Traffic Generating Controls apply.</p> <p>Based on the RTA car parking rates, the following car parking is required:</p> <p>22 (21.6) residential spaces 5 visitor spaces 14 retail spaces = 41 car spaces required.</p> <p>Based on the CDCP 2012 car parking rates, the following car parking is required:</p> <p>24 residential spaces 13 commercial spaces 1 x car wash bay 1 x loading/courier bay = 39 car spaces required.</p> <p><u>Proposed</u> Residential = 24 Commercial = 13 Visitor = 0 Courier = 1 Carwash = 1 = 39 Proposed</p> <p>Mechanical basement ventilation is proposed in the south western corner of the Level 1 and Level 2 of the basement.</p> <p>The proposed development fails to provide adequate off street parking as required by the RTA car parking rates.</p> <p>However, Objective 3J-1 of the ADG stipulates that where the development is located within 800m of a railway station or light rail stop. The lesser of the parking rates between the RTA guide and Councils controls can be utilised. In this</p>	Yes
	Development Type	Parking Requirement Sub-regional							
	Mixed use / shop top / residential flat building.	<ul style="list-style-type: none">0.6 space per studio/ 1 bedroom unit (8 x 0.6) = 4.80.9 spaces per 2 bedroom unit (14 x 0.9) = 12.61.4 spaces per 3 bedroom unit (3 x 1.4) = 4.22.+1 space per 5 units (<u>visitor parking</u>) = 5 spaces							
	Office/Business / restaurant	1 per 30m ² 420m ² = 14 car spaces							

		situation, the CDCP 2012 requires the provision of 39 spaces. Therefore, the 39 spaces proposed are adequate.	
	The car parking needs for a development must be provided off street.	All required parking is provided off street.	Yes
	<p>Car park entries should be located behind the building line</p> <p>Choose material and colour palette to minimise visibility from the street.</p> <p>Locate at the lowest point to minimise ramp lengths, excavation, impacts on building form and layout.</p> <p>Standing areas that increase driveway width to be avoided.</p> <p>Visual impacts of long driveways to be minimised landscaping and changing alignments</p> <p>Minimise large vehicle turning circles within development.</p>	<p>The proposed basement entry is located in line with the main building line at the highest point.</p> <p>Access and egress from Lakemba Street is undesirable and access from Croydon Street is preferable, as proposed.</p> <p>The proposed basement entry is to be constructed of the same materials and colour palette.</p>	Yes
3G Pedestrian Access and Entries	<p>Multiples entries should be provided to activate the street edge.</p> <p>Entry locations relate to the street and subdivision pattern / existing pedestrian network.</p> <p>Building entries should be clearly distinguishable from private entries.</p> <p>Where street frontage is limited, primary street address should be provided with clear sight lines and pathways to secondary entries.</p> <p>Building access areas (lift lobbies, stairwells and hallways) should be clearly visible from public domain and communal spaces.</p> <p>Minimise ground floor and underground level changes along pathways and entries. Steps and ramps integrated into design.</p> <p>Provide way finding maps for large developments. Electronic access and audio/video intercoms required.</p>	<p>The development proposes residential entries and retail entries from Lakemba Street and Croydon Street. The entries provide identifiable entry points with sufficient sight lines to the entry points.</p> <p>Architectural cues assist in identifying the residential entries, such as;</p> <ul style="list-style-type: none"> - Provided delineated openings in the street awnings and built form above the residential entries to break up the built form. - Utilising different materials and finishes to highlight the entry point. - Designing wider entry points into the residential lobby component to allow for sufficient sightlines into the development. 	Yes

	Provide pedestrian links to streets and destinations with clear sight lines.	<p>The lighting of the communal areas and access points will be conditioned to provide adequate lighting.</p> <p>Access to the residential areas and access points will be conditioned to provide an intercom to provide adequate security.</p> <p>Way finding signage has not been proposed. A condition will be included to provide adequate way finding signs within the development.</p>	
Part 4 Designing the Building			
4A Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	72% of all apartments receive adequate solar access to the living areas and private open space, in compliance with the requirements of the ADG.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Only 2 units or 8% of all units do not receive no solar access.	Yes
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	19 of 25 units or 76% of all units are naturally ventilated.	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	16.3m maximum	Yes
4C Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Yes
	Minimum Ceiling Height for Apartment and Mixed Use Buildings		
	Habitable rooms	2.7m	
	Non-habitable	2.4m	
	For 2 storey apartments	2.7m main living area floor; 2.4 for second floor, where its area does not exceed 50% of the apartment area	
		Residential 2.7m (3m floor to floor – 3.1m required) GF Retail: 3.3m	
		Floor to Ceiling Heights (200mm slab thickness)	
		It is noted that the site slopes towards Lakemba street and Croydon Street.	
		The proposal meets the required minimum ceiling heights.	

	<table><tr><td>Attic Spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Attic Spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use								
Attic Spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use												
	These minimums do not preclude higher ceilings if desired.												
4D Apartment Size and Layout	Apartment are required to have the following minimum internal areas: <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All apartments meet the minimum internal areas required.	Yes.
	Apartment Type	Minimum Internal Area											
	Studio	35m ²											
	1 bedroom	50m ²											
	2 bedroom	70m ²											
	3 bedroom	90m ²											
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Complies	Yes.										
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Habitable rooms limited to 2.5 x ceiling height.	Yes										
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The proposed open plan layouts do not exceed the required 8m dimension.	Yes										
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All master bedrooms >10m ² All other bedrooms >9m ²	Yes											
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Bedrooms include minimum 3m dimension	Yes											
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and one bedroom apartments	The proposed living areas meet the following requirements: <ul style="list-style-type: none">Minimum 3.6m for studio and one bedroom apartments.	Yes											

	<ul style="list-style-type: none">4m for two and three bedroom apartments	<ul style="list-style-type: none">Minimum 4m for two and three bedroom apartments																
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Minimum internal dimension of 4m is provided.	Yes															
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	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	All apartments propose primary balconies that provide adequate relative to the dwelling type as identified within the ADG.as follows: It is should be noted that only areas with a width greater than 1m have been included in the calculations.	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																
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.																	
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	No apartments are provided at the ground floor level.	N/A															
4F Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is 8 - 12.	A maximum of 4 units are proposed of any one circulation core. Louvres provide natural sunlight and ventilation into common circulation spaces.	Yes															
	For buildings of ten storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A															
4G Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Sufficient storage provided in basement and units. Min 50% within apartment achieved.	Yes, conditions of consent have been imposed to ensure minimum storage is provided.					
	Dwelling type	Storage size volume																
	Studio apartments	4m ³																
	1 bedroom apartments	6m ³																
	2 bedroom apartments	8m ³																
	3+ bedroom apartments	10m ³																

	At least 50% of the required storage is to be located within the apartment.		
4H Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas</p> <p>Rooms with similar noise requirements are grouped together</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</p>	<p>Adequate building separation is achieved within the development and from adjoining development to the side and rear.</p> <p>First floor living area and balcony of Unit 1.06 is located over basement entry. Bedroom 1 within the unit is adequately located more than 3m from the driveway entry. Bedroom 2 is located within 3m of the entrance. However, it is located above an awning and suitable acoustic measures have been provided.</p>	Yes
4S Mixed Use	<p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> • development addresses the street • active frontages are provided • avoiding blank walls at the ground level <p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential • components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided <p>Landscaped communal open space should be provided at and commercial podium or roof levels</p>	<p>Blank walls have been avoided and the proposal has integrated its services into the development. The substation and fire hydrant facilities have been located along the front and side boundary and are appropriately screened.</p> <p>The residential component has been separated, including different entries, secure parking areas and lifts.</p> <p>Concealment opportunities have been avoided.</p> <p>The development provides roof top communal open space areas.</p>	Yes

[1] Part 3E - Deep Soil Zones

The ADG requires that at least 7% of the total site area is provided as deep soil zones, which on this site a minimum of 71.75m² with a width of 3m applies. However the ADG acknowledges that in town centre locations the requirements does not apply.

Therefore, the total area proposed to be allocated at the rear of the site of 90.5m² or 8.8% of the total site area is deemed to adequate.

Canterbury Local Environmental Plan 2012

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

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the CLEP 2012:

- (a) to provide for a range of development that promotes housing, employment and recreation opportunities for the existing and future residents of Canterbury,
- (b) to promote a variety of housing types to meet population demand,
- (c) to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community,
- (d) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport nodes,

Clause 2.3 Zone objectives and Land Use Table

3.

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

The objectives of the B2 – Local Centre Zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.

The proposal is consistent with the objectives of the zone in accordance with Clause 2.3 of the CLEP 2012. Specifically, the proposal will result in a development that provides a potential range of retail/business uses to meet the needs of users of the local area. The site is also highly accessible, located within 300m of Lakemba Train Station and provides employment opportunities by public transport.

Provision/ Standard	Requirement	Proposal	Complies
2.6	Subdivision—consent requirements Land to which this Plan applies may be subdivided, but only with development consent.	The proposal does not seek Strata or Torrens subdivision.	N/A
2.7	Demolition	Consent is sought for demolition and is suitable subject to the imposition of suitable conditions.	Yes
4.3	Height of buildings The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map – 18 metres.	No height breach proposed. 17.4m – Maximum building height	Yes
4.4	Floor space ratio The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	FSR does not apply to the site. The provisions of the CDCP 2012 apply in relation to shaping the density and building envelope of the proposed development.	N/A
5.10	Heritage conservation Consider potential impact on land on which a heritage item is located, or on land that is within a heritage conservation area, or on land that is within the vicinity of land referred to above.	There are no heritage constraints in proximity to the proposed development.	N/A
6.1	Acid sulfate soils Consent is required on Class 5 land for:- Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The site is not identified as affected by Acid Sulfate Soils. Accordingly, an Acid Sulfate Soils plan is therefore not required.	Yes.
6.2	Earthworks Consent is required for earthworks and must consider: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to	A Stage 2 Geotechnical Report has been provided as part of the assessment of the application. The report provides recommendations to ensure that the proposal will not impact of the stability of adjoining sites and appropriate construction methods to minimise impacts to the nearby waterways, the	Yes

	<p>be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>water table and soil stability.</p> <p>The report also details that some remediation is required to ensure the proposal is suitable for residential development.</p> <p>This is supported by the submitted Remediation Action Plan.</p>	
6.3	<p>Flood Planning</p> <p>Consent authority must be satisfied development is compatible with flood hazard</p>	Not affected.	Yes.
6.4	<p>Stormwater management</p> <p>A consent authority must be satisfied that the development:</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	A stormwater plan has been provided and Council's engineers raise no objection, subject to suitable conditions of consent.	Yes.
6.6	<p>Essential services</p> <p>Consent must not be granted to development unless services essential for the development are available or adequate arrangements made (water, electricity, sewerage, stormwater drainage, vehicular access.</p>	Substation, fire hydrants and fire shield are proposed and have been integrated into the design of the development.	Yes

Proposed Environmental Planning Instruments [section 4.15(1)(a)(ii)]

There are no draft or proposed EPI's relevant to this assessment.

Development control plans [section 4.15(1)(a)(iii)]**Canterbury Development Control Plan 2012 (CDCP 2012)**

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

Part B1 – Transport and Parking

An assessment of the proposal against the car and bicycle parking rates in Part B1 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
Car Parking	<p>SHOP TOP HOUSING <i>B2 Zone – Local Large Centre</i></p> <ul style="list-style-type: none"> • 1 bedroom: 0.8 space per dwelling (8 x 0.8 = 6.4 (seven spaces required). • 2 bedroom: one space per dwelling (14 x 1 = 14 spaces required). • 3 bedroom: one space per dwelling (3 x 1 = three spaces required). • Visitor: Not Required • Car wash bay: one car wash bay. <p>COMMERCIAL <i>B2 Zone – Local Large Centre</i></p> <ul style="list-style-type: none"> • Shops, Business and Retail Premise: 1 space per 33m²GFA (420m² GFA/33 = 12.7(13) spaces required). • Loading/ Courier Bay: 1 space <p>Total: 39 Spaces required (24 residential spaces, 13 commercial spaces, plus one x car wash bay and one x loading/courier bay).</p>	<p>The following parking provisions have been proposed in accordance with the parking rates:</p> <ul style="list-style-type: none"> ▪ 24 (7/14/3) residential spaces ▪ 13 commercial spaces ▪ One delivery/courier space ▪ one car wash bay <p>4.</p>	Yes
Bicycle Parking	<ul style="list-style-type: none"> • Residents: one space per five dwellings (five spaces required). • Visitors: one space per ten dwellings (three spaces required) <p>5.</p> <ul style="list-style-type: none"> • Retail (staff): one space minimum per 300m² GFA • Retail (patrons): one space per 500m² GFA over 1000m² <p>Total: nine spaces required (five x residential, three x visitors, one x retail (staff) and 0 x retail (patrons)).</p>	11 spaces proposed.	Yes

Part B2 – Landscaping and Part B3 – Tree Preservation

The application was referred to Council's Landscape Architect who raised no objection with the current design, subject to conditions of consent.

Part B4 – Accessible and Adaptable Design

The access report prepared by Morris Goding Accessibility Consulting (MGAC), dated 13 December 2017 was submitted as part of the DA. The report concludes that the design generally complies with the relevant standards. Where the design includes some non-compliances, these matters can be resolved through minor design changes or BCA Performance Solutions at the relevant Construction Certificate stage. On this basis, the design is considered acceptable from an accessible and adaptable design perspective, subject to the imposition of appropriate conditions.

Part B5 – Stormwater and Flood Management

The application was referred to Council's Development Engineer who raised no objection with the current design, subject to conditions of consent.

Part B7 – Crime Prevention and Safety

An assessment of the proposed design against the relevant provisions of Part B7, demonstrates that the proposal is compliant with the controls.

The proposed development through design, seeks to minimise blind corners within the development, provide unobstructed passive surveillance over the street and public areas and encourages a built form that is visually interesting and provides sufficient visual cues to define the entry points of the development.

Part B9 - Waste

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

C5 – Shop Top Housing

An assessment of the proposal against the relevant provisions contained in Part C5 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
5.2.1.2 Landscaping	Refer to Chapter B2 – Landscaping and B3 -Tree Preservation of this DCP for objectives and controls relating to landscaping and tree preservation.		Yes, refer to Part B2 of the CDCP, earlier in this report.
5.2.1.3 Balconies and Private Open Space	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to private open space and balconies to which the SEPP relates. An assessment against the minimum private open space and balcony provisions within the ADG has been undertaken earlier within this report. Furthermore, an assessment against the communal open space requirements specified within the ADG has also been undertaken earlier within this report.		

5.2.1.3 Communal Open Space	Provide a minimum of 15% of the site area for the purposes of communal open space on redevelopment sites larger than 500m ² .	Roof top (principle) communal open space = 314.4m ² or 30% of the total site area	Yes
	Communal open space may be provided on podiums terraces, or in any deep-soil setback or separation between buildings. Roof top terraces will only be permitted in circumstances where there will be no adverse impacts to adjoining properties in terms of visual and acoustic privacy.	The proposed roof top terrace is adequately located and setback from the property boundaries. The communal space has been adequately designed to reduce any adverse impacts on adjoining properties	Yes
	Each area of communal open space must have a minimum dimension of 6m and larger developments should consider greater dimensions.	The proposed roof top terrace meets the minimum 6m requirement.	Yes
	Provide consolidated areas of communal open space with reasonable area, facilities and landscape for the uses it will accommodate and design to generate a variety of visible pedestrian activity	203.5m ² of the communal open space is utilised for active purposes, with the space incorporating: <ul style="list-style-type: none"> ▪ outdoor BBQ facilities ▪ Outdoor seating ▪ Timber pergolas ▪ Movable seating 	Yes
5.2.1.4 Layout and Orientation	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	The proposed development is designed to maximise solar access, whilst not unduly increasing the heat loading of the development.	Yes
	Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	The proposal is appropriately located to avoid casting undue shadows on neighbouring properties. The proposal also does not affect the property at 182 Lakemba Street with PV panels.	Yes
	Coordinate design for natural ventilation with passive solar design techniques.	The proposed development allows for adequate solar access and natural ventilation, as identified throughout the report.	Yes

	Site new development and private open space to avoid existing shadows cast from nearby buildings.	Where orientation permits, the development is sited to allow adequate solar access to the proposed development.	Yes
	Site a building to take maximum benefit from cross-breezes and prevailing winds.	The proposed development allows for adequate natural cross ventilation, as identified throughout the report.	Yes
	Do not compromise the creation of active street frontage or casual surveillance of the street, communal space and parking areas, through the required orientation.	The proposed design of the development with retail and vehicle access on the ground floor with residential above does not compromise passive surveillance of the street or activation of the street frontages.	Yes
5.2.2.1 Floor Space Ratio (FSR)	FSR is expressed as a ratio of the gross floor area to the total site area, as defined under CLEP 2012. The maximum FSR for any development is prescribed in the CLEP 2012.		
5.2.2.2 Floor to Ceiling Height	<p>Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG in relation to floor to ceiling heights. Therefore any controls relating to floor to ceiling heights have no effect in the assessment of residential apartment development applications.</p> <p>The CDCP 2012 identifies the ADG SEPP 65 as the relevant control in this regard.</p>		
5.2.2.3 Setbacks	Refer to Part D1 – Commercial Development for all objectives and controls relating to setbacks for Shop Top Housing developments.		
5.2.2.4 Building Depth	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to natural ventilation (building depth) and developments to which the SEPP relates. The ADG therefore sets the objectives and controls for building depth in the LGA for shop top housing to which SEPP 65 relates. Refer to 4B Natural Ventilation of the ADG for objectives, design criteria and design guidance.		
5.2.2.5 Building Separation and Visual Privacy	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to visual privacy (building separation) to which the SEPP relates. The ADG therefore sets the objectives and controls for building separation in the LGA for shop top housing to which SEPP 65 relates. Refer to 3F Visual Privacy of the ADG for objectives, design criteria and design guidance.		
5.2.3.1 Built Form – Building Entries	Provide accessible entries for all potential use such as the transporting of furniture.	The proposed building entries provide accessible entries that allow for the transportation of furniture.	Yes
	Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to	The proposal is designed to promote passive surveillance, social interaction and community safety.	Yes

	promote positive social interaction and community safety.		
5.2.3.1 Built Form – Façade Treatment	Refer to Part D1 – Commercial Development of this DCP for objectives and controls relating to façade treatment for shop top housing development.		
5.2.3.2 Roof Design Features – Roof Top Terraces	Roof terraces are permitted with consent in all business zones except the B1 Zone.	The site is located within a B2 zone.	Yes, permitted with consent.
	A management strategy is required, and must be approved by Council as part of the development application, for any proposed roof terrace.	A rooftop management plan has been submitted as part of this application. It is deemed to be adequate and has been included as a condition of consent, to ensure the area is appropriately utilised.	Yes
	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.	The proposed roof top terrace includes a variety of shading structures and facilities to encourage use of the space.	Yes
	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.	The roof top communal open space has incorporated planter boxes around the perimeter to reduce the degree of overlooking of neighbouring properties. The communal space is also setback from the site boundaries to further reduce the degree of overlooking.	Yes
	Allow for views and passive surveillance of streets and public open space from roof terraces.	The proposed roof top communal space is located closer to the Lakemba Street and Croydon Street frontages to promote greater passive surveillance of the street.	Yes
5.2.3.3	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to apartment size and		

Dwelling Layout & Mix	layout (dwelling layout) and development to which the SEPP relates. The ADG therefore sets the objectives and controls for dwelling layout in the LGA for residential flat buildings to which SEPP 65 applies. Refer to 4D Apartment Size and Layout of the ADG for objectives, design criteria and design guidance. An additional objective and control in relation to the mix of dwellings are provided below.		
	10% of dwellings in any development with 30 or more dwellings must be accessible or adaptable to suit current or future residents with special needs.	The proposal seeks to construct 25 units, of which 5 can be adapted to be accessible units.	Yes
5.2.3.4 Building Services	Integrate systems, services and utility areas within the design of the whole development.	The proposed substation, fire hydrants, waste storage and mailboxes are integrated into the design of the development	Yes
5.2.4.1 Solar Access and Daylight	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to solar and daylight access (solar access and overshadowing in this DCP) and development to which the SEPP relates. The ADG therefore sets the objectives and controls for solar access and overshadowing in the LGA for shop top housing to which SEPP 65 relates. Refer to 4A Solar and Daylight Access of the ADG for objectives, design criteria and design guidance.		
	Daylight is to be provided to all common circulation areas (including lift wells) that are above ground.	The lift lobbies on each floor propose glazed components that allow for daylight to penetrate into the building.	Yes
5.2.4.2 Acoustic Privacy	<p>In conjunction with the Part 4H – Acoustic Privacy of the ADG, the proposed development provides adequate building separation within the development and from neighbouring properties.</p> <p>In addition, the development has also incorporated a number of design measures to reduce the acoustic impacts of Lakemba Street on sensitive rooms.</p>		
5.2.5 Parking and Access	<p>As identified within Part 3H and 3J – Car Parking and Vehicle Access of the ADG SEPP and Part B1 – Transport and Parking of the CDCP 2012.</p> <p>The proposed development provides adequate parking provisions and appropriate vehicular access to and from the site.</p>		

Part D1 – Business Centres - General

An assessment of the proposal against the relevant provisions contained in Part D1 of the CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
D1.2 Site Planning			
1.2.1 Minimum Frontage	Where redevelopment is proposed in a B1 or B2 Zone of the LEP a minimum frontage of at least 18m shall be provided.	20.115m frontage to Lakemba St and 50.055m to Croydon Street	Yes

1.2.2 Isolated Sites	Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment.	The proposed development is located on a corner site. The proposed development does not seek to isolate the adjoining properties along Lakemba Street or Croydon Street	N/A																		
D1.3 Building Envelope																					
1.3.1 Floor Space Ratio	FSR is expressed as a ratio of the gross floor area to the total site area, as defined under CLEP 2012. The maximum FSR for any development is prescribed in the CLEP 2012.																				
1.3.2 Height	The maximum permissible height of building is prescribed in the LEP.																				
1.3.3 Floor to Ceiling Height	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG in relation to floor to ceiling heights. Therefore any controls relating to floor to ceiling heights have no effect in the assessment of residential apartment development applications. The CDCP 2012 identifies the ADG SEPP 65 as the relevant control in this regard.																				
1.3.4 Setbacks - General	Where a setback applies, buildings are to provide articulated and varied facades (Refer to D1.4.3 for façade design) that do not result in a ziggurat appearance (i.e. do not have the form of a terraced structure with successive receding storeys).	The proposed design provides articulated façades	Yes																		
1.3.4 Setbacks – Front Setback	Development must comply with the minimum front setbacks as follows:	<u>Storey 1-3</u> Nil street setback Given that the proposed site is located within a B2 – Local Centre zone and the desired character of nil front setbacks to the street is desired. The above setbacks are deemed to be acceptable. <u>Storey 4</u> Nil setback to the balcony of Unit 3.02; and 3.5m to the balcony of Unit 3.01 <u>Storey 5</u> 0.1m setback to the balcony of Unit 4.02; and 3.5m to the balcony of Unit 4.01	No, see [2] for more details																		
<table><tr><th>Location</th><th>Number of Storeys at the Street and Setback</th><th>Upper Level (Podium) Setback</th></tr><tr><td>B1 Zone (except Undercliffe Bridge Precinct)</td><td>1-2 storeys Build to front boundary</td><td>3m</td></tr><tr><td>B2 Zone (except Campsie Civic Centre Precinct, Canterbury Town Centre and Roselands Shopping Centre and Roselands Shopping Centre and where existing facade is to be retained)</td><td>1-3 storeys Build to front boundary</td><td>Fourth storey – 3m Greater than four storeys – 5m (all storeys to be set back this distance including the fourth storey)</td></tr><tr><td>B2 Zone along Canterbury Road</td><td>1-4 storeys minimum setback of 9m from street boundary Basements to be 3m from street boundary</td><td>Above 4 storeys an additional 5m</td></tr><tr><td>B5 Zone along Canterbury Road</td><td>1-4 storeys a minimum setback of 3m from street boundary</td><td>Above 4 storeys – an additional 5m</td></tr><tr><td>B6 Zone along Canterbury Road</td><td>1-3 storeys minimum setback of 9m from street boundary Basements to be 3m from street boundary</td><td>N/A</td></tr></table>				Location	Number of Storeys at the Street and Setback	Upper Level (Podium) Setback	B1 Zone (except Undercliffe Bridge Precinct)	1-2 storeys Build to front boundary	3m	B2 Zone (except Campsie Civic Centre Precinct, Canterbury Town Centre and Roselands Shopping Centre and Roselands Shopping Centre and where existing facade is to be retained)	1-3 storeys Build to front boundary	Fourth storey – 3m Greater than four storeys – 5m (all storeys to be set back this distance including the fourth storey)	B2 Zone along Canterbury Road	1-4 storeys minimum setback of 9m from street boundary Basements to be 3m from street boundary	Above 4 storeys an additional 5m	B5 Zone along Canterbury Road	1-4 storeys a minimum setback of 3m from street boundary	Above 4 storeys – an additional 5m	B6 Zone along Canterbury Road	1-3 storeys minimum setback of 9m from street boundary Basements to be 3m from street boundary	N/A
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Table D1.1: Minimum Front Setbacks In Business Zones																					

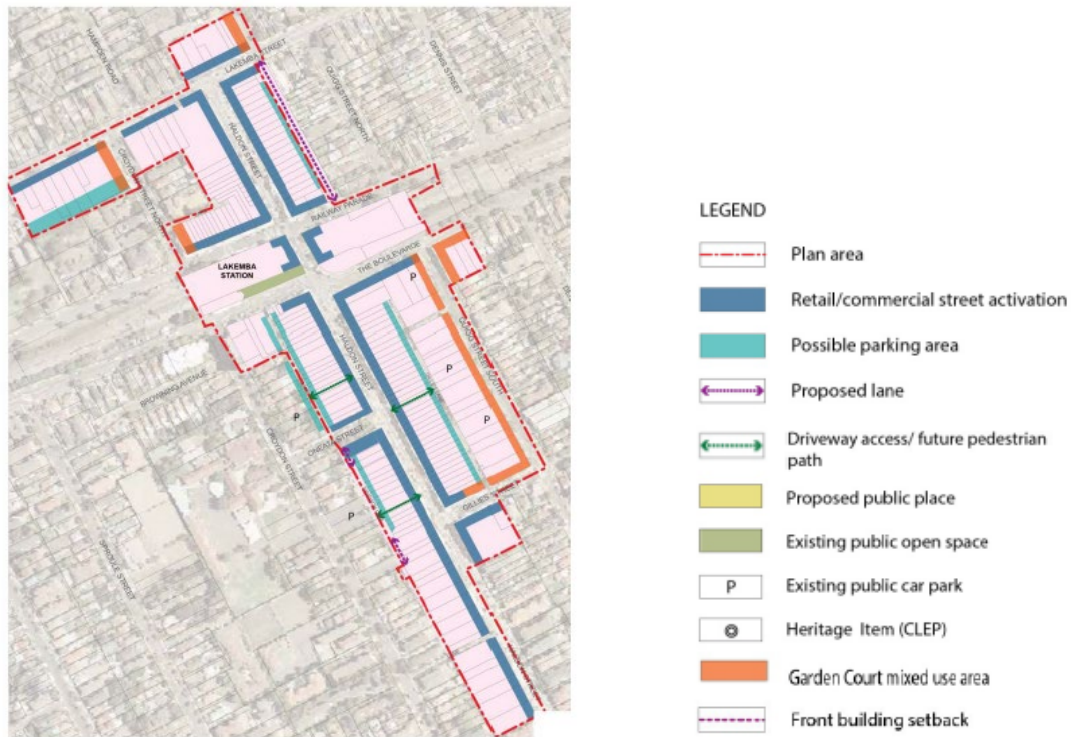
		Given the location of the development on the corner of Lakemba Street and Croydon Street. The corner element of the development is designed to be more prominent and assist in defining the corner of the development.	
1.3.4 Setbacks – Side Setbacks	Except where a proposed development adjoins a residential zone boundary setbacks are not required in the B1 or B2 zones when the desired character is for a continuous street frontage.	Noted	N/A
1.3.4 Setbacks – Rear Setbacks	A rear setback to a residential zone boundary, or land on which an existing dwelling is located, is not required if the land adjoins a lane.	The proposed development does not adjoin a lane to the rear of the site.	N/A
	Proposed developments that adjoin residential zone boundaries to the rear, or land on which existing dwellings are located, are to comply with a rear setback that is defined by: <ul style="list-style-type: none"> (a) A 45° building height plane projected at 1.8m at the residential side boundary; (b) A minimum 6m setback to the residential zone boundary; and (c) A two-storey limit on the boundary with the residential zone applies. 	The proposed development is generally compliant with the 45 degree height plane from the R4 zone adjoining the rear of the site. A number of minor roof elements encroach within the required setback on Level 2, Level 3 and Level 4. These elements encroach within the required height plane due to the cross fall of the site.	Yes
1.3.4 Setbacks – Exceptions	The following minor building elements may project into the minimum side setback area: <ul style="list-style-type: none"> (a) Roof eaves, awnings, pergolas and patios; (b) Stair or ramp access to the ground floor; and (c) Rainwater tanks. <p><i>Note: Developments with shop top housing must comply with the objectives and controls outlined in Chapter C5 Shop Top</i></p>	No elements of the built form is proposed to encroach within the side setback of the development.	Yes

	<i>Housing of this DCP for building separation.</i>		
1.3.5 Building Depth	<p>Building depth for commercial premises must be in accordance with the following requirements:</p> <p>(a) Minimum depth of 10m; and (b) Maximum street frontage wall length of 50m.</p> <p>All façade treatments are to in accordance to section D1.4.3 of the DCP.</p> <p><i>Note: Developments with shop top housing must comply with the objectives and controls outlined in Chapter C5 Shop Top Housing of this DCP for building depth.</i></p>	<p>(a) All retail tenancies have a depth greater than 10m. (b) A maximum wall length of 45.1m is proposed</p> <p>The proposed design and built form is in accordance with the controls of Chapter C5 – Shop Top Housing.</p>	<p>Yes</p> <p>Yes</p>
D1.4 Building Design			
1.4.1 Orientation and Layout	Design and orient development to maximise solar access and natural light, without unduly increasing the building's heat load.	Refer to earlier in the report regarding Part C5.2.1.4 Layout and Orientation.	
1.4.2 Ground Level Interface – Building Entries	Locate entries so they relate to the existing street, subdivision pattern, street tree planting and pedestrian access network and are clearly visible.	The proposed development addresses both street frontages with clearly defined residential entry points.	Yes
	Provide entries to upper levels from the street front facade to encourage activities on the ground floor.	Access to the residential lifts is provided from the ground floor, encouraging activities on the ground floor	Yes
	<p>Provide entries for service activities to rear of the buildings.</p> <p>Provide an awning over the entry to contribute to the legibility of the development and the public domain.</p>	The proposed vehicle entry and services area is located at the rear of the site and is accessed via Croydon Street.	Yes
1.4.2 Ground Level Interface – Ground Level Awnings	The façade of the building shall be built to the front street boundary;	The proposal has a nil street setback along Lakemba Street and Croydon Street	Yes
	A cantilevered awning from the building facade shall overhang the footpath at a minimum width of 3m;	A 3.3m cantilevered awning is proposed	Yes
	Cantilevered awning height is to be in the range of 3.2m - 4.2m from natural ground level;	The proposed awning varies in height due to the slope of the site.	

	Awnings must complement the height, depth and form of the desired character or existing pattern of awnings and should match adjoining awnings so as to provide continuous pedestrian cover and eliminate gaps wherever possible;	The proposed awning is complementary to the built form of the development.	Yes
1.4.5 Parking and Access	Refer to Part B1 – Transport and Parking of this DCP for objectives and controls relating to transport, parking and access.		
1.4.6 Laneways	New laneways are identified for some town centres. Refer to relevant Chapter in Part D for controls relating to specific centres. Where sites are to be redeveloped and a new lane is identified over private land, creation of the laneway is required even if the laneway cannot be immediately utilised.	The site is not noted as requiring a new laneway to be dedicated.	N/A
1.4.7 Building Services	Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.	The proposed substation, fire hydrant and waste management areas are integrated into the building design of the development.	Yes
D1.5 Shop Top Housing			
The controls for the shop top housing component of a mixed use development are located in Part C Residential Accommodation of this DCP (Chapter C5 Shop top Housing).			

D7.3 Lakemba Local Centre

- C1 Development in the Lakemba Local Centre is to be in accordance to the structure plan shown in Figure D7.2.



The proposed development is consistent with the above objectives and numerical controls of Part D1 – Business Centres – General and Part D7.3 – Lakemba of the CDCP 2012, with the exception of the following numerical controls:

^[2] **Front Setback** – The CDCP 2012 requires that for development within the B1 and B2 business zones (except along Canterbury Road), a nil front setback on storeys one to three, 3m for the fourth storey and 5m for any development that is greater than four storeys (including the fourth storey).

Part D1.3.4 (C2) of Canterbury Development Control Plan 2012, requires that one to three storeys have a nil setback on street and the fourth storey and fifth storey observe a 5m front setback. The proposal has one to three storeys at a nil setback on the street as required. However the fourth and fifth storey propose the corner element of the development to encroach within the required setback and provide a nil setback. The other portions of the upper fourth storey and fifth storey that aren't defined as a component of the corner element, generally comply with the required 5m setback requirement. As only the minor building elements of the balconies associated with Unit 3.01 and Unit 4.01 located with a setback of 3.5m from the Lakemba Street frontage.

Objectives

- O1 To establish the desired spatial proportions of the street and define the street edge.
- O2 To minimise building size and bulk by setting back upper storeys.

- O3 To minimise amenity impacts on adjoining properties.*
- O4 To encourage increased setbacks along Canterbury Road to provide for possible future implementation of street parking and assist in reducing traffic noise impacts.*
- O5 To allow for flexible design and building articulation by permitting minor encroachments.*

The proposed encroachment within the front setbacks requirements, do not result in the objectives of the controls being contravened. The variance in the setbacks provides a more prominent corner element of the development and contributes to the visual interest and architectural merit of the building.

The setback of the fourth storey from Lakemba Street varies throughout the 20m length of the northern elevation. At its closest point the front setback has a nil setback for a length of 10m, but this increases to 3.5m from the balcony component and 5m from the front building line at the north-eastern corner of the building. In addition, the setback from Croydon Street varies throughout the 51m length of the western elevation. At its closest point the secondary street setback has a nil setback for a length of 15.9m, but this increases to 5m along the western elevation.

Furthermore, there is a recessed element on the second and third storey along the Lakemba Street façade that distinguishes the corner element from the built form. Moreover, the corner element along the Croydon Street facade is differentiated from the setback upper level built form through the nil setback and rendered element of the design against the face brick façade of the adjoining façade elements.

All these considerations in combination with the variation of the front setback of Lakemba Street and the proposed setbacks along Croydon Street, at the fourth storey and fifth storey successfully provides a defined corner element and a modulated façade.

There are no significant impacts on adjoining properties with regards to the departure of the front setback as it occurs on the opposite side of the building to the residential property to the east.

Objective O5 of Part D1.3.4 of the CDCP 2012, seeks to allow for flexible design and building articulation by permitting minor encroachments. The proposed variation enhances the articulation of the building facades and provides a definitive built element that assists in promoting visual interest within the Lakemba Local Centre. The proposal is modulated both horizontally and vertically and achieves an appropriate design aesthetic for its prominent location at the junction of two roads. It should be noted that the design provides a built form that is not representative of a ziggurat style built form.

The proposal achieves the objectives for front setbacks and is therefore deemed to be satisfactory.

Additional Considerations

- **Referrals**

The development assessment has been internally referred to a number of Council's departments and external government authorities, their comments are provided below.

Traffic

Council's Traffic Engineers have reviewed the application and does not have any objections to the application, subject to conditions of consent.

Waste Management

Council's Waste Management Team have reviewed the application and have raised some concerns regarding the proposed development. However, the issues identified can be resolved subject to conditions of consent.

Landscaping

Council's Landscape Architect has reviewed the application and does not have any objections to the application, subject to conditions of consent.

Development Engineer

Council's Development Engineer has reviewed the application and does not have any objections to the application, subject to conditions of consent.

Road and Maritime Services (RMS)

The RMS have reviewed the application and do not have any objections to the proposed development, subject to conditions of consent.

Ausgrid

Ausgrid have reviewed the application and do not have any objections to the proposed development, subject to conditions of consent.

- **National Construction Code**

The development application has been reviewed and assessed by Council's Building Surveyors who have raised no objection to the proposal subject to appropriate conditions of consent being imposed, including full compliance with the National Construction Code to be achieved.

- **Proposed Excavation Works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring structures. It has been recommended that a condition requiring the applicant to provide a dilapidation report for adjoining properties, prior to the issue of a Construction Certificate to be included on any consent issued. Should any damage to adjoining properties result from the 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 development. Any excavated material not utilised elsewhere on the property, will require proper disposal and transport in accordance with the *Waste Avoidance and Recovery Act 2001* and the *Protection of the Environment Operations Act 1997*. A condition will be imposed in this regard.

Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

The Canterbury Development Contributions Plan 2013 applies to the site and requires a contribution of \$338,236.26. This is included as a condition of consent.

Planning agreements [section 4.15(1)(a)(iia)]

No planning agreements are applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

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

The likely impacts of the development [section 4.15(1)(b)]

Section 4.15 (1)(b) requires Council to consider the likely impacts of that development, including environmental impacts both natural and built, as well as the social and economic impacts in the locality.

An assessment of the proposal against SEPP 65 – Design Quality of Residential Apartment Development confirms the proposal exhibits good internal residential amenity for its occupants. This level of standard has positive implications socially and economically in that it provides quality housing that individuals and families can aspire to live in. Good design and amenity supports a level of pride and enjoyment, whilst also revitalizing an area. The proposal contributes to the streetscape on both Lakemba Street and Croydon Street, as it provides active street frontages to both elevations.

The previous industrial use of the site and any remnant contaminants have been assessed as part of this application. As a Phase One Preliminary Site Investigation (PSI) Report and the Stage 2 report found that, whilst cadmium and zinc contaminants were found on site, the soil contamination samples did not reveal contaminants that would pose a risk to human and environmental receptors. The Report detailed a number of recommendations that are to be implemented prior to construction. These have been incorporated as a condition of consent.

Suitability of the site [section 4.15(1)(c)]

The site is suitable for the development that is proposed, in that the contamination assessment is favourable. The proposal successfully addresses the constraints of the site by providing adequate solar access, cross ventilation and inviting communal open space.

The proposed development on the site, as identified throughout the body of this report is deemed to generally meet the requirements of the relevant State Environmental Planning Policies, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. Therefore it is recognised that the site is deemed to be suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised/notified for a period of 21 days (17 January 2018 – 7 February 2018). One objection was received during this period, which raises concerns relating to the proximity of the proposed development, building height, visual and acoustic privacy concerns, traffic and waste management. The matters raised in the objection are discussed in detail below.

Objection: Proximity of the proposed building to the adjacent property boundary

Comment: A suite of conditions are included within the consent, regarding the manner in which development works are to be undertaken. In particular a condition of consent has been included that requires prior to any works on the site, a dilapidation report of the adjoining properties is undertaken to document the current condition of any structures near the proposed development. The inclusion of this condition provides a documented benchmark from which any damages caused by demolition, excavation or construction works can be referred.

Objection: Proposed building to front boundary impacting our line of sight when exiting driveway.

Comment: The proposed development has been designed in accordance with the setbacks required in Part D – Business Centres of the CDCP 2012. In particular Part D 1.3.4 – Setbacks and Part D7.3 – Lakemba of the CDCP 2012 envisages that development within the B2 – Local Centre zone has a nil front and side setbacks. The proposed built form reflects the desired future character of the area.

In addition, the current sightlines provided from the existing carport provided at the front of the adjoining site are inhibited due to the enclosed side elevation of the carport. The proposed built form and setback from Lakemba Street do not seek to alter the sightlines or inhibit them any greater than the existing situation.

Objection: Proposed height of building too high adjacent to a single storey dwelling

Comment: The proposed development has been designed in accordance with the setbacks required in Part D – Business Centres of the CDCP 2012. In particular

Part D 1.3.4 – Setbacks and Part D7.3 – Lakemba of the CDCP 2012 envisages that development within the B2 – Local Centre zone has a continuous street frontage within the local centres of the Canterbury Bankstown local government area.

Therefore, the nil front and side setbacks of the proposed development are deemed to be acceptable and will result in a built form that reflects the current and desired future character of the area.

Objection: *Lack of visual privacy*

Comment: Upon the lodgment of the application, the communal open space was split across a number of levels. This design was not supported by Council, as it resulted in very poor amenity for the communal areas.

Subsequently, an amended set of plans have been submitted to Council consolidating the communal open space area to the rooftop of the development. The amended plans have been assessed against the relevant sections of the ADG and CDCP 2012, relating to building separation, acoustic privacy and visual privacy. It is deemed that the proposed development has provided adequate building separation and addressed visual and acoustic privacy within the development and the adjoining properties.

The impact of the proposed development on the residential property abutting the development to the east, has been considered during the design process by the Applicant. This has resulted in the proposal not locating any windows along the eastern elevation and recessing any proposed private open spaces within the development, to minimise the degree of overlooking of the adjoining property.

The residential units located with their balconies facing east, provide a setback of 6m from the common boundary. This separation is deemed to be sufficient given the nature of the spaces and the further recessed location of the habitable spaces of the proposed dwellings. Therefore the reasoning of lack of visual privacy and overlooking cannot form a reason for refusal, as sufficient separation is provided between the existing dwelling and adequate design measures have been implemented within the proposed development.

Objection: *Increased noise levels due to the increased number of residents proposed within the development and the roof top communal area.*

Comment: The proposed development has been assessed against the relevant sections of the ADG and CDCP 2012, relating to building separation, acoustic privacy and visual privacy. It is deemed that the proposed development has provided adequate building separation and addressed visual and acoustic privacy within the development and the adjoining properties. The communal rooftop area incorporates a large planter bed around the perimeter of the area to assist in reducing the degree of overlooking.

In addition, a Rooftop Management Plan has also been submitted as part of this application. The rooftop management plan outlines the usable hours, general management and maintenance of the space, as well as the restricted uses of the space. In the event of a noise complaint arising, conditions have been included within the consent, along with the rules outlined within the Rooftop Management Plan that ensures that the matters is documented, actioned and addressed.

Objection: *Height proposed will result in overshadowing of the dwelling and established gardens.*

Comment: The amended architectural plans lodged as part of this application propose a built form that is designed to be sited within the defined building envelope. The proposed design has incorporated adequate internal building separation to allow for sufficient solar access to the proposed development and adjoining residential dwellings.

Due to the general north-south orientation of the site and adjoining properties, solar access to the adjoining sites to the east will receive varying degrees of sunlight throughout the day, with the later hours of the afternoon being overshadowed by the proposed development. The solar access and shadow diagrams submitted with the application have demonstrated that the adjoining single storey residential properties will receive in excess 2 hours of solar access between 9am and 3pm on 21 June to the primary living areas and private open space areas of the adjoining properties.

Objection: *Breach of height controls.*

Comment: The architectural plans lodged with this application proposed a built form that exceeded the permissible 18m maximum building height limit for the site. This set of plans was accompanied with a Clause 4.6 variation request to address the non-compliant maximum height of the development.

However, a subsequent set of amended plans have been received by Council, which propose a reduced building height of 17.4m. The amended building height is compliant with the 18m maximum defined within the CLEP 2012.

Objection: *Increase in pedestrian traffic affecting the ability to safely exit the existing driveway.*

Comment: The current zoning of the site and the adjoining properties to the east is identified as a B2 – Local Centre Zone. The objectives of the zone are to:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.*

It is therefore expected, given the proximity of the site from the Lakemba Street Train Station that active modes of transport (walking and cycling) will increase as a result of any proposed development within the zone.

The opportunities to increase alternative modes of transport other than the private vehicle are aligned with the objectives of the B2- Local Centre zone and the intent of the increased density provided by developments under the ADG.

Objection: *Increased local traffic on a neighbourhood road already experiencing congestion.*

Comment: The development proposed on the site has been referred to Council's Traffic Engineers and the Road and Maritime Services (RMS) for comments and conditions. The RMS are in support of the proposed development, subject to conditions.

In addition, Council's Traffic Engineers have raised no issues subject to conditions of consent.

Objection: *Impact on the Waterboard Main sewer not discussed.*

Comment: The impact of the proposed development on the existing main sewer easement has been identified and addressed as part of this application, given the proposed excavation works required for the basement parking provisions.

It has been proposed that the existing main sewer line located at the rear of the site will be redirected along the rear and side of the site, at the cost of the developer. The impacts of the relocation of the proposed development are deemed to be minimal.

Objection: *Proposed garbage storage ventilation inadequately addressed.*

Comment: Upon the lodgment of the application, the waste storage area was located adjacent to the eastern side boundary. This design was not supported by Council, as it resulted in very poor amenity for the adjoining property.

Subsequently, an amended set of plans have been submitted to Council relocating the waste storage areas near the vehicular entry point along Croydon Street within 15m of the kerb, as required by the Part B9 of the CDCP 2012. The relocation of the waste area away from neighbouring habitable areas has resolved the issues raised within the submission pertaining to inadequate ventilation and potential odour issues.

Objection: *Need for existing dividing fence to be maintained to protect our private property.*

Comment: As a matter of safety the site must be adequately fenced during the demolition and construction phase to provide a safe working and public environment. This is also included as a standard condition of consent. The fencing of the site does not only apply to fencing along Lakemba Street and Croydon Street but also along the adjoining residential property boundaries.

In addition, a condition of consent has been enforced that requires that as part of the development that the neighbouring property fence be replaced at the developer's expense following consultation with the adjoining property owner regarding the type and material of the fence.

The public interest [section 4.15(1)(e)]

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and by the consent authority ensuring that any adverse impacts on the development itself, the surrounding area and the environment are avoided.

The public interest is considered to have been achieved in so far as the development provides for additional housing choice within the local government area without compromising the amenity of the locality.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012.

The proposal constitutes reasonable development on the land and satisfies the objectives of the applicable Environmental Planning Instruments and the Canterbury Development Control Plan 2012.

The site constraints include orientation, sewerage easements and adjoining residential zoned land. The proposal responds appropriately to these constraints, demonstrating thorough compliance with the controls and objectives of the Apartment Design Guide regarding solar access, natural ventilation and communal open space, that adequate amenity can be provided to the occupants. Contextually, it is expected that the proposed development will compliment the urban fabric of the local centre, and contribute to the desired future character of the area.

RECOMMENDATION

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

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-507/2017, submitted by Urban Link Pty Ltd, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Rev.	Dated	Prepared by
-	"Cover Sheet"	G	19/03/2019	Urban Link Pty Ltd
DA1002	Site – Demolition Plan	B	04/12/2017	Urban Link Pty Ltd
DA1003	Site Plan – Site Plan	G	19/03/2019	Urban Link Pty Ltd
DA2000	Floor Plans – Basement 02	G	19/03/2019	Urban Link Pty Ltd
DA2001	Floor Plans – Basement 01	G	19/03/2019	Urban Link Pty Ltd
DA2002	Floor Plans – Ground Floor Plan	G	19/03/2019	Urban Link Pty Ltd
DA2003	Floor Plans – Level 01	G	19/03/2019	Urban Link Pty Ltd
DA2004	Floor Plans – Level 02	G	19/03/2019	Urban Link Pty Ltd
DA2005	Floor Plans – Level 03	G	19/03/2019	Urban Link Pty Ltd
DA2006	Floor Plans – Level 04	G	19/03/2019	Urban Link Pty Ltd
DA2007	Floor Plans – Roof	G	19/03/2019	Urban Link Pty Ltd
DA2903	Options – Compliance Adaptable Unit – Sheet 1	G	19/03/2019	Urban Link Pty Ltd
DA2903a	Options – Compliance Adaptable Unit – Sheet 2	G	19/03/2019	Urban Link Pty Ltd
DA3001	Elevations – North/South	G	19/03/2019	Urban Link Pty Ltd
DA3002	Elevations – East/West	G	19/03/2019	Urban Link Pty Ltd
DA3003	Elevations – Internal Courtyard	G	19/03/2019	Urban Link Pty Ltd
DA4001	Sections – AA	G	19/03/2019	Urban Link Pty Ltd
DA4002	Sections – BB	G	19/03/2019	Urban Link Pty Ltd
DA4003	Sections – CC	G	19/03/2019	Urban Link Pty Ltd
DA4004	Sections – DD/EE	G	19/03/2019	Urban Link Pty Ltd
DA4005	Sections – Sections FF/GG	A	19/03/2019	Urban Link Pty Ltd
DA4006	Sections – Typical Construction Details	A	19/03/2019	Urban Link Pty Ltd
1801	L-01 C - Rooftop Plan	C	22/03/2019	SiteDesign + Studios
1801	L-02 C – 3 rd / 4 th Floor	C	22/03/2019	SiteDesign + Studios
1801	L-03 C – Ground/ Level 1 + 2	C	22/03/2019	SiteDesign + Studios
1801	L-04 C – Existing Tree Plan	C	22/03/2019	SiteDesign + Studios
-	Roof Terrace Plan of Management	-	-	Pragma Urban Planning Pty Ltd
E1932-1	Remediation Action Plan (RAP)	-	25/07/2019	Geotechnical Consultants Australia
-	Waste Management Plan	-	01/12/2017	Dickens Solutions

Drawing No.	Drawing Title	Rev.	Dated	Prepared by
-	Acoustic Assessment Report (Ref. 20160193.1/2911A/R1/TA)	-	29/11/2017	Acoustic Logic Consultancy Pty Ltd
-	188 Lakemba Street Lakemba NSW – Access Review	-	13/12/2017	Morris Golding Accessibility Consulting
SW200	Stormwater Concept Design – Basement 2 Plan	01	07/12/2017	SGC Engineering
SW201	Stormwater Concept Design – Basement 1 Plan	01	07/12/2017	SGC Engineering
SW202	Stormwater Concept Design – Ground Floor Plan	01	07/12/2017	SGC Engineering
SW203	Stormwater Concept Design – Level 1 Plan	01	07/12/2017	SGC Engineering
SW204	Stormwater Concept Design – Roof Plan	01	07/12/2017	SGC Engineering
SW300	Stormwater Concept Design – Details	01	07/12/2017	SGC Engineering
SW400	Erosion and Sediment Control Plan and Details	01	07/12/2017	SGC Engineering

The development plans shall be amended as follows:

- a) An amended ground floor plan be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate, showing:
 - i) The reallocation of the Commercial bin storage area to the Bulky Storage area and the Bulky storage area to the Commercial bin storage area.
 - ii) A minimum door width of 1.2m for the commercial bin storage area, residential bin storage area and bulky waste area.
- 3) **Method of Electricity Connection**
The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
- 4) **Supply of Electricity**
It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - a) The existing network can support the expected electrical load of the development.
 - b) A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - c) site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

5) **Conduit Installation**

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

6) **Street lighting**

The developer is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the street lighting.

The relocating of any street lighting will generally be at the developers cost. In many cases is not possible to relocate street lighting due to its strategic positioning.

7) **Service Mains**

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

8) **Proximity to Existing Network Assets**

Overhead Power lines

There are existing overhead electricity network assets in Lakemba St. Safe work NSW Document – Work Near Overhead Power lines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

9) **Underground Cables**

There are existing underground electricity network assets in Lakemba St & Croydon St. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

The developer must locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safe work Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

- 10) Intercom, code or card locks or similar must be installed at main entries to the building to control access.
- 11) The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1-2004 and AS2890.6-2009.
- 12) All vehicles are to enter and exit the site in a forward direction.
- 13) All vehicles are to wholly contained on site before being required to stop.
- 14) Bicycle parking associated within the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- 15) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 16) A construction works zone will not be permitted on Lakemba Street.
- 17) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Lakemba Street during construction activities.

- 18) All of the recommendations of the Roof Terrace Plan of Management prepared by Pragma Urban Planning Pty Ltd.
- 19) The Remediation Action Plan (RAP) prepared by Geotechnical Consultants Australia (GCA) Pty Ltd (Dated: 25 July 2019, Report Number: E1932-1) and its conditions and recommendations to be imposed as conditions of consent.
- 20) The Acoustic Assessment report prepared by Acoustic Logic Consultancy Pty Ltd (Dated: 29/11/2017, Doc. Ref. 20160193.1/2911A/R1/TA) and its conditions and recommendations to be imposed as conditions of consent.
- 21) In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

Council may also request that a NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.

- 22) Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an Occupation Certificate; or provided to Council prior to filling.

All imported fill must be compatible with the existing soil characteristics of the site.

- 23) Any soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines including the 'Waste Classification Guidelines' (NSW EPA, 2014) prior to off-site disposal.

Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

- 24) 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.

- 25) The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
- 26) Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
- 27) Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
- 28) Drains, gutters, roadways, and access ways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
- 29) Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
- 30) 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.
- 31) The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Council concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level. The acoustic assessment must be completed within 30 days from the date requested by Council.
- 32) The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 33) 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.

- 34) Any lighting of the premises must be installed in accordance with AS 4282-1997, 'Control of the obtrusive effects of outdoor lighting', so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 35) The No Parking Zone (1am to 11am Tuesday) and 2 Hour Parking Zone (11am-6:00pm Monday to Friday, 8:30am – 12:30pm Saturday) is to be installed subject to obtaining approval from the Traffic Committee, three months prior to occupation of the site. The applicant is to also confirm with Council's Waste Department the correct collection day as it is subject to change. All costs associated with the installation of stems and signs are to be borne by the applicant.
- 36) Sight line triangles to pedestrians shall be shown on the site plan at the driveway exit location, in accordance with AS 2890.1-2004 to comply with Fig 3.3.
- 37) Sight distance to for vehicles exiting need to comply with Fig 3.2 from AS 2890.1:2004.

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

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

- 38) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 39) All aspects of the landscaping must be completed according to the submitted landscape plan (Drawn by Site Design Studios, drawing no. L-01C – L-04C Landscape Plan, Specification and Construction Details, submitted to council on 22nd March 2019) except where amended by the conditions of consent. The landscaping and deep soil areas are to be maintained at all times to the Council's satisfaction
- 40) 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).
- 41) All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or three 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.

- 42) 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.
- 43) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 44) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 45) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with Council's Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 46) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

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

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

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

- 48) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 49) This condition has been levied on the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development 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 \$338,236.26. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$ 30,593.88
• Open Space and Recreation	\$ 299,035.67
• Plan Administration	\$ 8,606.71

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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.

The Development Contributions Plan 2013 may be inspected at Council's Campsie Customer Service Centre, 137 Beamish Street, Campsie or from Council's website www.cbcity.nsw.gov.au.

- 50) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 51) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.
- 52) The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed

by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

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

- 53) An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 54) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 55) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle**

movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

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

- 56) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

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

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

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

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

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

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

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

- 58) Stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- a) The design must be generally in accordance with the plans, specifications and details prepared by S&G Consultants Pty Ltd, Drawing number 20170334 SW100. SW200-204, SW300 and SW400, Revision 01, dated 20th December 2017.

- b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the existing kerb inlet pit along Croydon Street.
- c) An overland flowpath must be provided between the front of the dwelling and Croydon Street. This area must be graded so that bypass flows from the site drainage system are directed to Croydon Street. Note – the overflow must not be directed to neighbouring lands.
- d) All stormwater must pass through a silt arrestor pit prior to discharge to Councils system. 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.

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.

- 59) 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 Bankstown 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.
- 60) 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.
- 61) 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.
- 62) 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.

- 63) Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
- a) The street awning(s) must be setback 600mm from the kerb line.
 - b) The awnings must be entirely self-supporting; posts are not permitted.
 - c) The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a Certificate of Currency must be submitted to the Principal Certifying Authority.
 - d) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
 - e) The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act. Note that this Consent does not give approval to construct an awning in the road.
 - f) The applicant must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.
 - g) The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
 - h) If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
 - i) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
 - j) A maintenance plan must be provided in respect of the awing(s) to address the following issues at a minimum:
 - i. Inspection schedule of structural members, connections, and supports covering the life of the awing(s).

- ii. Inspection schedule of non-structural components.
- iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.

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

- 64) If any neighbouring properties or roadway are to be utilised for support, the legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury Bankstown Council prior to the issue of a Construction Certificate.

Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

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

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

- 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.
- 65) A photographic survey of the adjoining property at 186 Lakemba Street, Lakemba, 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.

- 66) A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining property at 186 Lakemba Street, Lakemba, 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.
- 67) 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.
- 68) 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) The intersection of ramps with parking aisles and other intersection areas have been designed for use by one vehicle at a time. Appropriate traffic management measures,

including redesign if needed, is required to prioritise one-way traffic movement at these intersection areas.

- f) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
- g) All gates must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
- h) A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- i) The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street 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.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

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

- d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 70) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 71) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 72) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 73) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 74) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.
- 75) 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.
- 76) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.

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

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

- 79) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 80) 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.

- 81) 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.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

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

- 90) The wastewater from the car wash bay shall be collected and disposed of, in accordance with the requirements contained in Council's Development Engineering Standards.
- 91) 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.
- 92) A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 6.0 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 93) 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.

CONDITIONS TO BE SATISFIED PRIOR TO THE RELEASE OF THE SUBDIVISION

- 94) The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
- 95) All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
- 96) The submission of one final plan of subdivision / consolidation and five copies.
- 97) The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 98) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 99) 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.

- 100) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 101) Thirty nine (39) off street car spaces being provided in accordance with the submitted plans. This shall comprise:
- 24 x Residential spaces
 - 13 x Business / commercial spaces
 - 1 x Car wash space
 - 1 x Courier/Delivery space
- Of the above car parking spaces, five (5) are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 102) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 103) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 104) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 105) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 106) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

- 107) That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
- 108) Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
- 109) A Works-as-Executed plan must be submitted to Canterbury Bankstown Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012.
- 110) Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
- The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
- 111) The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
- 112) 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.

- 113) The Principal Certifying Authority must ensure that the awing(s) have been constructed in accordance with this Consent and the relevant standards. Prior to the issue of an Occupation Certificate certification must be provided by a Structural Engineer that the awing(s) have been constructed in accordance with the design submitted with the Construction Certificate and National Construction Code.
- 114) The awning maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.
- 115) 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"
- 116) The reconstruction of the kerb and gutter along all areas of the site fronting Lakemba and Croydon Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 117) The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Lakemba and Croydon Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

SCHEDULE A: ADVICE TO APPLICANTS

- 1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
- 2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
- 3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Division 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
- 4. Sections 9.37 and 9.50 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent

and any person failing to comply with such a direction shall be guilty of an offence under that Act.

5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.
8. Inspection of building works shall be undertaken as determined by the PCA. If Canterbury-Bankstown Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.
9. Where a combined development consent is issued for demolition of buildings and construction of new work, a Construction Certificate must be obtained for the work, including demolition.
10. Also, 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 to nearest cross street) for underground utility services information for any excavation areas.

-END-

Development Committee - 09 December 2019

ITEM 5	37 Ludgate Street, Roselands
	Modification application to delete condition three and continue use as a place of public worship.
FILE	DA-299/2017A - Roselands
ZONING	R3 Medium Density Residential
DATE OF LODGEMENT	11 January 2019
APPLICANT	Roselands Mosque Association
OWNERS	Roselands Mosque Association
ESTIMATED VALUE	Nil
AUTHOR	External Consultant Milestone (AUST) Pty Limited

REPORT

This S4.55(1A) is reported to the Local Planning Panel for determination and seeks development consent for the permanent use of the site as a place of public worship. It is noted that the former DA-299/2017 was also reported and approved by the Canterbury Bankstown Local Planning Panel on 3 April 2018.

Development Application No. DA-299/2017/A proposes to remove the trial period Condition 3 to allow the continued and permanent use of the site as a Place of Public Worship.

DA-299/2017/A has been assessed against the *Metropolis of Three Cities (2018)*, *South District Plan*, *Draft Connective City 2036 – The City’s Local Strategic Planning Statement*, *Canterbury Local Environmental Plan 2012* and *Canterbury Development Control Plan 2012 (Parts B1, B7 and F8)*.

The application was notified for a period of 21 days, which commenced on 5 February 2019 and ended on 26 February 2019. A total of nine submissions objecting to the proposal were received during this period, comprising eight individual submissions and one petition containing 93 signatures. The submissions raised potential concerns relating to:

- Traffic and Car Parking;
- Number of Worshippers;
- Reduction in Safety;
- Breaches of Consent;
- Removal of Trial Period; and
- Overall loss of Residential Amenity.

The key contentions for the subject Modification Application revolve around the merits of approving the permanent use of the site as a Place of Public Worship.

The proposed S4.55(1A) Modification Application No. DA-299/2017/A is accompanied by the following documents:

- S4.55(1A) Statement of Environmental Effects, prepared by Willana Associates dated 10 January 2019.

The following additional supporting documents were submitted as part of former DA-299/2017:

- Noise Impact Assessment Report, prepared by Renzo Tonin and Associates dated 27 July 2018.
- Traffic and Parking Report, prepared by Colston Budd Rodgers and Kafes dated July 2017.
- Plan of Management, prepared by Willana Associates dated April 2018.
- Social Impact Comment prepared by Willana Associates dated 5 March 2018.
- Statement of Environmental Effects, prepared by Willana Associates dated July 2017.
- Floor Plan showing the Mat Layout within the three prayer rooms, not dated.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

ATTACHMENTS

- A. Assessment Report
- B. Conditions of Consent

DA-299/2017/A ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 37 Ludgate Street, Roselands, legally identified as Lot 31, DP 730851. The site is located on the western side of Ludgate Street, at the intersection of Ridgewell and Ludgate Streets. The allotment has a frontage of 19.9 metres to Ludgate Street and 45.7 metres to Ridgewell Street, and a site area of 921.2m². The subject site is relatively flat with a slight fall to Ludgate Street.

The site contains an existing detached single storey dwelling that has been converted to a place of public worship (mosque) with six space car parking area in stacked configuration at the rear. Vehicles access to the car park is via the driveway from Ridgewell Street, whilst pedestrians are provided a separate access from the front of the building via Ludgate Street.

The site is located within a well-established R3 Medium Density Residential Zone area and adjoins a RE1 Public Recreation Reserve to the south, known as the Ludgate Street Reserve. The surrounding streetscape is characterised by a diverse mix of generally low density developments, including single and two storey detached dwelling houses of differing styles within the immediate vicinity of the site, to dual occupancy dwellings, townhouses and villas within the wider locality. (Refer to **Figure 1**).



Figure 1: Aerial of subject site in blue.

Source: Six Maps 2019



Figure 2: Subject Site - 37 Ludgate Street, Roselands

Source: Milestone Site Visit on 1 November 2019

Existing Use

The existing place of public worship comprises of three prayer rooms, sanitary facilities, an administration area and on site car parking at the rear.

During designated prayer sessions, two of the prayer rooms are utilised by male worshippers and one room for female worshippers. Unlike other neighbouring mosques within proximity to the site (which provide services in arabic), all prayer sessions at the Roselands Mosque are conducted by the Sheikh in english to also cater for the younger islamic members within the society.

In addition to existing prayer services, the site offers local counselling services for both regular and occassional worshippers at the Roselands Mosque.

BACKGROUND

Original Use – Religious Church Services

The subject site has a history of use as a place of public worship since 1960, when the former Canterbury Council approved an application for the construction of a meeting room to be used privately for religious church services.

Following this, further applications for additions to the building were undertaken, which included a caretaker's residence, and a rear attached outbuilding to create a Sunday School Hall and four classrooms.

Unauthorised Works

From 6 August 2008, Council received complaints that demolition works were being carried out at the subject site. Following this Council issued a "stop work" notice, which resulted in the lodgement of DA-486/2008.

Lodgement of DA-486/2008 – Use as a Place of Public Worship

On 26 August 2008, on behalf of the Anthony Mundine and Hazem El Masri Association, DA-486.2008 was lodged for the proposed completion of the demolition works to the existing building, the removal of internal walls and the reconstruction of the roof and its continued use as a place of public worship.

On 5 May 2009, this application was considered by the former Canterbury Council's Independent Hearing and Assessment Panel (IHAP), where the IHAP deferred making a recommendation to the City Development Committee pending the submission of additional information by the applicant, including traffic and acoustic reports and a Plan of Management.

Following receipt of the additional requested information, on 28 September 2009, the application was recommended for approval subject to the incorporation of Conditions (6) and (8), including a trial period of 12 months and limited operating hours on Wednesday, Thursday and Friday with a maximum capacity of worshippers as follows:

- 12 noon to 1pm (maximum of 20 worshippers);
- 4pm to 5:30pm (maximum of 15 worshippers);
- 7pm to 7:30pm (maximum of 25 worshippers); and
- 5pm to 7pm (maximum of 15 worshippers).

On 15 October 2009, Council's planning assessment report and the recommendations of the IHAP were considered by the former Canterbury City Development Committee. It was resolved that approval would be granted in accordance with the recommendations of the IHAP (Conditions 6 and 8). Further recommending revision to Condition 5 to ensure that the proposed works were carried out in accordance with the submitted plans.

DA-456/2010 – Increase sought for operation

On 16 August 2010, the former Canterbury Council refused DA-456/2010 which sought to alter the operations of the approved place of worship to include prayer and education activities over seven days per week and specifically to include a pre-dawn and nightly prayer period.

DA-468/2008/A – Amend the internal layout

On 1 December 2012, the former Canterbury Council granted approval for DA-486/2008/A for the *“modification of consent to amend the internal layout and external design of a place of worship”*.

DA-486/2008/B – Extension of trial period

On 28 July 2014 a second modification application DA-486/2008/B was lodged to Council for the *“modification and deletion of conditions of consent for a place of public worship”*. Primarily, approval was sought for:

- Modification of Condition 8 (hours of operation and capacity);
- Deletion of Condition 6 (12 month trial period of consent); and
- Modification of Condition 11 (restriction on location of prayer in the building, to enable full use of all floor area for prayer).

On 14 May 2015, the former City Development Committee modified the consent DA-486/2008 by amending conditions 6, 7, 8, 22 and 38 and deleting Conditions 11, 14 and 21 which are detailed as follows:

- Modification of Condition 6 (hours of operation and inclusion of a six month trial period);
- Modification of Condition 7 (duration of the trial period);
- Modification of Condition 8 (increasing the days of operation from three to seven days a week, as well as the addition of pre-dawn prayer);
- Deletion of Condition 11 (enabled the full use of all floor areas within the existing building for prayer and other related purposes as a place of public worship);
- Deletion of Condition 14 (requiring a single door between the ‘existing main hall’ and ‘existing gallery/foyer’);
- Deletion of Condition 21 (regarding acoustic reports);
- Modification of Condition 22 (use of outdoor lighting); and
- Modification of Condition 38 (relating to trial period)

DA-486/2008/C – Extension of trial period

On 13 November 2015, DA-486/2008/C was lodged for the *“modification to a temporary place of worship to make it permanent and extend operating hours.”* The application sought approval to modify Condition 6, to remove reference to a ‘6 month trial period’, and modify Condition 8, by amending the times of prayer during daylight saving time at night (from 7pm-8pm to 8:30pm – 9:30pm). The application also sought to modify a typographical error identified for the duration of Friday Prayer stipulated in Condition 8 of DA-486/2008/B.

On 17 October 2016, the former Canterbury-Bankstown IHAP (as determining authority) granted development consent to DA-486/2008/C. The amendments sought removal of the trial period and worship from 8:30pm – 9:30pm, which were not supported by the Panel.

As part of the determination, the IHAP raised concern regarding the ability of the Proponent to successfully manage the expanding popularity of the premises and stipulated the following matters would need to be addressed as part of any future application:

- The number of worshippers can be controlled without overflow impacts (i.e. praying in the park or outside the mosque);
- No or very low impacts from the use regarding acoustic and traffic impacts by expert consultants;
- Submission of a ground floor plan;
- Updated Plan of Management; and
- Details from the complaints register.

The IHAP considered that the submission of the above information would be determinative to consideration of a permanent use on the site.

DA-299/2017 –Increase to Friday Prayer for 120 Worshippers and Extension of trial period

On 3 August 2017, DA-299/2017 was lodged seeking approval to amend the consent of DA-486/2008 to provide for the continued use of the site as a place of public worship, operating in accordance with the ongoing requirements of DA-486/2008 as amended. Further, the proposal sought approval to increase the number of permissible patrons for the Friday lunchtime Prayer from 60 to 120 worshippers.

On 3 April 2018, the Canterbury Bankstown Local Planning Panel (CBLPP) granted development consent for DA-299/2017 for the *“use of the premise as a place of public worship, on a trial basis for 12 months”*, in accordance with the recommendations of Council’s Assessment Officer report. The CBLPP amended conditions 1, 2, 3, 6, 10 and 11, and deleted conditions 12, 13 and 14 as part of this determination. (Refer to the Notice of Determination of DA-299/2017 held at **Attachment B** of this report).

The relevant conditions relating to the trial period under DA-299/2017 are Conditions 3, 4 and 5 and 6, summarised as follows:

- Condition 3 (approval period limited to 12 months from the date of the consent, 3 April 2018, after which time any use of the premises will require a Section 4.55 Modification Application by 15 January 2019).
- Condition 4 (relating to management of the mosque during the trial period).
- Condition 5 (continued use under DA-299/2017 may continue until such time the application is finally determined by Council or by the Land and Environmental Court on appeal).
- Condition 6 (relating to the approved hours of operation and approved activities during the 12 month trial period).

PROPOSED DEVELOPMENT

On 14 January 2019, this S4.55 Modification Application DA-299/2017/A was lodged to Canterbury Bankstown Council, seeking development consent to remove Condition 3 of DA-299/2017 to allow continued and permanent use of the site as a Place of Public Worship.

It is noted that Condition 3 of DA-299/2017, which conditions approval for a period of 12 months, is associated with subsequent Conditions 4, 5 and 6. As such, removal of Condition 3 will require deletion or modification to Conditions 4, 5 and 6. (Refer to the Notice of Determination of DA-299/2017 held at **Attachment B**).

The site has legally operated as a mosque for a period of over ten years, since the approval of DA-486/2008, which was determined on 15 October 2009. The continuing use of the site was granted development consent, subject to the following consecutive trial periods:

- DA-486/2008 – Trial period of 12 months, allowing continuing operation after the trial period subject to compliance with Condition 7.
- DA-486/2008/B – Extension of Trial Period of 6 months, allowing continuing operation after the trial period subject to compliance with Condition 7.
- DA-486/2008/C – Extension of Trial Period of 12 months, allowing continuing operation after the trial period subject to compliance with Condition 7.
- DA-299/2019 – Extension of Trial Period of 12 months, allowing continuing operation after the trial period subject to compliance with Condition 5.

In this regard, the existing use has operated subject to a trial period of over ten years.

Site Observation

Milestone visited the site on the following three occasions to observe existing operations and management of the existing place of public worship:

- 30 August 2019 arrival at 1:15pm, accompanied by a Council Officer. Milestone was granted access into the mosque to view the existing prayer rooms, administration office and sanitary areas.
- 13 September 2019 arrival at 11:55am, to observe the arrival of worshippers and associated potential car parking impacts (Non – Daylight Savings).
- 1 November 2019 arrival at 12:45pm, to observe the arrival of worshippers and associated potential car parking impacts (Daylight Savings).

Statutory Considerations

When determining this application, the relevant matters listed in Sections 4.55(1A) and 4.15 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:

- A Metropolis of Three Cities (2018).

- South City District Plan.
- Draft Connective City 2036 – The City’s Local Strategic Planning Statement.
- State Environmental Planning Policy 55 – Contaminated Land (SEPP 55).
- Canterbury Local Environmental Plan 2012 (CLEP 2012).
- Canterbury Development Control Plan 2012 (CDCP 2012).
- Draft Changes to the Canterbury Development Control Plan 2012 (Draft DCP)

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to Sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act, 1979*.

A Metropolis of Three Cities (2018)

The Greater Sydney Commission leads metropolitan planning for the Greater Sydney region. The key strategic plans prepared by the Greater Sydney Commission are “*A Metropolis of Three Cities - the Greater Sydney Region Plan*” and five District Plans, all released in March 2018. A Metropolis of Three Cities - the Greater Sydney Region Plan is the 40-year vision underpinning each of the 20-year District Plans. The Plan envisages Sydney’s economic and population growth being located in the following three cities within the Greater Sydney region:

- Western Parkland City;
- Central River City; and
- Eastern Harbour City.

The Plan outlines four goals for Sydney:

- “*A competitive economy with world-class services and transport;*
- *A city of housing choice that meets our needs and lifestyles;*
- *A great place to live with communities that are strong, healthy and well connected; and*
- *A sustainable and resilient city that protects the natural environmental and has a balanced approach to the use of land and resources.”*

South District Plan

The site is located in South District as shown in **Figure 3**. The South District is part of the Eastern Harbour City. On 18 March 2018, the Greater Sydney Commission released the District Plans in conjunction with *A Metropolis of Three Cities - the Greater Sydney Region Plan*.

Roselands is designated as a ‘Local Centre’ in the South District Plan, and is within proximity to the Greater Metropolitan Centre, Bankstown, and identified transit orientated development areas, including Punchbowl and Lakemba.

The South District Plan aims to deliver a city for people, to “celebrate diversity and putting people at the heart of planning.” The relevant key planning priorities of the South District Plan are:

- “Providing services and social infrastructure to meet people’s changing needs.
- Fostering healthy, creative, culturally rich and socially connected communities.”

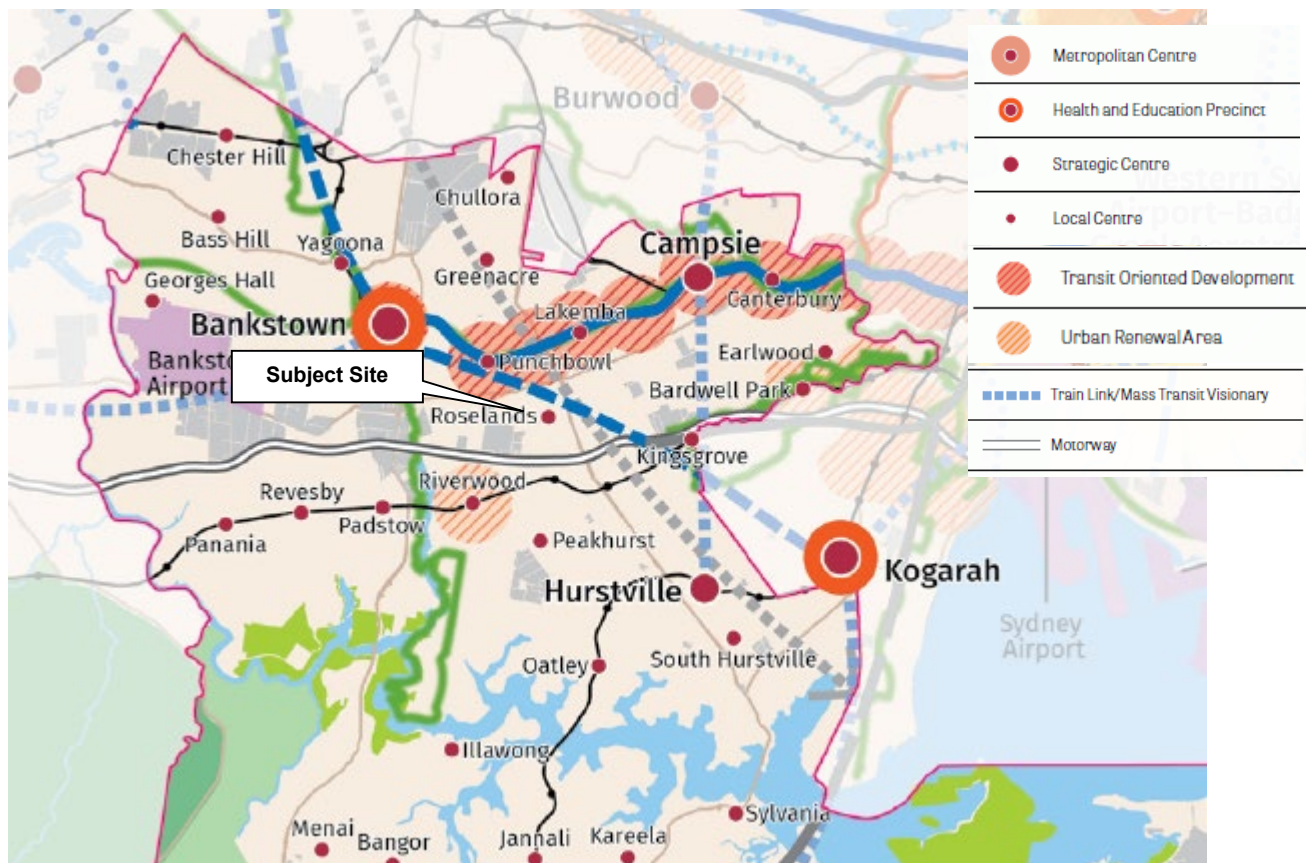


Figure 3: South District Plan

Source: Greater Sydney Commission

The South District Plan recognises that with population growth, comes major demographic change, and therefore Planning must recognise the changing composition of population groups in social places and provide services and social infrastructure that responds to the transitioning requirements.

The suburb of Roselands comprises three main religious groups, of which Islam is the second most common religious group at 18.8% (Census Data 2016).

Having regard to the Social Impact Statement, prepared by Willana Associates dated 5 March 2018, which was submitted with former DA-299/2017, it was assessed that the “*portion of the Roselands population that identify as followers of Islam is considered to be an emerging group.*”

In light of the religious and socio-demographic profile of Roselands, and greater planning priorities outlined within the South District Plan, the proposal for a permanent Place of Public

Worship is therefore considered to be increasingly important to support the evolving cultural needs of the community.

Draft Connective City 2036 – The City’s Local Strategic Planning Statement

The draft Connective City 2036 Local Strategic Planning Statement (LSPS) for Canterbury Bankstown aims to *“incorporate ten integrated evolutions for a city that stimulates cultural, civic, and economic activity, to complement, support and align with the Metropolis of Three Cities.”* The draft Connective City 2030 provides a planning blueprint that focusses on the commitment to create vibrant centres, and evolving demands of a growing community.

Of the ten integrated evolutions outlined within the draft Connective City 2030 (LSPS), Evolution 7 Cultural Places and Spaces, provides direction to build on the City’s attributes as one of the most diverse communities in Australia. *“The city offers a great lifestyle with pockets of cultural identity and a diversity of people and places within the community. This evolution sets out the city-shaping and community-supporting infrastructure required to sustain and enhance Canterbury Bankstown.”*

Although the draft Connective City 2030 does not specifically outline any provisions for places of public worship, it is considered that the proposed use aligns with the city’s desire to celebrate cultural diversity and deliver cultural spaces and places to support the changing needs of the projected future population.

Environmental Planning and Assessment Act 1979 (EP&A Act)

This application has been assessed under Section 4.55(1A) and Section 4.15 of the Environmental Planning and Assessment Act 1979.

Section 4.55(1A)

Section 4.55(1A) of the EP&A Act allows the consent authority to modify development consent if:

“(a) it is satisfied that the proposed modification is of minimal environmental impact”

The proposal seeks to remove the trial period imposed under Condition 3 of DA-299/2017, on the current operation of the site. The proposed modification is considered of minor environmental impact, on account of the following:

- No changes are proposed to the existing built form or operation of the site.

This application was lodged in accordance with Condition 3, prior to 15 January 2019. The site has continued operations under the trial period for a further seven months (excluding the 12 month trial period from 3 April 2018 to 3 April 2019), since this Modification Application DA-299/2017/A was lodged on 14 January 2019. In context the use has been operating for ten years, subject to ongoing trial periods. Given that the proposal does not propose any changes to the operation or intensity of the site, existing built form or existing use as a place

of public worship, it is considered that the application will not result in any additional cumulative impacts, other than the impacts which have already been identified and monitored as a result of the trial period.

Therefore consideration of the application under Section 4.55(1A) is considered reasonable.

“(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and”

It is considered that the proposal to delete Condition 3 to remove the trial period will be substantially the same development as that as originally granted under Development Consent DA-299/2017 for the following reasons:

- a) The proposal does not alter the use or type of place of public worship as a mosque, which has been legally operated on this site since 15 October 2009.
- b) The proposal does not physically alter the existing external building envelope, existing car parking area, vehicular or pedestrian access.
- c) The proposal does not alter the existing site intensity or propose any changes to existing operations.
- d) The cumulative amenity impacts of the modified development on residents and other stakeholders in the locality is considered satisfactory given observations by Milestone during site visits, the outcome of the Acoustic Report, Complaints Hotline and Management Record as required under Condition 4 of DA-299/2017.

Accordingly, the proposed modification to delete the 12 month trial period, under Condition 3, is considered to be a substantially the same development to what was originally approved.

*“(c) it has notified the application in accordance with:
 (i) the regulations, if the regulations so require, or
 (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and”*

This S4.55(1A) Modification Application has been notified in accordance with Part A3 – Notification and Advertising pursuant to the Canterbury DCP 2012. The proposal was placed on public notification for a period of 21 days, which commenced on 5 February 2019 to 27 February 2019. Surrounding properties were notified via a Council letter.

“(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”

A total of eight individual submissions objecting to the proposal, as well as one petition of objection containing 93 signatures, was received by Council during the 21 day public notification period of DA-299/2017/A. The matters raised in the submissions have been considered and addressed within this report.

In light of the above, the proposed modification is considered to be consistent with provisions Section 4.55 (1A) of the EP&A Act.

Section 4.15

The following sections of this report addresses the matters stipulated under Section 4.55 (3) of the EP&A Act as follows:

“(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 states that a consent authority cannot consent to development on the land unless:

- *“ it has considered whether the land is contaminated;*
- *if contaminated, it is satisfied that the land in its contaminated state, or after remediation, is suitable for the proposed purpose; and*
- *If remediation is required, it is satisfied that remediation will be undertaken before the land is used for the proposed purpose.”*

The previous and existing land use on the site is not identified as development may give rise to contamination. Given that the site has a long history of religious worshipping use, since 1960, and a similar use will continue on the site, it is considered that the proposal satisfies the requirements of Clause 7 of the SEPP 55.

Canterbury Local Environmental Plan 2012 (LEP 2012)

The following Clauses of the *Canterbury Local Environmental Plan 2012* were taken into consideration:

- Clause 2.3 - Zone objectives and Land Use Table.

As the proposal does not comprise any physical works there are no other considerations or Development Standards within the LEP 2012 applicable to the proposal.

Zoning and Permissibility



Figure 4: Extract of LEP 2012 Zoning Map

The subject site is zoned R3 Medium Density residential under the LEP 2012. The proposed use is classified as a 'place of public worship' within the LEP 2012 as follows:

***"place of public worship"** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."*

The relevant objective of the R3 Medium Density Residential Zone is 'to enable other land uses that provide facilities or services to meet the day to day needs of residents.'

The proposal, to enable a permanent use as a place of public worship (by removing the 12 month trial period), is considered to be consistent with this objective of the R3 Medium Density Zone that will provide a non-residential facility to service and meet the day to day religious needs of the Muslim residents within the community. It is noted the place of public worship is used daily by some surrounding residents and the community.

The proposal is permissible with consent within the R3 Medium Density Residential Zone. The existing use of the site as a place of public worship is not modified by this application.

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of *Canterbury Local Environmental Plan 2012*.

Development control plans [section 4.15(1)(a)(iii)]

Draft Changes to the Canterbury Development Control Plan 2012

At the time of writing this report, Council placed the draft changes to the Canterbury Development Control Plan 2012 on public exhibition from 30 October 2019 until 27 November 2019.

The housekeeping amendments refer to parking and drainage matters for dwellings, dual occupancies and boarding houses. In this regard, the revisions are therefore not applicable to the assessment of this application.

Canterbury Development Control Plan 2012

The proposal has been assessed in accordance with the following current applicable provisions under the *Canterbury Development Control Plan 2012*:

- Part B1 – Vehicular Access and Car Parking;
- Part B7 – Crime Prevention Through Environmental Design (CPTED); and
- Part F8 – Non-residential Development in Residential Zones.

An assessment of the proposal against these Parts of the DCP 2012 is provided below. There are no other sections of the DCP 2012 that are applicable to the proposal.

Part B1 – Vehicular Access and Car Parking

The relevant objective of Part B1 is to minimise overflow parking and other traffic impacts in residential streets and neighbourhoods through means of ensuring adequate off-street parking arrangements are provided, subject to building type.

A Traffic and Parking Report, prepared by Colston Budd Rodgers and Kafes Pty Ltd dated July 2017, was submitted to Council to accompany DA-299/2017. This report concluded that the most significant traffic and car parking impacts resulting from the maximum patronage of 120 worshippers (during the Friday midday prayer session), were satisfactory, given that “27 vacant spaces would be available within 200m of the site.”

Furthermore, at the time of DA-299/2017, the summary of the parking report also found “that the parking impacts created by 120 worshippers within a 200m radius were satisfactory” and therefore demonstrated that the surrounding street network had the capacity to absorb the maximum car parking demand generated by the mosque.

Reference is made to Condition 11 of the Notice of Determinations of DA-299/2017 (held at **Attachment B**), which requires the engagement of three traffic wardens to patrol the site at least 30 minutes prior to and 30 minutes after the scheduled Friday midday prayers. This was

enforced in response to the submissions received within the former 12 month trial period of DA-486/2008/C (from 21 October 2016 to 21 October 2017).

Council monitored the traffic generated by the site over the course of the 12 month trial period of DA-299/2017 (from 3 April 2018 to 3 April 2019) during the Friday midday prayer sessions, to verify the allegations of illegal car parking, which Council received from the surrounding residents. Council's file records show that the Conditions of DA-299/2017 have been generally complied with.

Furthermore, two site visits during the midday Friday prayer session (on 13 September 2019 and 1 October 2019) were undertaken by Milestone staff (independent consultant town planner) to observe the existing management strategies in place, as well as the generated car parking arrival and departure impacts associated with the Friday midday prayer session (refer to **Figures 5 to 9**).



Figure 5: Car parking on Ludgate Street during Friday midday prayer session on 1 November 2019 at 1:15pm, view north towards Canterbury Road.

Source: Milestone Site Visit.



Figure 6: Car parking on Ludgate Street during Friday midday prayer session on 1 November 2019 at 1:00pm, view south towards Albion Street.

Source: Milestone Site Visit.



Figure 7: Car parking on Ridgewell Street during Friday midday prayer session on 1 November 2019 at 1:05pm

Source: Milestone Site Visit



Figure 8: Car parking on Belemba Avenue during Friday midday prayer session on 13 September 2019 at 1:05pm
Source: Milestone Site Visit



Figure 8: Car parking on Ludgate Street during Friday midday prayer session on 13 September 2019 at 1:05pm
Source: Milestone Site Visit

On the basis that this application does not propose any changes to the existing car parking arrangements (which was deemed acceptable in the assessment of the previous DA-299/2017), it is therefore considered that the continued permanent use of the site as a place of public worship will not give rise to adverse traffic and parking on the local street network.

Part B7 – Crime Prevention Through Environmental Design (CPTED)

Given that the proposal does not involve any changes to the approved built form, number of weekly sessions or number of restricted worshippers (120), it is considered that the proposed continued and permanent use of the site (as a place of public worship) will continue to maintain its existing compliance with the casual and passive surveillance provisions outlined within Part B7 of the DCP 2012.

Part F8 - Non-Residential Development in Residential Zones

Part F8 applies to all non-residential development in residential zones. The purpose of this part is to *“reduce unreasonable amenity impacts on surrounding residents caused by non-residential uses.”*

The relevant provisions of Part F8 are:

- *“Non-residential development in a residential zone will be assessed for its impact on residential amenity.*
- *Non-residential development in a residential zone will only be acceptable where adverse impacts on the amenity of residences in the immediate area (for example through traffic generation, parking demand, noise or any other form of pollution that is incompatible with residential uses) are avoided or minimised.*
- *Council may impose conditions of consent to minimise any impact on residential amenity including limiting the scale of the development, restricting hours of operation or the like.”*

Environmental impacts

Reference is made to the 118 submissions received under former DA-299/2017 and other submissions received during the previous DA-486/2008, DA-486/2008/A DA-486/2008/B and DA-486/2008/C, which detailed the extensive history (over a period of ten years) between the use on the site, being a place of public worship (mosque), and the surrounding residential properties.

In brief, the ongoing issues reported by some residents within the locality of the site, related to the use and the Proponent’s ability to manage the mosque, in terms of the intensity of the use, generated acoustic and traffic impacts.

These amenity issues were discussed within the IHAP meeting held on 16 October 2016 for DA-486/2008/C, and it was resolved that any future application to continue permanent operations, would be required to address these issues in order to demonstrate that the current use is appropriate as a permanent use.

Given the history of non-compliance with the some conditions of consent of DA-486/2008/C primarily in relation to capacity, and the 118 objections received during the public notification period of DA-299/2017, it was determined under DA-299/2017 that a further trial period was necessary to ensure compliance with Part F8 of the DCP 2012, and confirm that reasonable levels of residential amenity will be maintained.

In accordance with Condition 11 of DA-299/2017, on both 13 September 2019 and 1 November 2019 Milestone observed three traffic wardens on patrol. One traffic warden was positioned in front of the premise, one on Ludgate Street and one on Belemba Avenue. It was observed that the traffic warden positioned in front of the place of worship, refused entry to the mosque during the Friday midday prayers after 1:10pm when it was deemed that the permitted capacity had been reached.

With regards to the above, it is considered that the key environmental impacts of the proposal are:

- Noise Impacts;
- Traffic Impacts; and
- On-going Management and compliance with conditions.

An assessment of the proposal against the identified environmental impacts are provided below.

Noise Impacts

In accordance with Condition 4(a) of DA-299/2017, a noise measurement methodology, prepared by Renzo Tonin and Associates dated 27 June 2018, was submitted to Council for approval prior to the noise measurements being carried out.

On 6 July 2018, Council granted approval to the proposed measurement methodology for acoustic testing.

Following this, an amended Noise Impact Assessment Report, prepared by Renzo Tonin and Associates dated 27 July 2018, was submitted to Council in accordance with Condition 17 of DA-299/2017.

The revised Noise Impact Assessment Report concluded that:

- *“There was no emission of offensive noise from the mosque as defined in the Protection of the Environment Operations Act 1997 and Regulations.*
- *Noise from the mosque and traffic associated with the mosque complies with the NSW Environmental Protection Authority’s Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).*
- *On the basis of the acoustic testing provided in accordance with Condition 4(a) and 17 of DA-299/2017, the noise impact from the mosque and from traffic associated with the mosque is acceptable.”*

On 1 February 2019, Council's Environmental Health Officer confirmed that Council's records show *"that there has been no Environmental Health Complaints during the trial period to date and DA conditions have been complied with"*, and therefore *"no further comment is required."*

Traffic and Parking Impacts

This modification application does not propose additional intensification or changes to the existing car parking arrangements that was approved under the former DA-299/2017. On this basis, it is not considered that the proposal will give rise to adverse traffic and parking on the local street network. In this regard, the conclusions of the Traffic Report, prepared by Colston Budd Rogers and Kafes Pty Ltd (dated July 2017) is therefore considered to be current and remains valid.

Further reference is made to the two site visits that were undertaken by Milestone staff on 13 September 2019 and 1 November 2019, during the midday Friday prayer session, which provided further confirmation of the minimal traffic and car parking impacts. (Refer to **Figures 5 to 9**).

On-going Management

Having regard to the IHAP meeting held on 16 October 2016, the outcome of the trial period of DA-299/2017, and reduced number of submissions received during the latest public notification period (from 118 to nine submissions), the existing management strategies enforced by the Plan of Management (dated April 2018) are considered appropriate for the permanent use of the site.

Notwithstanding this, it is noted that the Plan of Management does not outline any activities or operations during the Ramadan Period. This was a main concern noted within the minutes of Canterbury Bankstown Local Planning Panel (held on 3 April 2018).

In order to maintain the existing level of amenity for the surrounding residents, there is planning merits to condition a revised Plan of Management that ensures all Ramadan associated activities and sessions are carried out in accordance with the existing approved capacity of worshippers and hours of operation.

Further amendments to the Plan of Management are sought to streamline the Consent Notice with the detailed information regarding operations and management contained within the Plan of Management document, referenced in amended Condition 11.

Ramadan Period

On 4 October 2019, Milestone (through Council) submitted an Additional Request for Information letter to the Proponent, to gain further clarification on the associated impacts of the use of the site during the last Ramadan Period, which occurred from 5 May 2019 to 4 June 2019.

This additional information request sought clarification on the following matters:

- Frequency of any additional activities during this period;
- Types of additional activities during this period;
- Prayer program during this period; and
- Number of people which attend the Ramadan activities and/ or prayer sessions.

On 8 October 2019, the Proponent provided the following response:

"I can confirm that there was no extra prayer session conducted during the last Ramadan from 5th May 2019 to 4th June 2019, other than the schedule daily prayers excluding night prayer session."

Despite the Proponent's response, in order to grant permanent use of the site, the Plan of Management is required to address all activities and prayer sessions carried out on site, including the activities associated with the Ramadan period. This will ensure that continued operations and the transition to permanent use of the site is appropriately managed.

Further, it is acknowledged that the Proponent has been keeping a record of the strategies used to control Friday Prayer attendance, in accordance with Condition 4(c) and 11(f) of DA-299/2017. The Proponent reported incorporation of the following management strategies in response to neighbourhood complaints:

- Continue to lock doors and deny people entry once capacity of 120 people has been reached.
- Engagement of three accredited wardens as required by the Plan of Management.
- The engagement of two extra traffic controllers on a temporary basis to ensure no parking breaches.

The Proponent's records are considered adequate for the purposes of meeting Condition 4(c) and 11(f).

Subject to a condition requiring the Plan of Management to be updated to capture the proposed removal of Condition 3, continued permanent use of the site is considered able to ensure that the existing level of residential amenity is maintained and is therefore considered to be worthy of support.

Further assessment of the key issues, as identified in this section, are detailed under the below Section 4.15(1)(a)iv) of this report.

Other Considerations

The Canterbury Bankstown Local Planning Panel (LPP) held on 3 April 2018 recommended the following information be provided at the end of the trial period of DA-299/2017:

- The compliance section of Council is to provide advice to the Development Assessment team, which includes a summary of the complaints received during the trial period.

In accordance with the LPP recommendations, Council's Senior Environmental Compliance and Protection Officer has been monitoring the use of the site and number of worshippers by way of ongoing surveillance since 3 April 2018 to 3 April 2019. Refer to the Submissions Section 4.15(1)(d) of this report for details.

It is acknowledged that the LPP also noted resident concerns relating to the Friday prayer period and Ramadan Period.

The regulations [section 4.15(1)(a)(iv)]

The proposal has been lodged and assessed in accordance with the Environmental Planning and Assessment Regulation 2000. The proposal to continue permanent use of the site as a place of public worship is consistent with provisions of Division 12 of the Environmental Planning and Assessment Regulation 2000.

Internal Referrals

The proposal has been referred to Council's Environmental Health and Traffic departments with an extract of comments provided in Table 1 below:

Table 1: Internal Referral Comments

Department	Position	Extract of Final Referral Comments
Traffic	In support	On 31 July 2019, Council's traffic engineer provided the following comments: <i>"We have reviewed the application and our view on the traffic and parking issues remain the same, provided on 26 October 2017. There are no further concerns regarding the traffic and parking issues."</i>
Environmental Health	In support	On 1 February 2019, Council's Environmental Health Officer provided the following comments: <i>"I have reviewed DA-299/2017/A modification to Condition 3 and the continued use as a place of worship. Council's records show that there has been no Environmental Health Compliance during the trial period to date and DA conditions have been complied with and no further comment is required."</i> <i>Prior to approval of this application be given; the Noise Impact Assessment Report (Ref: TJ613-02F02 Noise Impact Assessment Report (r2) dated 27 July 2018, prepared by Renzo Tonin & Associates), be included as required in Condition 17 of DA-299/2017"</i>
Building Surveyor	No Comment or referral	Council did not refer this application to the Building Surveyor department.

No other referrals were undertaken for the subject application. No referrals to external bodies were undertaken for the proposed development.

The likely impacts of the development [section 4.15(1)(b)]

The proposal seeks development consent to remove Condition 3 of DA-299/2017 to allow continued and permanent use of the site as a Place of Public Worship.

As detailed within the 'The Proposal' section of this report, removal of Condition 3 will require deletion of Conditions 5, 15, 16 and 17 and modifications to Conditions 4, 6 and 11.

It is the intention of this comprehensive assessment and below discussion to outline revisions to the Consent Notice, with the objective of streamlining and simplifying the consent, as this will maximise its effectiveness, and provide a succinct Consent Notice which will operate in conjunction with a more detailed Plan of Management to maintain residential amenity to the locality.

The proposal is considered to meet the R3 Medium Density Residential Zoning objectives of the site that will provide a non-residential facility to service and meet the day to day religious needs of the Muslim residents within the community.

Notwithstanding this, through the course of the assessment, and with regard to matters raised during the notification period, concerns have been raised over the proposal relating primarily to traffic and acoustic impacts. An assessment against each of these amenity criteria is provided below.

Traffic and Car Parking

In accordance with Condition 6 of DA-299/2017, the existing place of public worship is permitted up to 120 worshippers during the peak Friday midday prayer session. This application does not seek to intensify the number of permitted worshippers of the site.

Having regard to the traffic and car parking matters previously discussed within this report, as well as the comments provided by Council's Traffic Engineer, the proposed development is unlikely to result in any unreasonable traffic or on-street parking impact on the surrounding locality.

It is noted that the existing floor plan has capacity to accommodate up to approximately 155 worshippers. Should the Proponent seek to increase the capacity beyond 120, a further S4.55 modification application and expert supporting documents will need to be lodged and assessed by Council.

Acoustic and Noise

The noise impact from the mosque and associated traffic impacts have been deemed acceptable by Renzo Tonin and Associates.

Additionally, having regard to the support from Council's Environmental Health Officer, it is considered that matters raised by Council as part of DA-299/2017 have been satisfactorily addressed by the applicant and subject to a revised Plan of Management, the proposed continued permanent use would not result in an unacceptable acoustic impact to surrounding properties.

Proposed deletion of Condition 3 (Trial Period)

The subject application seeks to delete this condition and obtain consent for the permanent use of the site as a Place of Public Worship.

The significant reduction of submissions from the previous DA-299/2017, from 118 submissions to a total of nine submissions, indicates increased community support and demonstrated good management in accordance with the Plan of Management. Further, given the duration of the use being in operation, the environmental impacts are known and understood. It is therefore considered that continuing the existing use on a permanent basis, subject to the imposition of revised conditions, is expected to have acceptable environmental impacts, which do not present a land use conflict with the residential area.

Proposed modification of Condition 4 (Relating to the Trial Period)

Condition 4 of DA-299/2017 relates to the management of the place of public worship during the trial period. Condition 4(a) has already been addressed by the Noise Measurement Methodology, dated 27 June 2018, prepared by Renzo Tonin and Associates.

Conditions 4(c) and (d) are not considered necessary as they have been appropriately addressed in the Plan of Management.

Notwithstanding, there is planning merit to require that the Proponent maintains the existing complaints hotline imposed under Condition 4 (b) in order to maintain the existing level of residential amenity.

It is therefore recommended that Condition 4 of DA-299/2017 is modified to ensure the complaints hotline is continued and incorporated into a revised Plan of Management.

Deletion of Condition 5 (relating to the Trial Period)

Condition 5 to be deleted as it will not be applicable as it relates to the trial period. The right to appeal remains in place for the Proponent in accordance with Section 8.9 of the EP&A Act.

Proposed modification of Condition 6 (Hours of Operation and Activities)

In conjunction with Condition 3, Condition 6 of DA-299/2017 outlines the approved hours of operation and activities during the trial period on the site.

It is recommended that the approved daylight savings and non-daylight saving hours of operation and activities (both during and outside the Ramadan Period) be continued and detailed within an updated Plan of Management.

In this regard, the consent notice will be simplified to operate in conjunction with a more detailed Plan of Management.

Proposed modification of Condition 11 (Plan of Management)

It is recommended that Condition 11 of DA-299/2017 is modified to ensure that all Ramadan associated activities and sessions are incorporated into a revised Plan of Management, as this will ensure compliance with the existing approved capacity of worshippers and hours of operation during this period. Further amendments are sought to streamline the development Consent Notice.

Deletion of Condition 15 (Events)

In the interest of streamlining and simplifying the Consent Notice, all management measures are recommended to be consolidated in the revised Plan of Management.

Deletion of Condition 16 (Noise Impact Assessment Report)

Condition 16 has already been satisfied by the Noise Impact Assessment Report, dated 27 July 2018, prepared by Renzo Tonin and Associates.

Deletion of Condition 17 (Noise Impact Assessment Report)

The Noise Impact Assessment Report, dated 27 July 2018, prepared by Renzo Tonin and Associates was submitted to Council to satisfy this Condition, although it was not provided within three months from the date of determination of DA-299/2017 (3 April 2018). Condition 17 is no longer applicable.

Suitability of the site [section 4.15(1)(c)]

The proposal is considered to be suitable for the site, for a permanent Place of Public Worship which is permissible in the zone, subject to revised conditions and continuation of existing conditions. The proposed modification does not result in changes to the building and as such the existing building remains appropriate for the site.

It is acknowledged that the use of the site has a history, and previous high volume, of complaints and concerns from the community. Noting the significant reduction of objections received during the public notification period of DA-299/2017/A, total of eight individual objection submissions, as well as one petition containing 93 signatures, in contrast to the 118 submissions received during the notification period of former DA-299/2017, it suggests that the use is being effectively managed with compliance with conditions of the Consent Notice.

Reference is made to Council's former position on DA-299/2017 that resulted in the recommendation to further extend the trial period. *"Council remains unconvinced that the increased number of worshippers can be suitably controlled to avoid a detrimental impact on residential amenity, given historical use. As the Proponent has been unable to demonstrate compliance with the conditions of previous consent, it is not appropriate to provide a permanent consent to the Friday prayer service."*

As assessed within this report, the operations of the site during the recent trial period of DA-299/2017 did not result in any unacceptable impacts and conditions on the Consent Notice were generally complied with. Having regard to this outcome, it is therefore considered that the permanent use of the site, subject to the imposition of revised conditions including an updated Plan of Management, will not present unreasonable loss of amenity or unacceptable environmental impact to surrounding properties.

On this basis, the proposed continued and permanent use of the site as a Place of Public Worship (mosque) is considered suitable for the site.

Submissions [section 4.15(1)(d)]

The application was notified for a period of 21 days. A total of eight individual objection submissions, as well as one petition containing 93 signatures was received during this period.

An overview and response to matters raised by the community is provided below:

Objection: Traffic and Car Parking

- *The property does not have adequate parking.*
- *The property in question will have a significant impact on residents in the neighbouring areas due to the amount of participants that it will need to cater for which in turn will create a high volume of traffic impacts.*
- *Once the trial period is removed, the applicant will of course dissolve the service of these parking attendants and the development will exceed its worship numbers again, reverting back to applicants' pattern of behavior where conditions of consent will continuously be breached.*
- *Its usage brings traffic and parking issues from non-local residents arriving by car/sedans, 4x4, work trucks and work vans, restricting ingress and egress at 4 intersections within close proximity of the site.*
- *Reduced parking availability and increase in traffic generation.*

Comment:

As part of this application, Council's Traffic Engineer reviewed the application and confirmed that there were no further concerns regarding the traffic and parking issues. Council's Traffic Engineer recommended approval of the modified development.

The local read network is considered to be capable of accommodating the traffic and parking generated by the use.

The existing management strategies under Condition 11 of DA-299/2017, including the requirement for three parking wardens, a complaints hotline and Friday midday prayer monthly record will be maintained.

Though previous history of the site has shown no Council rangers complaints regarding illegal parking, the majority of other complaints concerning parking were back and forth complaints from the same person. Council's Team Leader Investigations acknowledged each complaint and responded by arranging for a number of rangers to patrol the mosque area each Friday to target the illegal parking.

On this basis, and for the reasons set out in this report, it is considered that the proposal will not result in unreasonable traffic and/or parking impact on the surrounding the site.

Objection: Capacity

- *The scale is out of proportion to the area. Council have allowed too many attendees and too many days.*
- *The worshippers are not local and Council must understand that by removing the trial period problems will accumulate.*
- *Number of worshippers will increase by removing the trial period.*
- *Location is simply not suitable for the number of worshippers attending.*

Comment

Council has been monitoring the use of the site and number of worshippers by way of ongoing surveillance by Council's Senior Environmental Compliance and Protection Officer.

Further, a monthly record of worshippers have been provided by the Proponent, in accordance with Condition 11(f) of DA-299/2017.

It is noted that both Council's records and the monthly records provided by the Proponent show that the number of worshippers during the Friday midday prayers have been generally compliant with Condition 6.

It is recommended that Condition 6 be modified, and maintained in the Consent Notice.

Objection: Reduction of Safety

- *Every Friday my street is inundated with up to 100 cars parking illegally, speeding, and causing major traffic issues.*
- *Ongoing source of great distress to me and my neighbours due to the safety concerns and continued unmitigated breaches of council development consents.*

Comment

The continued use as a place of public worship is to be wholly contained within the building, with no elements of activities or events to be carried out within the public domain. In this

regard the proposal is not considered to result in any reduction in the safety of the site or surrounds and will continue to maintain positive safety outcomes.

All vehicle movements related to the site use will be required to adhere to applicable road rules at all times.

Objection: Breach of Conditions of Consent

- *Considering the circumstances of the applicants' past 10-year history of continuous breaching of conditions, the trial period should be extended for up to 3 years with 'closure' as one of the conditions.*
- *Appears to be no council monitoring of the development to assess the ongoing trials of this application.*

Comment

Review of Council records and the monthly report records provided by the Proponent revealed a single breach with the Consent Notice on 1 September 2017 during the last 12 month trial period of DA-486/2008/C (from 21 October 2016 to 21 October 2017), which related to the maximum number of worshippers.

To date, no further breaches in regards to number of worshippers have been recorded. Both the Modified Consent Notice and the updated Plan of Management are legally binding documents. Where conditions are not complied with Council will take enforcement action with potential penalties.

Notwithstanding the above, Milestone has confirmed that Council does not have any record of any fire safety compliance statements with regards to Section 9 Fire Safety outlined within the Plan of Management. On this basis, it is considered appropriate to impose a new condition to ensure fire safety compliance is captured in the consent notice (refer to new Condition 27).

Objection: Removal of Condition 3

- *Removing Condition 3 will exacerbate the situation leaving the local residents to regulate the operational conditions set out by Council.*
- *Parking officials removed as part of Condition 3 and there already too many 120 people will become double*
- *This development is not suited as a Place of Public Worship. Worshippers of 120 or more is an impact to the amenity and not in-line with its previous past usage prior to becoming a Muslim Prayer Hall/ mosque.*
- *Rate payers are not in favour of removing Condition 3.*

Comment

For the reasons outlined under 'The Likely Impacts of the Development' heading within this report, removal of Condition 3 is considered acceptable.

Objection: Loss of Residential Amenity

- *Location is not suitable for suitable for the number of worshippers attending. The site is basically a house in a residential area never meant to have so many people attend with their vehicles and work trucks.*
- *No other residential lot in the area generates the excessive visitation, noise and associated traffic, on street parking utilisation levels, and amenity impacts that this development does.*
- *A mosque, in its present location, is not appropriate.*

Comment

Under the Canterbury Local Environmental Plan 2012, the site is zoned as R3 Medium Density Residential and a Place of Public Worship is permissible in the zone with consent.

For the reasons set out in this report, it is considered that the location and suitability of the mosque is acceptable. Further, the proposal is considered to be able to operate with minimal environmental impacts and maintain reasonable residential amenity. Please refer to comments discussed under 'Development Control Plan' and 'The Likely Impacts of the Development' headings within this report.

The public interest [section 4.15(1)(e)]

Having regard to the matters discussed within this report, and subject to a revised Plan of Management and adherence to all conditions of consent, the proposal to allow the permanent use of the site as a mosque is considered to be the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *Canterbury Local Environmental Plan 2012*, *Canterbury Development Control Plan 2012*, and all relevant codes and policies, subject to deletion conditions relating to the trial period and imposition of amended and new conditions.

In this regard, the existing use has operated subject to a trial period of over ten years. During this decade the number of complaints from the community have reduced significantly and the Proponent has become more diligent in managing the premises in context of the potential land use conflicts of being situated within a residential zone. After over ten years, the environmental impacts of this mosque are now clear and well documented for Council and the community, and are considered to be minimal. On this basis, there is justification to remove the trial period.

Without the safety of a trial period, it is considered the proposal will have minimal environmental impacts overall, subject to revised conditions including an updated Plan of Management requiring details for the Ramadan Period. On this basis, the proposed permanent use as a place of public worship is considered suitable for approval and in the

public interest, particularly given the growing demand and necessity to support the evolving cultural and religious needs of the community.

RECOMMENDATION

1. That S4.55(1A) Modification Application No. DA-299/2017/A for the permanent use of the site as a place of public worship by Roselands Mosque Association at 37 Ludgate Street, Roselands (Lot 31 DP 730851) be APPROVED, subject to the recommended conditions of consent as detailed in Attachment A accompanying this report.
2. Those persons who made submissions to the application be advised of Council's decision to the application.

CONDITIONS OF CONSENT

THAT Development Consent DA-299/2017 be **MODIFIED** by deleting Conditions 3, 5, 15, 16 and 17 and amending Conditions 4, 6 and 11 as follows:

A. Condition 4 be modified to read as follows:

4. The on- going use of the site shall:

- a) Deleted.
- b) Maintain a Complaints Hotline so that comments and complaints can be received. All complaints shall be recorded (including the name and contact details of the complainant and the reason for the complaint) and the complaint shall be investigated within 7 days. Every complaint received and the conclusion of the investigation of that complaint shall be recorded and submitted to Council within 7 days of action being taken. Contact details must be provided online on the Roselands Mosque's social media sites for complaints by email and phone.
- c) Deleted.
- d) Deleted.

B. Condition 6 be modified to read as follows:

6. The approved hours of operation and the approved activities, both during and outside Ramadan Period, on the site are to be confined as follows:

(a) Non Daylight Savings Times

Day	Time	Activity	Maximum No. of Persons
Sunday	12 noon to 12.30pm	Prayer	15
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40
Monday	12 noon to 12.30pm	Prayer	15
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40

Day	Time	Activity	Maximum No. of Persons
Tuesday	12 noon to 12.30pm	Prayer	15
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40
Wednesday	12 noon to 12.30pm	Prayer	15
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40
Thursday	12 noon to 12.30pm	Prayer	15
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40
Friday	12 noon to 1.00pm	Prayer	120
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40
Saturday	12 noon to 12.30pm	Prayer	15
	3.00pm to 3.30pm	Prayer	15
	5.00pm to 5.30pm	Prayer	15
	6.30pm to 7.30pm	Prayer & Education	40

(b) Daylight Saving Times

Day	Time	Activity	Maximum No. of Persons
Sunday	1.00pm to 1.30pm	Prayer	15
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40
Monday	1.00pm to 1.30pm	Prayer	15
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40

Day	Time	Activity	Maximum No. of Persons
Tuesday	1.00pm to 1.30pm	Prayer	15
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40
Wednesday	1.00pm to 1.30pm	Prayer	15
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40
Thursday	1.00pm to 1.30pm	Prayer	15
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40
Friday	1.00pm to 2.00pm	Prayer	120
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40
Saturday	1.00pm to 1.30pm	Prayer	15
	4.00pm to 4.30pm	Prayer	15
	5.30pm to 6.00pm	Prayer	15
	7.30pm to 8.30pm	Prayer & Education	40

(c) Friday – Maximum Number of Persons on Premises

All worshipers within any prayer session to be within the three prayer rooms and the relevant maximum number of persons (including 120 on Fridays) are to be confined to these areas. No worshipers to pray outside of these rooms or on any outdoor areas of the site.

C. Condition 11 be modified to read as follows:

11. The Plan of Management prepared by Willana Associates dated April 2018 is to be amended as follows:
 - a) Outline and detail all activities which occur during the Ramadan Period.
 - b) Festivities associated with Ramadan shall be confined as per the approved hours of operation and capacity, as enforced under Condition 6 above.

- c) Outline that the facility shall not be used under any circumstances for major events or festivals which are outside those days and times, or involve greater numbers of attendees, as nominated in Condition 6.

D. New Condition

27. The operator of the Roselands Mosque Association, as soon as practicable after the Final Fire Safety Certificate is issued, shall:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel)

Every 12 months after the Final Fire Safety Certificate is issued the operator shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

-END-