



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

4 May 2020 - 6.00pm

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ROSELANDS WARD

1 754-774 Canterbury Road, Belmore

Demolition of existing structures and construction of a 5-6 storey residential flat building with 59 apartments over two levels of basement parking and associated works.

3

Canterbury Bankstown Local Planning Panel - 04 May 2020

| | |
|--------------------------|--|
| ITEM 1 | 754-774 Canterbury Road, Belmore |
| | Demolition of existing structures and construction of a 5-6 storey residential flat building with 59 apartments over two levels of basement parking and associated works. |
| FILE | DA-255/2018 |
| ZONING | R4 High Density Residential |
| DATE OF LODGEMENT | 15 June 2018 |
| APPLICANT | Glen Francis / Charlie Demian |
| OWNERS | Statewide Planning Pty Ltd |
| ESTIMATED VALUE | \$16,589,645.00 |
| AUTHOR | City Development |

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) and due to the number of submissions received.

Development Application No. 255/2018 proposes the demolition of existing structures and construction of a predominantly 5, in part 6, storey residential flat building with 59 apartments over two levels of basement parking and associated works.

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 issue relates to the isolation of No. 1A Trafalgar Street, Belmore in the absence of this site having been incorporated into the development. The development fails the provisions

relating to site isolation in the Canterbury Development Control Plan 2012 and is therefore recommended to be refused.

The application was notified for a period of 21 days from 10 July 2018 to 31 July 2018. A total of ten submissions from different households and a petition with 22 signatures were received, which raised issues relating to bulk and scale, character, site isolation and traffic and parking. The submissions have been referenced in the attached Assessment Report.

POLICY IMPACT

This matter has policy implications to the application of the Canterbury Development Control Plan with regard to isolated sites.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be refused as the development proposal fails the current applicable planning controls relating to site isolation.

ATTACHMENTS

- A. Assessment Report
- B. Reasons for Refusal

DA-255/2018 ASSESSMENT REPORT

SITE AND LOCALITY

The subject site is legally described as Lot 49 in DP 1031432, Lots A & B in DP 352069, Lot 113A in DP 307438, Lots 7, 9 & 10 in DP 16308 and Lot B in DP 103679, also known as Nos 754 to 774 Canterbury Road, Belmore. Apart from No 754 Canterbury Road, each of these properties extend through to Chapel Lane to the rear. No 754 Canterbury Road is a corner allotment and occupies the south western corner of the intersection of Trafalgar Street with Canterbury Road. Each of these properties that comprise the subject site are occupied by single storey residential developments predominantly of brick construction with hipped tiled roofs. The subject site has a consolidated site area of 2,939m² with a frontage of 71.04 metres to Canterbury Road, a 22.645 metre frontage to Trafalgar Street and a 51.33 metre frontage to Chapel Lane.

On site vegetation, in the most part, is located within the front setbacks of the existing developments while a street tree exists in the Trafalgar Street road reserve. No street tree plantings exist along the Canterbury Road frontage. The site slopes diagonally across the site from its north eastern corner (being the corner of Trafalgar Street and Canterbury Road) to its south western corner. The fall is approximately 5.8 metres (1 in 14) and is relatively constant diagonally across the site.

Adjoining the site to the west (at 776-786 Canterbury Road) is a consolidated site occupied by an older two storey flat building containing 44 one-bedroom units and 18 car spaces, to the east (on the opposite side of Trafalgar Street) is a Toyota car dealership whilst on the opposite side of Canterbury Road to the north, development predominantly comprises of old single storey dwelling stock. To the south (on the opposite side of Chapel Lane) are two allotments that contain a single storey dwelling house and detached garage on 1 Trafalgar Street and a two storey residential development on 2 Allegra Street, both of which have vehicular access off Chapel Lane.

Of particular relevance to the assessment of this development application is that No 1A Trafalgar Street (which occupies the north western corner of the intersection of Trafalgar Street and Chapel Lane) is not part of the development site. It is occupied by a two-storey brick dwelling circa early 1990s and sits on a parcel of land that came about from Council's approval of a detached dual occupancy development. More details are provided of this site later in the assessment report.

Please see below an aerial photo of the site and its immediate surrounds.



Figure 1 | An aerial image of the immediate surrounds of the development site.

The site is zoned R4 High Density Residential under the Canterbury Local Environmental Plan 2012, with a maximum permitted FSR of 1.6:1 and a maximum height limit of 18m, noting 'Residential Flat Buildings' are permissible with consent within the R4 Zone.

Please see below an extract of the Zoning Map from the CLEP 2012 relevant to the site and its immediate surrounds.



Figure 2 | An extract from the Canterbury Local Environmental Plan – Land Zoning Map.

Please see below for an extract of the Building Heights Map from the CLEP 2012 relevant to the site and its immediate surrounds.

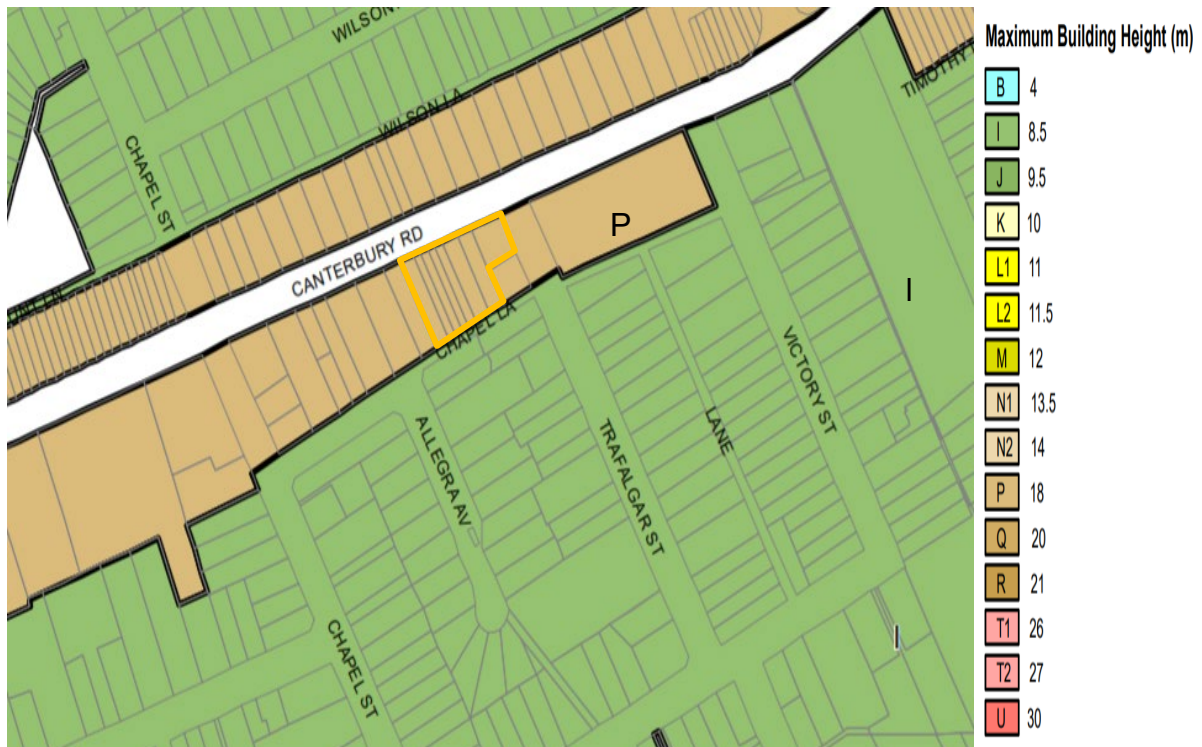


Figure 3 | An extract from the Canterbury Local Environmental Plan – Height of Buildings Map.

PROPOSED DEVELOPMENT

The subject application seeks approval for the demolition of existing structures and construction of a predominantly 5, in part 6, storey residential flat building with 59 residential apartments over two levels of basement parking and associated site works.

The presentation of the development is shown in the elevations below:



Figure 4 | Elevation facing Canterbury Road



Figure 5 | Elevation facing Chapel Lane

The summary of the development is as follows:

| Floor | Description |
|--|---|
| Basement Level 2 | <ul style="list-style-type: none"> - 53 x car spaces (including 10 x visitor car spaces) - 6 bicycle parking spaces |
| Basement Level 1 / Lower Ground Floor | <ul style="list-style-type: none"> - 28 x car spaces (including 14 accessible spaces and 14 visitor spaces) - 12 bicycle spaces - 3 x 1-bedroom apartments - Storage spaces |
| Level 2 | <ul style="list-style-type: none"> - 2 x 1-bedroom apartments - 9 x 2-bedroom apartments |
| Level 3 | <ul style="list-style-type: none"> - 2 x 1-bedroom apartments - 10 x 2-bedroom apartments |
| Level 4 | <ul style="list-style-type: none"> - 2 x 1-bedroom apartments - 10 x 2-bedroom apartments |
| Level 5 | <ul style="list-style-type: none"> - 2 x 1-bedroom apartments - 11 x 2-bedroom apartments |
| Level 6 | <ul style="list-style-type: none"> - 4 x 1-bedroom apartments - 2 x 2-bedroom apartments - 2 x 3-bedroom apartments |

Statutory Considerations

When determining this application, the relevant matters listed in Section 4.15(1) 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 No 55—Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*.

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

- **State Environmental Planning Policy No 55—Remediation of Land**

Clause 7 of SEPP 55 – Remediation of Land, requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, 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. A search of Council's records reveals that the subject site has been historically used for residential purposes.

Accompanying the application was a geotechnical investigation report prepared by D.Katauskas Geotechnical Consultant, dated 8 March 2018. Council's Environmental Health Officer has reviewed the report and raises no issues with the proposal. Conditions of consent were provided consistent with the recommendations of the report.

In light of the above, clause 7 of SEPP 55 has been satisfied.

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

Transport for NSW

The proposal triggers Clause 101 (Development with frontage to classified road) and Clause 102 (Impact of road noise or vibration on non-road development) as the development has a frontage to Canterbury Road and provides for residential accommodation that is likely to be affected by road noise or vibration.

Accordingly, the application was referred to Transport NSW (formerly Roads and Maritime Services) for review. No issues were raised by Transport NSW subject to a number of 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 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. For development that consists of the erection of a new building of at least 3 or more storeys and contains at least 4 units it requires the submission of a design verification statement from a qualified designer (registered architect) that addresses the design quality principles contained in SEPP 65.

In addition, it requires the assessment against the Apartment Design Guide and design quality principles as provided below:

Principle 1: Context and Neighbourhood Character

The development is permissible on the land being land zoned R4 High Density Residential. Although, the development is considered to generally align with the desired neighbourhood character the overall outcome where one property is isolated would result in an irregularity in neighbourhood context and character given the resultant isolation of 1A Trafalgar Street, Belmore.

Principle 2: Built Form and Scale

The development complies with the site-specific building height and floor space ratio requirements that apply to the site. The overall size of the proposal is generally appropriate in terms of scale and bulk as guided by the built form controls as contained in the ADG, the Canterbury Local Environmental Plan 2012 and the Canterbury Development Control Plan 2012.

Principle 3: Density

The density of the proposed development is satisfactory and consistent with the planning controls that guide it.

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 a compliant layout and design which has considered the local context and relevant landscaping requirements. The design provides communal areas which promote social interaction.

Principle 6: Amenity

The proposed development provides a complaint level of solar access, with units within the development appropriately sized and dimensioned and as such will provide suitable internal amenity to meet the needs of future occupants.

The outdoor private terraces are also of sufficient size to meet the recreational needs of future occupants.

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 activation and passive surveillance of the surrounding streets, the laneway and the private open space areas on the site.

Principle 8: Housing Diversity and Social Interaction

The proposed design incorporates various apartment sizes and includes six (6) 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 provides suitable residential accommodation. The external façades, except for the blank walls to 1A Trafalgar Street, provide a suitable response to the site's exposure to the public domain.

- Apartment Design Guide**

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

| 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 residential flat building has been designed to address its frontages (Canterbury Road, Chapel Lane and Trafalgar Street) with passive surveillance opportunities being provided from terraces and balconies that overlook the sites frontages.</p> <p>The proposal has been able to minimise the appearance of building services and proposes suitable landscaping along the street frontages.</p> | Yes. |

| Section | Design Criteria | Proposed | Complies |
|--|---|---|---|
| 3D Communal and Public Open Space | Communal open space has a minimum area equal to 25% of the site. (Total site area is 2,939m ² , requiring a minimum 734.75 m ²). | 751.59m ² (26%) provided A range of facilities including seating areas and multiple break out areas have been included in the various communal areas. | Yes. |
| | Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter). | The communal open space receives two hours of solar access to the principal area between 9am and 3pm on 21 June. | Yes. |
| 3E Deep Soil Zone | Deep soil zones are to meet the following minimum dimensions: | | 7% = 205.73m ² Proposed = 688.22m ² (23.4%) The proposal achieves more than the minimum 7% - with widths up to 6 metres achieved within the site. |
| | Site Area | Minimum Dimensions | |
| | Less than 650m ² | - | |
| | 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 are 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 building separation to side and rear boundaries. Note: Although the ADG notes that no separation is required between blank walls, the application of a blank wall to 1A Trafalgar Street provides for a poor design response. | Yes. | | | | | | | | | |
| | <table><tr><td>Building Height</td><td>Habitable Rooms & Balconies</td><td>Non-habitable Rooms</td></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 |
| | Building Height | | | Habitable Rooms & Balconies | Non-habitable Rooms | | | | | | | |
| | Up to 12m (4 storeys) | | | 6m | 3m | | | | | | | |
| Up to 25m (5-8 storeys) | 9m | 4.5m | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| 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 suitable entries and a clearly defined central entry off Canterbury Road.</p> <p>Pedestrian links are provided to the supporting streets with pathways and entries.</p> | Yes. | | | | | | | | | |

| Section | Design Criteria | Proposed | Complies |
|--------------------------------------|---|--|----------|
| 3H Vehicle Access | Car park access should be integrated with the building's overall façade. | Access to the basement is integrated with the proposed building's overall façade. | Yes. |
| | Car park entry and access should be located on secondary streets or lanes where available. | Car park entry is provided via Chapel Lane. | Yes. |
| | Adequate separation distance should be provided between vehicle entries and street intersections. | The location of the driveway is sufficiently separated from the intersection of Trafalgar Street and Chapel Lane and sufficiently separated from the intersection of Allegra Avenue and Chapel Lane. | Yes. |
| | Garbage collection, loading and servicing areas are screened. | Garbage area is located within the upper basement level and as such is not visible from the street level. | Yes. |
| | Clear sight lines should be provided at pedestrian and vehicle crossing. | No concerns raised by Council's Development Engineering Unit. | |
| 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. | The site is not within 800m of a railway station or light rail– therefore the proposal is designed in accordance with Canterbury DCP 2012. | N/A. |
| 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. | 76% - 45 of the 59 units as per solar access modelling. | Yes. |
| | A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter | 7% - 4 of the 59 units as per solar access modelling. | Yes. |

| Section | Design Criteria | Proposed | Complies |
|---------------------------------------|---|--------------------------------|----------|
| 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. | 68% - 40 of the 59 units. | Yes. |
| | Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | Less than 18m throughout. | Yes. |
| 4C Ceiling Heights | Measured from finished floor level to finished ceiling level, minimum ceiling heights are: | 2.7m floor to ceiling heights. | Yes. |
| | Minimum Ceiling Height for Apartment and Mixed Use Buildings | | |
| | Habitable rooms | | |
| | Non-habitable | | |
| | For 2 storey apartments | | |
| | These minimums do not preclude higher ceilings if desired. | | |

| Section | Design Criteria | Proposed | Complies | | | | | | | | | | |
|--|--|--|-----------------------|--------|------------------|-----------|------------------|-----------|------------------|-----------|------------------|--|------|
| 4D Apartment Size and Layout | <p>Apartments 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. | | | | | | | | | | |
| 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. | Yes. | | | | | | | | | | | |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space). | Each bedroom has a minimum dimension of 3m. | Yes. | | | | | | | | | | | |
| Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1-bedroom apartments4m for 2 and 3 bedroom apartments | Living and combined living and dining areas achieve the minimum width. | Yes. | | | | | | | | | | | |

| Section | Design Criteria | Proposed | Complies | | | | | | | | | | | | | | | |
|--|--|--|---------------------|-------------------|-------------------|----------------------|-----------------|----------------------|-----------------|----------------------|----------------------|--|------|-----------------------|------------------|------|---|------|
| 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. Some balconies are assisted by dimensions that are less than 2m 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 do achieve the minimum dimensions of 15m ² and depth of 3m. | Yes. | | | | | | | | | | | | | | | |
| 4F Common Circulation and Spaces | The maximum number of apartments off a circulation core on a single level is eight. | The apartments on a single level do not exceed eight off a circulation core. | Yes. | | | | | | | | | | | | | | | |
| 4G Storage | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <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> | Dwelling type | Storage size volume | Studio apartments | 4m ³ | 1-bedroom apartments | 6m ³ | 2-bedroom apartments | 8m ³ | 3+bedroom apartments | 10m ³ | Storage areas within the apartments and areas in the basement have been nominated on plan. | Yes. | | | | | |
| | 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. | | | | | | | | | | | | | | | | | | |

| Section | Design Criteria | Proposed | Complies |
|----------------------------|---|---|----------|
| 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 be with the like.</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> | 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. | Yes. |

- **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, with the exception of the isolation of the adjoining allotment at 1A Trafalgar Street, Belmore.

Clause 2.3 Zone objectives and Land Use Table

Clause 2.3(2) of CLEP 2012 requires the consent authority to have regard to the objectives of the zone when considering a development application in a R4 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 provides for residential housing within a high-density urban environment. The residential apartment development comprises a unit mix of one, two and three bedroom apartments and contributes to the housing stock available to address the needs of the community.

The proposal is generally consistent with the provisions of the CLEP 2012, with the key clauses provided below:

| 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. |
| Part 4 Principal development standards | | | |
| 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 part of the building exceeds 18m being the maximum permissible building height. | Yes. |
| 4.4 and 4.5 Floor Space Ratio | Floor Space Ratio- 1.6:1 | A maximum floor space ratio of 1.6:1 is identified for the site under Canterbury LEP 2012 Floor Space Ratio Map. The Residential Flat Building proposes a Floor Space Ratio of 1.6:1 and therefore is compliant. | Yes. |
| Part 5 Miscellaneous provisions | | | |
| 5.10 Heritage Conservation | Heritage Conservation | There are no heritage restrictions on the site or within its immediate vicinity. | Not applicable. |
| Part 6 Local Provisions | | | |
| 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. | The site is not identified as being subject to acid sulfate soils. Not relevant. | Not applicable. |

| Provision/ Standard | Requirement | Proposal | Complies |
|----------------------------------|--|---|----------|
| 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. |
| 6.6 Essential Services | Essential services must be available or adequate arrangements have been made to make them available, including: - the supply of water; - the supply of electricity (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 noteworthy that the substation is to be provided within a void area within the basement. | Yes. |

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

A consolidated local environmental plan is currently being drafted to produce a single set of planning rules by combining and aligning Bankstown LEP 2015 and Canterbury LEP 2012 into a single document to apply to the Canterbury Bankstown Local Government Area. There are no proposed environmental planning instrument amendments that are considered to result in any additional inconsistencies to the proposed development currently reviewed under the Canterbury LEP 2012.

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

As the subject application was lodged on 15 June 2018, the proposed development is subject to the Canterbury DCP 2012.

- 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 (15 x 1 = 15 spaces required). 2 bedroom: 1.2 spaces (the 0.2 space to remain as common property) per dwelling (42 x 1.2 = 50.4 (50) spaces required). 3 bedroom: 2 spaces per dwelling (2 x 2 = 4 spaces required). Visitor: 1 space per 5 dwellings 59/5 = 11.8 spaces required). Totalling 81.4 spaces (81 spaces) | A total of 81 car parking spaces are provided. This meets the required parking requirements. A designated car wash bay has been provided. | Yes. |
| Bicycle Parking | <ul style="list-style-type: none"> Residents: 1 space per 5 dwellings, 12 spaces required). Visitors: 1 space per 10 dwellings, (6) spaces required) Total: 18 spaces required. | 18 spaces are shown on the plan. | Yes. |

Part B2 – Landscaping and Part B3 – Tree Preservation

The application was referred to Council's Landscape Architect and the design considered appropriate subject to supporting conditions of consent requiring the preparation of a final landscape plan by an appropriately qualified consultant.

Part B4 – Accessible and Adaptable Design

The access report and supporting architectural plans were referred to Council's Building Surveyor and considered acceptable with review of the building's access and adaptable design.

Part B5 – Stormwater and Flood Management

The application was referred to Council's Development Engineer and further revised, with the current design now considered appropriate for the site.

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.
- **Access Control**
Entrances are easily identifiable with the fencing and landscaping providing a sense of place and prevents unauthorised access.
- **Territorial Reinforcement and Space Management**
The development encourages a sense of ownership through the provision 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.

Part B9 - Waste

The application was referred to Council's Project Officer – Resource Recovery who raised some issues with the earlier design, however these are resolved 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 71.04m | 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. | Isolation will occur to 1A Trafalgar Street as a result of this proposal. | No – see discussion below. |
| C4.2.1.3 - Open space and balconies | <p>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.</p> <p>Furthermore, an assessment against the communal open space requirements specified within the ADG has also been undertaken earlier within this report.</p> | | |
| C4.2.1.4 – Layout and Orientation | Orientate development to maximise solar access and natural lighting. | The development is orientated towards the streets and the applicant has met the requirements of the ADG in that over 70% of the apartments receive at least 2 hours of direct solar access to living spaces and private open spaces. | Yes. |
| | 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 residential dwellings. Given the nature of the site's orientation, a degree of overshadowing will occur. | 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 suitably avoids shadows cast from surrounding buildings. | 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 plan.</p> <p>Additionally, the development 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. It is noted, in parts, the basement projects greater than 1m above natural ground level. | Yes. |

| | | | |
|---|--|---|--|
| C4.2.2.3 - Setbacks | <p>Front–Major Road: Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.</p> <p>Front – Boundary: A minimum setback of 6m from the front boundary.</p> | <p>Canterbury Road - A front setback of 5m to 9m.</p> <p>The intrusion to the front setback results from the basement design.</p> <p>Chapel Lane - A front setback of 6m.</p> <p>Trafalgar Street - A front setback of 4m from the primary building line.</p> | <p>No – However 9.0 metres is provided to the residential units and considered suitable.</p> <p>Yes.</p> <p>No – However Trafalgar Street is treated as a secondary frontage and the development has been designed to be consistent with front setback established by the neighbouring property.</p> |
| | <p>Side Boundary: A minimum setback of 4m from a side boundary.</p> | <p>Side setbacks to 1A Trafalgar Street is as follows: South: 4m.</p> <p>West: 2m deep soil landscaping to boundary with podium communal open space with a 15m width.</p> | <p>Yes.</p> <p>Yes.</p> |
| | <p>Rear:</p> | <p>It is noted the development site consists of three front boundaries and a side boundary and as such does not contain a rear boundary.</p> | <p>Not applicable.</p> |
| | <p><u>Deep Soil – Setbacks:</u> Front: Min 5m Side: Min 2m</p> | <p>Deep soil areas are generally met on the front and side boundaries of the development. With the exception of Trafalgar Street, only small intrusions occur for ground floor terraces, basement circulation or for laneways and footpaths.</p> | <p>No – however considered on the merit of the consolidated site.</p> |
| C4.2.2.4 - Building Depth and C4.2.2.5 | <p>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</p> | | |

| | | | |
|-------------------------------|--|---|------|
| - Separation | 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 the adjoining streets. | 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 ownership. | 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. |
| 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 generally articulated using materials and design that provide suitable breaks on the elevations. | Yes. |
| | Avoid long flat walls along street frontages – stagger the wall alignment with a step. | The development avoids bland and bulky design features and long flat walls - with the exception of the southern boundary to 1A Trafalgar Street. | Yes. |
| | Incorporate contrasting elements in the façade. | The façade design incorporates a variety of materials to provide visual interest in the buildings design. | Yes. |
| | Layer and step facades in order to avoid buildings forms that are bland, bulky or over scaled. | The design incorporates a suitable break to provide for a harmonious street rhythm, and also accentuates lower elements, whilst generally receding higher elements. | Yes. |

| | | | |
|---|---|---|--------------------------------|
| Pavilions | Facades should be layered and stepped in order to avoid building forms that are bland, bulk and over scaled. | N/A. | N/A. |
| | Layering of facades should incorporate the base and upper storey elements. | N/A. | N/A. |
| | Layering of facades should incorporate the base and upper storey elements. | N/A. | N/A. |
| | Stepping of facades should be provided by balconies, staggered alignments for exterior walls and by contrasting design elements. | N/A. | N/A. |
| 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 | 6 units (or 10.2% 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 provides modelling to demonstrate compliance with the solar requirements of the control. | Yes. |
| 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 if required. |
| C4.2.5.2 - Building services | Integrate systems, services and utility areas within the design of the whole development. | The proposal appropriately integrates building services within the development. | Yes. |

The proposed development is generally consistent with the objectives and numerical controls above, with the non-compliance being site isolation.

Site Isolation

No 1A Trafalgar Street occupies the site immediately to the south east of the development, at the intersection of Trafalgar Street with Chapel Lane. As indicated earlier in this report, occupying No 1A Trafalgar Street Belmore is a free standing two storey brick dwelling with essentially a hipped tile roof. The site has an area of 404.35m² with frontages of 20.1 metres to both Trafalgar Street (along its eastern boundary) and Chapel Lane (along its southern boundary). The site is zoned R4 High Density Residential under CLEP 2012. Pursuant to Clause 4.4(2) of CLEP 2012 the maximum permitted floor space ratio is 1.6:1 while Clause 4.3(2) allows a maximum permissible building height of 18 metres on this site. The site is subject to a 3 metre road widening dedication (along its Chapel Lane frontage). Council argues that by the applicant not including '1A Trafalgar Street, Belmore' into this development proposal it would have the effect of creating an isolated site.

Of relevance is Part C4.2.1.2 (Isolated Sites of the Residential Flat Building) of the Canterbury Development Control Plan 2012 which reads as follows;

C4.2.1.2 Isolated Sites

Isolation of sites occurs where a property that adjoins a development site would be narrower or smaller than required to be developed under Canterbury LEP. Consequently, the isolated site would be incapable of accommodating the form of redevelopment envisaged by the planning controls.

Objectives

- O1 To ensure that land adjoining a development site is not left sterilised or isolated so that it is incapable of being reasonably developed under the applicable controls.*
- O2 To encourage the development of existing isolated sites in a manner that responds to the sites, context and constraints and maintains high levels of amenity for future occupants and neighbours.*

Controls

- C1 Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment.*
- C2 Undertake negotiations with neighbouring owners to seek amalgamation and enable coordinated redevelopment.*
- C3 If neighbouring landowners do not agree on terms for amalgamation, provide evidence of reasonable offers, including at least two recent independent valuations.*
- C4 If the amalgamation of adjoining properties cannot be achieved, demonstrate that the remaining property has reasonable potential for redevelopment by preparing an indicative schematic design that demonstrates:
 - (a) A building envelope; and*
 - (b) A general layout that complies with the current applicable planning controls.**

- C5 The development of existing isolated sites is not to detract from the character of the streetscape.*
- C6 Isolated sites should achieve a satisfactory level of residential amenity for its occupants and those on adjoining properties.*

Note: It is important to note that any development of existing isolated sites may not be able to achieve the maximum potential particularly in terms of height and floor space ratio and each case will be assessed on its individual merit.

The 'controls' as identified above are specifically addressed below;

C1 Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment.

The Canterbury Local Environmental Plan 2012 identifies the following types of development that are permitted without consent, permitted with consent and prohibited in a R4 High Density Residential zone;

2. Permitted without consent

Home occupations

3. Permitted with consent

Attached dwellings, Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs, Business premises; Car parks; Centre-based child care facilities; Community facilities, Dual Occupancies; Dwelling houses; Environmental protections works; Exhibition homes; Flood mitigation works; Home-based child care; Home businesses; Hostels; Multi dwelling houses; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Serviced apartments; Shop top housing; shops

4. Prohibited

Pond-based aquaculture; Tank-based aquaculture; Any development not specified in Item 2 or 3

Having regard to the residential developments that are 'permitted with consent' it is relevant to note the following;

| Development Type | Minimum Frontage | Minimum Area | Additional Notes | 1A Trafalgar Street, Belmore |
|-------------------------|------------------|--------------------|---|---|
| Boarding house | 20m | 1000m ² | | No – Deficient site area. |
| Dual Occupancy | 15m | 600m ² | | No – Deficient site area. |
| Semi-detached dwellings | 15m | N/A | The maximum floor space ratio for a building that is a dwelling house or a semi-detached dwelling is as follows— (b) 0.55:1—if the site area | Site area of the allotment is 404.35m ² – so restricted FSR of 0.55:1. |

| | | | is at least 200 square metres, but less than 600 square metres. | |
|---------------------------|--|--------------|--|---|
| Attached dwellings | 20m along any local road; 27m along major roads. | N/A | 3 or more dwellings where: (a) each dwelling is attached to another dwelling by a common wall, and (b) each of the dwellings is on its own lot of land, and (c) none of the dwellings is located above any part of another dwelling. | Satisfies site frontage, however each dwelling would require its own lot of land. i.e. 138.8m ² per dwelling. |
| Multi dwelling housing | 20m along any local road; 27m along major roads | | Requires each of the 3 (minimum) dwellings on the lot to each have access at ground level. | Satisfies site frontage, however each dwelling would require its own access at ground level – the allotment would be restrictive. |
| Residential flat building | 20 metres for up to 3 storey; 30 metres for 4 storeys or greater. | N/A | See discussion below outlining limitations. | The indicative schematic design submitted is not adequate. |
| Development Type | Minimum Frontage | Minimum Area | Additional Notes | 1A Trafalgar Street, Belmore |
| Shop Top Housing | N/A | N/A | Restricted by Clause 6.5 of (CLEP 2012). 6.5 Development for certain commercial premises in residential zones (1) The objective of this clause is to provide for the adaptive reuse of existing buildings and sites for business premises, office premises, restaurants or cafes and shops in certain residential zones. (2) This clause applies to land in the following zones— (a) Zone R2 Low Density Residential, (b) Zone R3 Medium Density Residential, (c) Zone R4 High Density | Of the other 'land uses' permitted in the R4 High Density Residential zone to provide facilities or services to meet the day to day needs of residents, such as shop top house, centre-based childcare centres, respite day care centres and other community facilities, significant issues would be faced to achieve an appropriate building envelope to accommodate services and to provide the required on site car parking essential for such uses. |

| | | | | |
|--------------------------------|---|-----|--|--|
| | | | <p>Residential.</p> <p>(3) Development consent must not be granted to development for the purposes of business premises, office premises, restaurants or cafes, or shops on land to which this clause applies unless—</p> <p>(a) the development is in, or will replace, a building that was, at the time of its erection, designed, constructed and used for the purpose of a shop (with or without a dwelling), and</p> <p>(b) the gross floor area of the development will not exceed 100 square metres, and</p> <p>(c) the consent authority has considered the following:</p> <p>(i) whether the development will adversely affect the amenity of the surrounding locality,</p> <p>(ii) the suitability of the building or land for adaptive reuse,</p> <p>(iii) the degree of any modification of the footprint or façade of the building.</p> | |
| Centre-based childcare centres | 20m; or frontage between 15m and 20m subject to restrictions. | N/A | The site frontage width and area is not likely to accommodate the parking spaces required for the drop off and pick up of children and employees. | |
| Community Facility | N/A | N/A | As per the definition in the CLEP 2012 requires it to be owned or controlled by a public authority or non-profit community organisation. | |
| Respite day care centres | N/A | N/A | | |

| Development Type | Minimum Frontage | Minimum Area | Additional Notes | 1A Trafalgar Street, Belmore |
|----------------------|------------------|--------------|---|--|
| Bed and breakfast | N/A | N/A | As per Clause 5.5 of the CLEP 2012 - If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms. | The control refers to a 'redevelopment' implying that it's seeking opportunities beyond alterations, adaptations or repurposing the existing building for other uses. As such a redevelopment for uses such as a bed and breakfast, home business or a home-based child care centre are uses that are therefore not considered a reasonable form of redevelopment. |
| Home business | N/A | N/A | As per Clause 5.5 of the CLEP 2012 - If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area. | |
| Home-based childcare | N/A | N/A | As per the definition in the CLEP 2012 Is a family day care residence by which a family day care educator educates and cares for children as part of a family day care service | |

Figure 6 | Summary of particular development types permitted in R4 High Density Residential zone.

Having regard to the various forms of residential development permitted with consent in a high density residential zone, the size and shape of the site effectively limits its development potential being either narrower or smaller than the minimum requirements of a number of the above controls.

C2 Undertake negotiations with neighbouring owners to seek amalgamation and enable coordinated redevelopment.

Documentation on-file has been submitted showing the following negotiations occurred between the developer and the landowner(s) of No 1A Trafalgar Street, Belmore:

- A formal offer of \$1.35 million offered 3 May 2018.
- The offer was rejected 6 June 2018.
- A formal offer of \$1.4 million offered 17 October 2019.
- A final offer of \$1.5 million offered 1 November 2019.
- A counteroffer of \$2.4 million was offered 5 November 2019.
- A counteroffer of \$2.1 million was offered 18 November 2019.
- A formal letter from the applicant confirming the negotiation period had ended without an agreement being reached, 5 December 2019.

C3 If neighbouring landowners do not agree on terms for amalgamation, provide evidence of reasonable offers, including at least two recent independent valuations.

The landowners of No 1A Trafalgar Street did not 'agree on terms for amalgamation'.

Documentation has been submitted showing the following offers being made to the landowner(s) of No 1A Trafalgar Street, Belmore;

- A formal offer of \$1.35 million offered 3 May 2018.
- A formal offer of \$1.4 million offered 17 October 2019.
- A final offer of \$1.5 million offered 1 November 2019.

Documentation has been submitted by the applicant consisting of the following independent valuations by:

1. Property Logic Valuers
2. Laoulach & Co Pty Ltd – Real Estate Valuers & Property Consultants

The updated valuations include:

- A valuation report, was prepared by Property Logic, dated 1 December 2015, recommending the value as being (\$1.25m)
- A valuation report, was prepared by Laoulach & Co Pty Ltd, dated 2 March 2018, recommending the value as being (\$1.35m)
- A valuation report, was prepared by Property Logic, dated 10 October 2019, recommending the value as being (\$1.4m)
- A valuation report, was prepared by Laoulach & Co Pty Ltd, dated 14 October 2019, recommending the value as being (\$1.3m)

C4 If the amalgamation of adjoining properties cannot be achieved, demonstrate that the remaining property has reasonable potential for redevelopment by preparing an indicative schematic design that demonstrates:

- (A) A Building envelope; and***
(B) A general layout that complies with the current applicable planning controls.

The applicant has furnished to Council an indicative schematic design for the potential redevelopment of No 1A Trafalgar Street as follows:

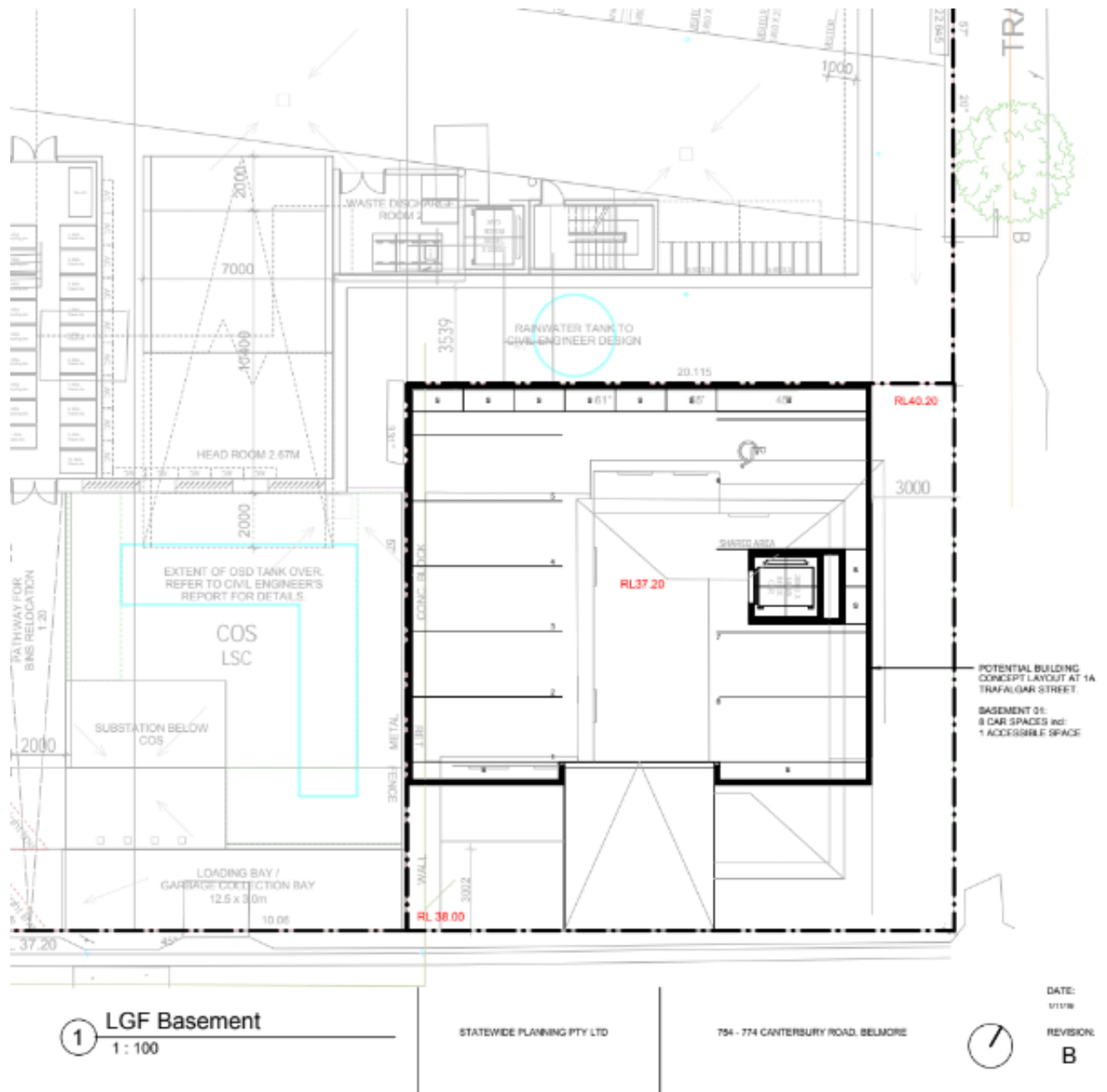


Figure 7 | Concept building layout of Basement for 1A Trafalgar Street.



Figure 10 | Concept building envelope on the southern elevation for 1A Trafalgar Street.



Figure 11| Concept building envelope on the eastern elevation for 1A Trafalgar Street.

Based on the plans provided above, the applicant has sought to demonstrate that the 'reasonable potential redevelopment' of No 1A Trafalgar Street would be for a 'residential flat building'.

With specific reference to (a) above, the plans supplied provide for a 'potential building envelope' reflecting a development with a 5 storey-built form. The 'potential envelope' identifies the footprint of the development as providing for a 4 metre setback to Trafalgar Street and a 6 metre setback to Chapel Lane while zero setbacks are identified to the sites northern and western boundaries being those boundaries it shares with the subject development site.

The plans also identify a lower car parking level which would accommodate eight car parking spaces with the above 4 residential levels each containing 2 apartments.

With specific reference to (b) above, the scheme would fail to comply with the ‘current applicable planning controls’ as follows:

- Clause C4.2.1.1 (C3) – Minimum Lot Sizes and Frontage of CDCP 2012 states that a “minimum primary street frontage width for residential flat buildings 4 storeys or greater is 30 metres”. The site has a frontage of 20.1 metres to both Chapel Lane and Trafalgar Street. The indicative plans illustrate a 5-storey building envelope. The development would therefore fail the above control.
- Clause B1.3.1 – General Parking Rates from Chapter B1 of the CDCP 2012 requires parking as detailed in the table below:

| | | | |
|---|--|---|--|
| Multi Dwelling Housing, Attached Dwellings & Residential Flat Buildings | Studio or 1 bedroom: 1 space per dwelling 2 bedroom: 1.2 space per dwelling (the 0.2 space to remain as common property) 3 bedroom or more: 2 spaces per dwelling Visitor Parking: 1 space per 5 dwellings except where the site is located on a road less than 11m in width or a cul-de-sac, then 1 space per 3 dwellings. Minimum 1 space. | Any development comprising 10 or more dwellings must provide a minimum of one (1) car wash bay. | Residents: Minimum 1 space per 5 dwellings. Visitors: Minimum 1 space per 10 dwellings. |
|---|--|---|--|

Figure 12| Extract of the general parking rates from Chapter B1 of the CDCP 2012.

In this instance the development provides 8 spaces and doesn’t comply with the car parking requirements (requiring 10 spaces):

1-bedroom = 1 space x 1 = 1

2- bedrooms = 1.2 spaces x 7 = 8.4

Visitor space = 1 space per 5 = 1

- Vehicular access via Chapel Lane is problematic. The dedication of 3 metres (consistent with that provided with the subject development) means that the ‘basement car parking level’ will be elevated (i.e. due to there being an inability to get the required grades, transitions etc in the remaining 3 metre setback to get the basement level ‘underground’).
- Part B9.4 – Waste Storage and Requirements for Residential Accommodation of Chapter B9 of the CDCP 2012 requires, among other things, facilities for the handling, storage, collection and disposal of waste and is recognised to be “an integral part of the design process for every development”. Such waste storage facilities have not been accommodated in the scheme, with the provision of these services considered to further reduce the suitability of the current basement design and potentially the general layout of the scheme.

- Clause C4.2.2.3 (C2) – Setbacks of Chapter C4 - Residential Flat Building of the CDCP 2012 requires the minimum setbacks as follows:

| C2 Development must comply with the minimum setbacks as follows: | | | | |
|--|-----------|----------------|------|-----------------------|
| (a) A minimum setback of 6m from the front and rear boundary. | | | | |
| (b) A minimum setback of 4m from the side boundaries. | | | | |
| (c) All buildings shall provide a building form comprising a podium base element and an upper element which provides an additional setback in accordance with the table below: | | | | |
| Total Storeys | Number of | Podium Element | Base | Upper Storey Elements |
| 4 storey | | 3 storey | | 1 storey |
| 5 storey | | 3 storey | | 2 storey |
| 6 storey | | 4 storey | | 2 storey |

Table C4.3: Upper Storey Setbacks

Figure 13| Extract of the setback requirements of Chapter C4 of the CDCP 2012.

As mentioned earlier, the footprint of the development provides a 4 metre setback to Trafalgar Street (requires 6 metres) and a 6 metre setback to Chapel Lane, while zero setbacks are identified to the site's western boundary (considered a rear boundary and requires 6 metres). This fails to comply with the minimum setbacks listed for a residential flat building.

Additionally, clause C4.2.2.3 (C3) requires a minimum width of deep soil alongside boundaries of 2m and a minimum of 5m along front/rear boundaries. This again has not been accommodated in the submitted scheme.

- The current scheme as a residential apartment development is recognised under SEPP 65 as development for the purpose of a residential flat building, (it consists of at least 3 or more storeys and contains at least 4 units) and would therefore require an assessment against other relevant legislation including the Apartment Design Guide.

In review of the requirements for building separation, a residential flat building up to 12m in height (4 storeys) requires a separation distance of 6m to habitable rooms and balconies and 3m to non-habitable rooms to the side and rear boundaries of the allotment. In this case, the separation between the submitted scheme is zero to the side boundaries as the building relies on two blank walls in lieu of providing building separation. While it is noted that no separation is required between blank walls, the scheme does not afford a suitable built outcome. It is preferable that building design elements and building separation be provided in lieu of providing the outcome as arrived at by the applicant.

- Having regard to internal amenity considerations for the 'northern units' (being half the total number of units), the only natural light that is achieved to the units, other than the openings provided off the combined kitchen / living / dining, are 2 highlight bedroom windows.

- Insufficient regard has been provided in respect to the location of a substation, on-site emergency fire services, etc
- The development would be devoid any communal open space.

In light of the above, it is considered that the applicant has failed to demonstrate that the 'building envelope' and 'general layout' of the indicative scheme would comply with the current applicable planning controls as required by C4.

C5 The development of existing isolated sites is not to detract from the character of the streetscape.

If the application was determined contrary to the recommendation of this report, it is necessary to turn our attention to the opportunities available for the redevelopment of No 1A Trafalgar Street and what would the likely impact of such a redevelopment be on the streetscape. Given the comments provided under C1 above, Council is not of the view that there exists redevelopment opportunities for this site and that the single dwelling will remain adjacent the proposed 5 storey flat development. Such a contrast in built forms would result in an irregular built form along Chapel Lane and Trafalgar Street and not deliver a consistent level of built form as envisaged under Canterbury DCP.

C6 Isolated sites should achieve a satisfactory level of residential amenity for its occupants and those on adjoining properties.

If the application was determined contrary to the recommendation of this report, the impact on the residential amenity of the occupants of No 1A Trafalgar Street would be as follows;

A 5-storey residential flat building would be located 4 metres from No 1A Trafalgar Streets northern boundary and consists of a poor building relationship. In lieu of providing adequate building separation the architectural response has been to provide for a blank wall. Such a response compromises visual amenity for the owners of No 1A Trafalgar. An option that is available to in-part alleviate an otherwise blank façade would be to introduce a public art installation along this wall to improve its presence to the neighbourhood, particularly 1A Trafalgar Street.

- Contained within the proposal's overshadowing diagrams are indicative overshadowing impacts likely to be generated by the development of 1A Trafalgar Street for a 5-storey built form. It shows that shadows would be cast for considerable periods of the day over the existing single storey dwelling occupying No 1 Trafalgar Street. If 1A Trafalgar Street were to be incorporated into the development site, overshadowing impacts could be more effectively managed such that the impact on No 1 Trafalgar Street could be significantly reduced.

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

A voluntary planning agreement is applicable and consists of the dedication of land at a width of 3.0 metres to Chapel Lane for the purposes of a service lane. This is to be satisfied as a deferred commencement requirement if necessary.

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.

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

As detailed in this report, the development as proposed would isolate the adjoining property and whilst the development which would occur on the subject site would generally align with the desired neighbourhood character, it would impact the orderly and economic use of 1A Trafalgar Street.

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

The application has been assessed under Section 4.15 of the Act, and while the building design is primarily consistent with the planning controls and standards, as demonstrated throughout the body of this report, the neighbouring property at 1A Trafalgar Street would become isolated as identified under the Canterbury DCP.

On the basis of the isolation issue that has arisen during this assessment, the proposed development site and subject application is therefore considered unsuitable for development approval in its current form.

Submissions [section 4.15(1)(d)]

The application was notified for a period of 21 days from 10 July 2018 to 31 July 2018. A total of ten submissions from different households and a petition with 22 signatures were received, which raised issues relating to bulk and scale, character, site isolation and traffic and parking.

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.

With respect to parking and traffic issues the report has demonstrated that the applicant has provided sufficient on-site parking as per Council's controls while Council's traffic unit were of the view that the adjoining road network was capable of accommodating the additional vehicle movements generated by the development (subject to the applicant dedicating a portion of the site for purposes of a laneway).

Primary concerns from the household of 1A Trafalgar Street related to the isolation of the allotment and market offers undertaken relating to the site's amalgamation with the consolidated development site.

The material submitted has been reviewed and while offers have been demonstrated, it remains that 1A Trafalgar Street is not considered to remain capable of future redevelopment as envisaged under the R4 High Density Residential zone under Canterbury LEP 2012.

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 in its current form remains inconsistent with the isolation requirements and, as such, is not 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* requiring, amongst other things, an assessment against *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development*, the *Canterbury Local Environmental Plan 2012* and the *Canterbury Development Control Plan 2012*.

Although the proposal would deliver much needed housing to the City, the nature of the isolation clause under Canterbury DCP in this instance, precludes supporting the application and it is therefore considered that the development application in its current form cannot be supported.

RECOMMENDATION

It is recommended that the application be refused.

DETERMINATION NOTICE NO. DA-255/2018**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979****NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT
APPLICATION****REFUSAL OF CONSENT**

Being the applicant in respect of Development Application No. DA-255/2018.

PROPERTY: Lot 49 DP 1031432, Lot B DP 103679, Lot 9 DP 16308, Lot 10 DP 16308, Lot 113A DP 307438, Lot 7 DP 16308, Lot A DP 352069, Lot B DP 352069, No. 754-774 Canterbury Road Belmore

DESCRIPTION: Demolition of existing structures and construction of a 5-6 storey residential flat building with fifty-nine (59) units, two basement levels of basement car parking for eighty one (81) vehicles with landscaping and associated works.

Canterbury-Bankstown Council, as consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 ("The Act"), gives notice under Section 4.16 of the Act, that the Development Application, described above, is **REFUSED** for the following reasons:

1. The proposed development fails to satisfy Clause 1.2(2)(c) of the Canterbury Local Environmental Plan 2012. The submitted plans do not demonstrate the provision of an acceptable development outcome having regard to the amenity and character of the area. [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979];
2. The proposal fails to demonstrate compliance with the requirements of Clause C4.2.1.2 of Part C, Residential Flat Buildings of the Canterbury Development Control Plan 2012 as the development results in an isolated site. [Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning & Assessment Act, 1979];
3. The development is considered to isolate an adjoining property and does not promote the orderly and economic use and development of the land. The development also fails to coordinate good design and amenity of the built environment within the locality. The proposed development is likely to result in adverse impacts on the locality [Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979];
4. The site is not considered suitable for the proposed development in review of the reasons outlined above. [Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act, 1979*];

5. The public interest is served through the consistent and measured application of the relevant plans, policies and standards. The proposal remains inconsistent with the isolation requirements and is not in the public interest. [Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act, 1979*].

NOTES:

- 1) Council's decision was made after consideration of the matters listed under Section 4.15 of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
- 2) Sections 8.7 and 8.9 of the Act confer on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 6 months of the date shown on this Notice.
- 3) As the applicant, if you are not satisfied with this determination, Division 8.2 allows applicants to request a review of the determination. Any application for a review of determination pursuant to Division 8.2 must be received, assessed and determined by Council within 6 months of the date shown on this Notice. (Fee applicable please enquire at Council's Customer Service Centre).

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