



# **AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**6 April 2020 - 6.00pm**

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## ORDER OF BUSINESS

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### APOLOGIES AND DECLARATIONS

### CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### BASS HILL WARD

- 1        159 Priam Street, CHESTER HILL
- DA-1159/2009/A - Section 4.55(2): Reconfiguration of commercial and residential apartments (Levels 1 – 5) resulting in two commercial areas and four additional apartments, associated façade changes and modification of the onsite parking spaces.
- DA-940/2016/A - Section 4.55(2): Modifications to Level 6 (residential apartments) and associated façade changes. 3

#### CANTERBURY WARD

- 2        Application to amend Canterbury Local Environmental Plan 2012: 165-169 Holden Street, Ashbury (Ashfield Reservoir) 28

#### ROSELANDS WARD

- 3        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 56

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## Canterbury Bankstown Local Planning Panel - 06 April 2020

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<b>ITEM 1</b>	<b>159 Priam Street, CHESTER HILL</b>  <b>DA-1159/2009/A - Section 4.55(2):</b> <b>Reconfiguration of commercial and residential</b> <b>apartments (Levels 1 – 5) resulting in two</b> <b>commercial areas and four additional apartments,</b> <b>associated façade changes and modification of the</b> <b>onsite parking spaces.</b> <b>DA-940/2016/A - Section 4.55(2): Modifications to</b> <b>Level 6 (residential apartments) and associated</b> <b>façade changes.</b>
<b>ZONING</b>	<b>B2 Local Centre</b>
<b>DATE OF LODGEMENT</b>	<b>15 November 2019</b>
<b>APPLICANT</b>	<b>Augustus and Tracey Minett</b>
<b>OWNERS</b>	<b>TRESCLIMB PTY LTD</b>
<b>SITE AREA</b>	<b>1456.0m<sup>2</sup></b>
<b>AUTHOR</b>	<b>City Development</b>

### REPORT

The modification applications are reported to Council's Local Planning Panel for determination as the applicant seeks to modify, pursuant to Section 4.55(2) of the EP&A Act 1979, development applications DA-1159/2009 previously determined by Council and DA-940/2016 determined by Council's Independent Hearing and Assessment Panel (IHAP).

#### DA-1159/2009

On 8 June 2010, the elected Council approved alterations and additions to an existing building for the purpose of a mixed commercial and residential development with associated car parking. The proposal consisted of the demolition of a first floor bowling alley over existing retail shops and the construction of 20 apartments over four (4) levels (resulting in a 5 storey development).

Note: The development proposed the retention of the lower basement levels and alterations and additions to the existing commercial ground floor.

#### DA-940/2016

On 7 August 2017, Council's Independent Hearing and Assessment Panel approved alterations and additions to an approved mixed use development, including an additional level (resulting in a 6 storey development) containing 4 apartments. The 'approved mixed use development' as referred to above is a reference to DA-1159/2009.

Note: The 'approved mixed use development' as referred to above is a reference to DA-1159/2009.

The subject modification applications lodged to amend the above referenced approvals seek the following:

- DA-1159/2009/A - Section 4.55(2): Reconfiguration of commercial and residential apartments (Levels 1 – 5) resulting in two commercial areas and four (4) additional apartments, associated façade changes & modification of the onsite parking spaces.
- DA-940/2016/A - Section 4.55(2): Modifications to Level 6 (residential apartments) and associated façade changes.

The proposed modification applications have been assessed in accordance with the provisions contained in section 4.15 and section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, an assessment *against State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* and the associated Apartment Design Guide, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP)*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The modification applications were advertised and notified for a period of 21 days. Two (2) submissions were received and are summarised in the attached Assessment Report.

## **POLICY IMPACT**

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This matter has no direct policy implications.

## **FINANCIAL IMPACT**

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This matter has no direct financial implications.

## **RECOMMENDATION**

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It is recommended that the modification applications DA-1159/2009/A and DA-940/2016/A be approved subject to the attached conditions (as modified).

## **ATTACHMENTS**

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- A. Assessment Report
- B. Consent Conditions (as modified)

## **DA-1159/2009/A and DA-940/2016/A** **ASSESSMENT REPORT**

### **SITE AND LOCALITY DESCRIPTION**

The subject site is located at 159 Priam Street in Chester Hill and is zoned *B2 – Local Centre* under the *Bankstown Local Environmental Plan (BLEP) 2015*. The site is situated within the Chester Hill Village Centre and is located opposite the Chester Square shopping centre, approximately 280 metres north-east of the Chester Hill Railway Station.

The site is a rectangular shaped parcel of land with an area of 1448.9m<sup>2</sup>, bound by Priam Street to the west (41.1m), a service lane known as Priam Lane to the north (29.12m) and east (39.155m) and a Council owned public car park to the south. The site currently contains a two (2) storey brick commercial building with lower ground car parking.

The immediate interface with the locality is defined by a mixture of developments including single and two storey retail and commercial developments to the south and west, and a mix of predominantly single and two storey detached dwelling houses to the north and east. The context of the site is illustrated in the following aerial photo.

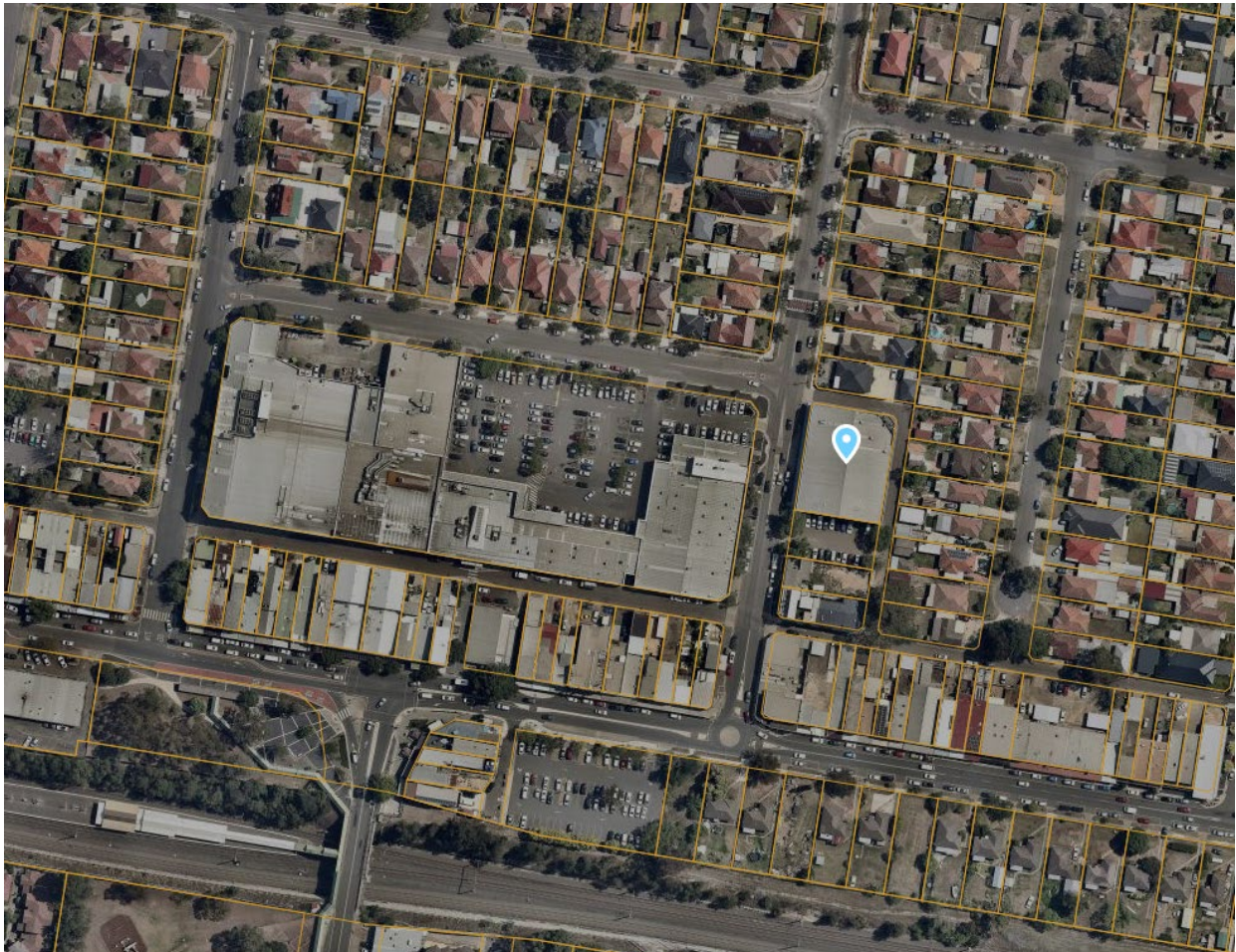


Figure 1: Aerial photo of 159 Priam Street and surrounding Chester Hill Village Centre.

## **BACKGROUND**

The development applications previously approved on 159 Priam Street, Chester Hill are as follows:

- DA-1159/2009 – sought alterations and additions to an existing building for the purpose of a mixed commercial and residential development with associated car parking. The proposal consisted of the demolition of a first floor bowling alley over existing retail shops and the construction of 20 apartments over four (4) levels resulting in a five (5) storey development. The development was approved on the 8 June 2010 at an Ordinary Council Meeting.

Note: The development proposed the retention of the lower basement levels and alterations and additions to the existing commercial ground floor.

- DA-940/2016 – sought alterations and additions to an approved mixed use development, including an additional level containing 4 apartments. The development was approved on the 7 August 2017 by Council's Independent Hearing and Assessment Panel.

Note: The 'approved mixed use development' as referred to above is a reference to DA-1159/2009.

## **PROPOSED MODIFICATIONS**

The subject modification applications lodged to amend the above referenced approvals seek the following:

- DA-1159/2009/A - Section 4.55(2): Reconfiguration of commercial and residential apartments (Levels 1 – 5) resulting in two commercial areas and four (4) additional apartments, associated façade changes & modification of the onsite parking spaces.
- DA-940/2016/A - Section 4.55(2): Modifications to Level 6 (residential apartments) and associated façade changes.

The modification proposals are summarised below:

Level	DA-1159/2009	Proposed Modifications
Lower Ground	Parking: 38 spaces Storage cages: 21 Waste store – commercial (25 bins) and residential (18 bins)	Parking: 37 spaces Storage cages: 26 Waste store – commercial (32 bins) and residential (27 bins)
Ground Level Commercial	4 x commercial tenancies (828.75sqm) 5 parking spaces 20 x storage cages	2 x commercial tenancies (817.00sqm) 9 parking spaces 3 x storage cages
Level 1	1 x 1 bedroom	1 x 1 bedroom

	3 x 2 bedroom 1 x 3 bedroom	4 x 2 bedroom 1 x 3 bedroom
Level 2	1 x 1 bedroom 3 x 2 bedroom 1 x 3 bedroom	1 x 1 bedroom 4 x 2 bedroom 1 x 3 bedroom
Level 3	1 x 1 bedroom 3 x 2 bedroom 1 x 3 bedroom	1 x 1 bedroom 4 x 2 bedroom 1 x 3 bedroom
Level 4	1 x 1 bedroom 3 x 2 bedroom 1 x 3 bedroom	1 x 1 bedroom 4 x 2 bedroom 1 x 3 bedroom
<b>Level</b>	<b>DA-940/2016</b>	<b>Proposed Modifications</b>
Level 5	4 x 2 bedroom	1 x 1 bedroom 2 x 2 bedroom 1 x 3 bedroom

In addition to the above, there are a number of changes proposed to the materials, finishes and façade treatment in order to 'modernise' the development. The proposed finishes and external treatment of the development is provided on plans DA-0501 and DA-0502 which is attached to this report.

#### SECTION 4.55(2) ASSESSMENT

The proposed modifications have been assessed pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act, 1979*.

**(a) *the development as modified is substantially the same development as the development for which the consent was originally granted***

The development remains substantially the same development to that which was originally approved in so far as the modifications provide for a development of a comparable scale and intensity. The development (as amended) remains a mixed use development retaining a lower ground floor car park, a ground floor containing commercial tenancies (with car parking) and five residential floors above.

**(b) *Council has consulted with the relevant Minister, public authority or approval body***

Consultation with a Minister, public authority or approval body was not required for these applications.

**(c) *the application has been notified in accordance with the regulations or a development control plan***

The applications have been notified and advertised in accordance with the notification requirements of Council's Community Participation Plan.

**(d) *any submissions made concerning the proposed modification***

A total of two submissions were received that raise concerns relating to the potential of construction dust and debris, the access and use of Priam Lane, visual privacy, balcony noise and the loss of property value.



The concerns raised in the submissions have been addressed as follows:

#### Construction and Laneway Access

**Comment:**

The hours for site operations and noise-restrictions for construction are regulated under the Environment Protection Authority (EPA) and were included in the original development consent as follows:

*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.*

In the event that site operations are conducted in a manner inconsistent with the requirements above or traffic management issues occur within the laneway, this can be reported to Council's Rangers for attention.

#### Visual Privacy and Noise

**Comment:**

The development (as modified) results in the addition of one unit on the residential floors 1, 2, 3 and 4 in a similar bulk, scale and built form to that which was originally approved. In review, the retention of the visual amenity for internal occupants and for the residents of the adjoining properties remains consistent to that previously approved under DA-1159/2009 and DA-940/2016. The development is also considered to remain consistent with intended nature of the B2 Local Centre and the changing nature of the transitioning residential properties in the R4 High Density Residential zone that remain in the immediate vicinity of the development.

#### Property Values

**Comment:**

There is no evidence to suggest that the development (as modified) to the previously approved development under DA-1159/2009 and DA-940/2016 will negatively impact property values.

### **SECTION 4.15 ASSESSMENT**

The proposed modifications have 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 – Remediation of Land (SEPP 55)**

Having regard to the modifications proposed, no further assessment is required to be undertaken against this planning instrument. It is considered that the consent authority can

be satisfied that the development site will remain suitable for the proposed development, as modified, in accordance with Clause 7 of SEPP 55.

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

The proposed modifications to the development were supported with an updated BASIX Certificate and does not alter compliance with the SEPP as established under the original application.

**Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment**

It is considered that the proposed development as modified will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, objectives, planning principles, planning considerations and policies and recommended strategies contained within the GMREP No.2.

**State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)**

SEPP No. 65 applies to residential flat buildings having four or more units and three or more storeys. Accordingly an assessment against the Design Quality Principles in the SEPP and the accompanying Apartment Design Guide (ADG) has been carried out.

The proposed modification, which provides for a total of 28 units within the development, is considered to remain consistent with the objectives and design quality principles contained in the SEPP. Compliance with the key ‘design criteria’ contained in Part 3 and Part 4 of Apartment Design Guide is illustrated in the table below.

<b>‘DESIGN CRITERIA’</b>	<b>PROPOSED</b>	<b>COMPLIES?</b>
<b>3A Site analysis</b>  Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	The modified proposal responds appropriately to the site’s context.	Yes.
<b>3B Orientation</b>  Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The modified development provides for a similar bulk, scale and built form to that which was originally approved such that opportunities to maximise solar access to the units has occurred and minimising overshadowing of the	Yes.

Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter.	adjoining properties has been achieved.	
<b>3C Public Domain Interface</b>  Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security.  Objective 3C-2 Amenity of the public domain is retained and enhanced.	Secure, separated and well lit residential and retail entrances are provided.  Shop front glazing along Priam Street is wrapped around the lane to further activate the site.	Yes.  Yes.
<b>3D Communal open space</b>  Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.  25% of the site area is to be communal open space (362.2m <sup>2</sup> ), and 50% of the COS must receive at least 2 hours direct sunlight between 9am-3pm on 21 June.	Communal open space is retained on Level 1 of the development.  266.72m <sup>2</sup> (18.4%) of the site area is provided as communal open space and remains in same location as the previous development approval. Suitable solar access is achieved to the COS areas between 9am-3pm on 21 June.	The subject DA does not propose any further non-compliance to that originally approved through DA-1159/2009.
<b>3E Deep soil zones</b>  Objective 3E-1 Deep soil zones provide areas on the site that allow for and support health plant and tree growth. They improve residential amenity and promote management of water and air quality. Design Criteria:  Deep soil zones are to meet the following minimum requirements:	The site area is 1448.9m <sup>2</sup> and requires a minimum required deep soil area of 1448.9m <sup>2</sup> x 0.07 = 101.423m <sup>2</sup>  The proposed design relies on the existing basement parking being retained, and therefore deep soil is not provided for, much the same as originally approved through DA-1159/2009.	The modification does not propose an additional non-compliance to that originally approved through DA-1159/2009.

<ul style="list-style-type: none"> <li>• 7% of site area.</li> <li>• 650-1500m<sup>2</sup> - 3m min dimensions.</li> </ul>		
<b>3F-1 Visual Privacy (Building separation)</b>  9m setback for 5-8 storeys (4.5m to non-habitable rooms).	<b><u>Setbacks (Side)</u></b>  The setbacks are:  <b>DA-1159/2009/A</b>  East façade (Priam Lane) – Habitable – 10.5m West façade (Priam Street) – Habitable – 4.4m. North façade (Priam Lane) – Habitable – 4.4m. South façade (Council carpark) – Non Habitable – 5m.  <b>DA-940/2016/A</b>  East façade (Priam Lane) – Habitable – 10.4m to 11.4m. West façade (Priam Street) – Habitable – 7.2m. North façade (Priam Lane) – Habitable – 6.8m. South (Council carpark) – Non Habitable – 7.9m.	The modification does not propose an additional non-compliance to that originally approved through DA-1159/2009.  The side setbacks proposed remain similar to the approved setbacks and provide for adequate building separation.
<b>3G Pedestrian access and entries</b>  Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.  Objective 3G-2 Access, entries and pathways are accessible and easy to identify. Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	The pedestrian access are considered to be clear, direct and consistent with the design objectives.  The entry to the development provides a flat landing and is clearly identifiable.  The design of the basement levels and ground floor pedestrian links are suitably designed and located.	Yes.  Yes.  Yes.
<b>3H Vehicle access</b>  Objective 3H-1 Vehicle access points are	Existing vehicular entries are re-used.	Yes.

design and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		
<b>3J Car Parking</b>  Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.  For development in the following locations: <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area;</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</li> </ul> The car parking needs for a development must be provided off street.	The site is located within 400m of the Chester Hill Train Station. Off street parking has been provided in accordance with the Council DCP (for commercial parking) and RMS Guidelines (for the Residential component) of the proposal. A total of 41 spaces are required. The proposal provides 46 spaces.	Yes - 46 spaces provided.  A condition recommending a compliant allocation of residential, commercial and visitor spaces has been provided in the consent conditions attached to this report.
<b>4A Solar access</b>  Objective 4A-1 70% of units should receive 2hrs solar access between 9am – 3pm midwinter.  A maximum of 15% of	71% of apartments receive 2 hours of sunlight between 9am and 3pm in midwinter.  0% of apartments receive no direct	Yes.  Yes.

<p>apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>Objective 4A-2 Daylight access is maximised where sunlight is limited.</p> <p>Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.</p>	<p>sunlight between 9am and 3pm at mid-winter.</p> <p>Suitable given site orientation and re-use of existing basement and commercial floor plate.</p> <p>Shading devices include eaves, awnings and covered balconies.</p>	<p>Yes.</p> <p>Yes.</p>
<p><b>4B Natural ventilation</b></p> <p>Objective 4B-1 All habitable rooms are naturally ventilated.</p> <p>Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation.</p> <p>Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p> <p>Overall depth cross-over or cross-through apartment does not exceed 18m, when measured glass line to glass line</p>	<p>Achieved.</p> <p>Achieved.</p> <p>64% of apartments achieve natural cross ventilation due to the large number of corner apartments.</p> <p>Overall building depth is 19.3m, which is consistent with the current DA approvals.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>The modification does not propose an additional non-compliance to that originally approved through DA-1159/2009.</p>
<p><b>4C Ceiling heights</b></p> <p>Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Min. 2.7m for habitable rooms. If variation is sought, then satisfactory daylight access must be demonstrated.</p>	<p>Achieved.</p> <p>Floor-to-ceiling heights are 2.7m</p>	<p>Yes.</p> <p>Yes.</p>

<p><b>4D Apartment size and layout</b></p> <p>Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity. 1 bed – min. 50m<sup>2</sup> 2 bed – min. 70m<sup>2</sup> 3 bed – min. 90m<sup>2</sup> Add 5m<sup>2</sup> for each additional bathroom/WC</p> <p>Objective 4D-2 Environmental performance of the apartment is maximised.</p> <p>Every habitable room must have a window in an external wall</p> <p>Objective 4D-3</p> <ul style="list-style-type: none"> <li>• Master Beds: 10m<sup>2</sup></li> <li>• Other beds: 9m<sup>2</sup></li> </ul> <p>Bedrooms min dimension of 3m</p>	<p>The proposal provides for 1, 2 and 3 bedroom apartments which are consistent with the minimum requirements under the ADG. Generally, apartments are sized within the following range: 1B – 55 to 62m<sup>2</sup> 2B – 75 to 85m<sup>2</sup> 3B – 100 to 101m<sup>2</sup></p> <p>Achieved.</p> <p>Achieved.</p> <p>Compliance is achieved for all rooms within the development.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
<p><b>4E Private open space and balconies</b></p> <p>Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity. 1 bed: Min 8m<sup>2</sup>, 2m depth 2 bed: Min. 10m<sup>2</sup>, 2m depth 3 bed: Min 12m<sup>2</sup>, 2.4m depth to primary balconies. Ground level units: Min 15m<sup>2</sup>, 3m depth</p>	<p>All units meet required minimum areas and dimensions.</p>	<p>Yes.</p>
<p><b>4F Common circulation and spaces</b></p> <p>Objective 4E-1</p>		

<p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Max. 8 units accessed from a single corridor.</p>	<p>Achieved.</p> <p>A maximum of 6 apartments are proposed off a single core. The lift lobby provides 2 points of natural light and ventilation, providing suitable amenity to occupants.</p>	<p>Yes.</p> <p>Yes.</p>
<p><b>4G Storage</b></p> <p>1 beds: 6m<sup>3</sup>, 2 beds: 8m<sup>3</sup>, 3 beds: 10m<sup>3</sup> (At least half to be provided within the unit).</p>	<p>Achieved.</p>	<p>Yes.</p> <p>A condition recommending a compliant allocation of storage within the unit has been provided in the consent conditions attached to this report.</p>
<p><b>4K Apartment mix</b></p> <p>Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p>A range of 1, 2 and 3 bedroom apartments are provided.</p>	<p>Yes.</p>

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

The development site is zoned B2 – Local Centre under the *Bankstown Local Environmental Plan* (BLEP) 2015, with mixed use developments permissible with development consent. The primary development standards that apply to the site include a maximum building height of 20 metres and floor space ratio (FSR) of 2.5:1.

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

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio



Clause 4.5 – Calculation of floor space ratio and site area

Clause 6.2 – Earthworks

An assessment of the modification applications have revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*, with the exception of the variation proposed to Clause 4.3(2) - Height of buildings.

In this regard, the development proposal presents a minor variation to the 20m height control. The below table is provided to demonstrate the proposal's compliance with the numerical controls as set out in the BLEP 2015.

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.3(2) – requires 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.	The proposed development exceeds the wall height with a maximum height of 20.6 metres.	No – maximum building height is not to exceed 20.0 metres.
Clause 4.4 FSR	2.3:1	Yes – maximum floor space ratio of 2.5:1

### Non-compliance

The BLEP 2015 states that the height of a building on any land is not to exceed the maximum height shown for the land, pursuant to Clause 4.3(2), which is reproduced below.

#### 4.3 Height of buildings

(2) *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.*

The modified development contains a minor non-compliance with the overall height, primarily at the lift and overrun and the roof areas to the south-eastern corner of the building - this is reduced from the previously approved height under DA-940/2016.

Specifically, the non-compliance remains limited to a maximum breach of RL61.05 (previously RL61.12) at the lift and overrun of the building and the roof ridge heights at maximum of RL60.22 (previously RL60.56) at the south-eastern corner of the building (as shown in plans DA-0501 and DA-0502 attached to this report).

The departure is largely the result of the fall of the land from the north eastern to south eastern corner of the site (approximately 3.0 metres) and the retention of the existing built form on the lower levels which in effect contributes to the difficulty in complying with the maximum building height standard with a 6 storey development. The continued voluntary retention of such structures is acknowledged as a valid site limitation, one that would be unreasonable to require demolition, with the intent of achieving a compliant building height.

Accordingly, it is considered that compliance with the development standard still remains

unreasonable and unnecessary in the circumstances of the case as the development remains an appropriate built form outcome for the site, despite the contravention to the maximum building height standard. It is also agreed that there still remains sufficient environmental planning grounds to continue to support the departure.

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

The draft Canterbury Bankstown Consolidated Local Environmental Plan is a draft environmental planning instrument that is currently on public exhibition. The draft instrument has been considered and does not result in any site specific implications in review of the subject modification applications.

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

The following table provides a summary of the modification applications against the controls contained in Section 4 of the Bankstown Development Control Plan 2015.

STANDARD	BDCP 2015 SECTION 4	
	Provided	COMPLIANCE
<b>Chester Hill Village Centre</b>		
<b>Storey Limit</b>  <b>2.1</b> Development within the Chester Hill Village Centre and Sefton Small Village Centre must comply with the storey limit that corresponds with the maximum building height shown for the site on the Height of Building Map: 20 metres = 6 storeys.	6 storeys provided.	Yes.
<b>Setbacks to the primary road frontage of allotments</b>  <b>2.2</b> The minimum setbacks to the primary road frontage of an allotment within Zone B2 Local Centre are: (a) zero setback for the basement level, the first storey (i.e. the ground floor) and second storey; and (b) 5 metres for the third storey and above.	The setbacks are:  <b>DA-1159/2009/A</b> Priam Lane – Levels 1 to 5 – 4.40m.  <b>DA-940/2016/A</b> Priam Lane – Level 6 – 6.80m.	The modification does not propose an additional non-compliance to that originally approved through DA-1159/2009.
<b>Setbacks to the secondary road frontage and the side boundary of allotments</b>  <b>2.3</b> The minimum setback to the secondary road frontage and the side boundary of an allotment within Zone B2 Local Centre is zero setback for all storeys.	The setbacks to the secondary road frontages for the additional storey includes:	

STANDARD	BDCP 2015 SECTION 4	
	Provided	COMPLIANCE
Where development is adjacent to residential zoned land, Council may increase the minimum setback to the secondary road frontage and side boundary	<p><b>DA-1159/2009/A</b>  Priam Street (West) – 4.4m  Priam Lane (East) – Levels 1 to 5 – 5.4m to 10.5m.  South (Council Carpark) – 5.0m</p> <p><b>DA-940/2016/A</b>  Priam Street (West) – 6.8m  Priam Lane (East) – 10.4m to 11.8m.  South (Council Carpark) – 7.9m</p>	<p>Yes.</p> <p>Yes.</p>
<p><b>Setbacks to the rear boundary of allotments</b></p> <p><b>2.4</b> The minimum setbacks to the rear boundary of an allotment within Zone B2 Local Centre are:</p> <p>(a) zero setback for the first storey (i.e. the ground floor) and second storey where the site adjoins a rear lane; or</p> <p>(b) 3 metres for the first storey (i.e. the ground floor) and second storey where the site does not adjoin a rear lane; and</p> <p>(c) 3 metres for the third storey and above.</p>	In this instance the allotment consists of three (3) road frontages and a side boundary (south).	Not applicable.
<p><b>2.5</b> Despite clause 2.4, dwellings on allotments identified in Figure 3 must comply with:</p> <p>(a) the minimum setbacks shown in Figure 3; or</p> <p>(b) incorporate appropriate measures to ensure that the following LAeq levels are not exceeded:</p> <p>(i) in any bedroom in the building–35 dB(A) at any time between 10.00pm and 7.00 am; and</p> <p>(ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)–40 dB(A) at any time.</p>	The allotment is not identified in Figure 3.	Not applicable.
<p><b>Building design (car parking)</b></p> <p><b>2.6</b> Where an allotment adjoins a rear lane, Council may allow above ground car parking at the rear of the allotment provided that</p> <p>(a) the car park occupies only the rear of the first storey (i.e. the ground floor) and second storey; and</p> <p>(b) the car park must be setback a</p>	<p>The existing basement (to be retained) adjoins a rear lane (Priam Lane) and accommodates above car parking in a basement and above ground car parking.</p> <p>The subject modification applications only seek to modify the internal</p>	Not applicable, however the retained basement would meet the intent of the controls.

STANDARD	BDCP 2015 SECTION 4	
	Provided	COMPLIANCE
<p>minimum 18 metres from the front building line to allow the gross floor area at the front of the building to be used for commercial, retail, or residential purposes; and</p> <p>(c) the building design must promote natural surveillance on the lane.</p>	<p>arrangement of the basement and ground floor parking.</p>	
<p><b>Building design (signage)</b></p> <p><b>2.7</b> Business and building identification signs must integrate with the architectural features of the building to which they are attached as follows:</p> <p>(a) Under awning signs, awning fascia signs, top hamper signs, projecting wall signs, wall signs and painted window signs are permissible at or below the awning level. Where there is no awning to the building, signs are solely permitted below the window sill of the second storey windows.</p> <p>(b) Painted window signs and individual laser cut lettering applied to the facade are permissible above the awning level. Painted window signs must not obscure more than 25% of the window area.</p> <p>(c) Signs that are painted or attached to a building must not screen windows and other significant architectural features of the building</p>	<p>No signage has been proposed with this application.</p>	<p>Not applicable.</p>
<p><b>Active street frontages</b></p> <p><b>3.1</b> The design of street frontages must ensure:</p> <p>(a) the ground floor is at the same general level as the footpath and accessible directly from the street; and</p> <p>(b) the ground floor provides a positive street address in the form of entries, lobbies and clear glazing that contribute to street activity and promote passive surveillance. The ground floor facade must minimise large expanses of blank walls.</p> <p>This clause applies to locations where it is essential to retain the ground floor as commercial and retail floor space as</p>	<p>The existing commercial street frontage on Priam Street meets the intent of the control.</p> <p>Modification application DA-1159/2009/A seeks to maintain commercial areas on the lower ground floor.</p>	<p>Yes.</p>

STANDARD	BDCP 2015 SECTION 4	
	Provided	COMPLIANCE
shown in Figure 4.		
<b>Vehicle footpath crossings</b>  <b>3.2</b> Development must optimise the opportunities for active street frontages and streetscape design by: (a) making vehicle access points as narrow as possible; (b) limiting the number of vehicle accessways to a minimum; and (c) avoiding the location of car park entries, driveways and loading docks at the corners of street intersections.  For sites with two or more frontages, car park entries, driveways and loading docks must locate on lanes and minor streets rather than primary street frontages or streets with high pedestrian activity.	As discussed, the existing commercial street frontage on Priam Street meets the intent of the control.  The access points to the basement and ground floor parking are limited to Priam Lane (North) and Priam Lane (East).	Existing, remains suitable.

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

There are no planning agreements applicable to the modification applications.

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

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

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

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, the non-compliances remain worthy of support. As such, it is considered that the impact of the proposed modifications on the locality will be acceptable.

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

The site is considered suitable for the proposed modifications.

**Any submissions made in accordance with the Act or the Regulations [section 4.15(1)(d)]**

In accordance with Council's Community Participation Plan the applications were advertised for a period of 21 days from 11 December 2019 to 22 January 2020. A total of two (2) submissions were received and considered in the content of this Report.

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

Having regard to the relevant planning considerations, the proposed modifications are in the public interest. They respond appropriately to the standards contained in the *Bankstown Local Environmental Plan 2015*. Matters raised in public submissions have been satisfactorily addressed, and the proposed modifications would contribute to housing diversity within the Canterbury-Bankstown LGA.

**CONCLUSION**

The modification applications have been assessed in accordance with the provisions of Section 4.55(2) and Section 4.15 of the Environmental Planning and Assessment Act 1979 requiring amongst other things, an assessment against the provisions contained within State Environmental Planning Policy 55 (Remediation of Land), Deemed State Environmental Planning Policy (SEPP) 2 Georges River Catchment, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG), Bankstown Local Environmental Plan 2015, and Bankstown Development Control Plan 2015.

The modified development represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions. Approval of these applications are considered to be consistent with the site's B2 Local Centre zoning and would not result in unacceptable or unreasonable impacts on the surrounding locality.



## Development Application No. DA-1159/2009/A

### Section 4.55(2) Modification:

**Reconfiguration of commercial and residential apartments (Levels 1 – 5) resulting in two commercial areas and four additional apartments, associated façade changes and modification of the onsite parking spaces.**

The Canterbury-Bankstown Council Local Planning Panel, as consent authority under the provisions of the Environmental Planning and Assessment Act 1979, gives notice that the request to modify the Development Application described above was determined in the following manner:

**That Development Consent No. DA-1159/2009 dated 8 June 2010 be modified as follows (modifications shown in *italics*):**

- 2) Development shall take place in accordance with Development Application No. DA-870/2016, submitted by ES Engineering & Design, accompanied by Drawing No. 16098-02, 03, 04, 05, 06, 07 & 11 Issue B, prepared by ES Engineering & Design, dated 11 November 2016 *and by Section 4.55(2) Modification Application 1159/2009/A, submitted by Augustus and Tracey Minett and accompanied by Drawing Nos. DA-0111 - Site Plan, DA-0201 – Basement Floor Plan, DA-0202 – Ground Floor, DA-0203 – Level 01, DA-0204 – Level 02, DA-0205 – Level 03, DA-0206 – Level 04, DA-0501 – Elevation 1, DA-0502 – Elevation 2, DA-0601 – Section 1 & 2, DA-0602 – Section 3 & 4, DA-0603 – Section 5 & 6 and DA-4001 – External Finishes all dated 12.11.2019, Revision 6, prepared by 3EM Architects 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.*

*56) Forty six off street car spaces are to be provided in accordance with the submitted plans. This shall comprise of:*

- *Thirty one residential spaces*
- *Six residential visitor spaces*
- *Nine commercial spaces*

The approval is subject to full compliance with all other conditions contained within Development Consent DA-1159/2009 dated 8 June 2010 and any associated Construction Certificate.



## Development Application No. DA-940/2016/A

### Section 4.55(2) Modification:

**Modifications to approved development – Level 6 (residential apartments) and associated façade changes.**

The Canterbury-Bankstown Council Local Planning Panel, as consent authority under the provisions of the Environmental Planning and Assessment Act 1979, gives notice that the request to modify the Development Application described above was determined in the following manner:

**That Development Consent No. DA-940/2016 dated 7 August 2017 be modified as follows (modifications shown in *italics*):**

- 2) Development shall take place in accordance with Development Application No. DA-940/2016, submitted by Tracy Minett, accompanied by Drawing Nos as follows:

Plan Number	Issue Number	Date
1 of 13 , 2 of 13	Issue A	15/9/2016
3 of 13, 4 of 13, 5 of 13, 6 of 13	Issue A	24/8/2016
7 of 13	Issue E	08/03/2017
8 of 13	Issue C	17/03/2017
9 of 13 to 11 of 13	Issue B	24/3/2017
12 of 13	Issue B	7/3/2017
13 of 13	Issue E	08/03/2017

prepared by AFD Design & Drafting Pty Ltd 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 *and by Section 4.55(2) Modification Application 940/2016/A, submitted by Augustus and Tracey Minett, prepared by 3EM Architects and accompanied by Drawing Nos. as follows:*

Plan Number	Issue Number	Date
DA-0111 - Site Plan	Revision 6	12/11/2019
DA-0207 – Level 5	Revision 6	12/11/2019
DA-0208 – Roof Plan	Revision 6	12/11/2019
DA-0501 – Elevation 1	Revision 6	12/11/2019
DA-0502 – Elevation 2	Revision 6	12/11/2019
DA-0601 – Section 1 & 2	Revision 6	12/11/2019
DA-0602 – Section 3 & 4	Revision 6	12/11/2019
DA-0603 – Section 5 & 6	Revision 6	12/11/2019
DA-4001 – External Finishes	Revision 6	12/11/2019

- 39) *Forty six off street car spaces are to be provided in accordance with the submitted plans. This shall comprise of:*

- *Thirty One residential spaces*

- *Six residential visitor spaces*
- *Nine commercial spaces*

The approval is subject to full compliance with all other conditions contained within Development Consent DA-940/2016 dated 7 August 2017 and any associated Construction Certificate.

-END



**ITEM 2**                      **Application to amend Canterbury Local Environmental Plan 2012: 165-169 Holden Street, Ashbury (Ashfield Reservoir)**

**AUTHOR**                      **Planning**

### **PURPOSE AND BACKGROUND**

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Council is in receipt of an application to prepare a planning proposal for the site at 165-169 Holden Street, Ashbury. The application seeks to rezone part of the site, identified as surplus land, from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential. The anticipated yield is up to five residential lots.

Council's assessment demonstrates that the proposal has strategic and site-specific merit and requests a recommendation to progress to Gateway. The proposed zone is compatible with the surrounding R2 Residential zone and any potential impacts to the Heritage Conservation Area will be mitigated through a site-specific DCP.

As the site is an identified item of local heritage significance and listed on the Sydney Water S170 Heritage Register, the NSW Department of Planning, Industry and Environment (Heritage) has been consulted as part of the assessment and have indicated support for the proposal. The assessment identifies the need for additional information as part of the Gateway process to manage the likely effects of the proposal.

### **ISSUE**

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The Local Planning Panel is requested to recommend whether a planning proposal for the site at 165-169 Holden Street, Ashbury should proceed to Gateway in accordance with the Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces.

### **RECOMMENDATION** That -

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1. The application to amend Canterbury Local Environmental Plan 2012 proceed to Gateway subject to the following:

- a) Rezone part of the site from SP2 Infrastructure (water Supply System) to R2 Low Density Residential.
- b) Reduce the heritage curtilage of the Ashfield Reservoir (WS003, Item No.11) in line with the recommendations of the Statement of Heritage Impacts (SOHI) report.
- c) Apply a maximum building height of 8.5m to the portion of the site that is proposed for rezoning to R2 Low Density Residential.
- d) Apply a minimum lot size of 460m<sup>2</sup> to the portion of the site that is proposed for rezoning to R2 Low Density Residential.

2. The applicant demonstrates how the proposal would comply with Council's Affordable Housing Strategy (draft).

3. Council prepare a site specific DCP Amendment as outlined in section 5 of this report Draft site specific Development Control Plan (DCP) to ensure a development outcome that is sympathetic to the character of the surrounding area and exhibit the DCP Amendment concurrently with the planning proposal.

4. Council request the applicant to update the supporting studies prior to exhibition to reflect the outcome of the following studies:

- Remediation Action Plan (RAP)

Site Audit Report (SAR) covering the RAP by an EPA accredited Site Auditor

## **ATTACHMENTS**

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A. Assessment Findings

## **POLICY IMPACT**

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The planning proposal, once gazetted, would amend the land uses permissible on the land.

## **FINANCIAL IMPACT**

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A financial contribution towards Affordable Housing will be sought as part of the planning proposal in accordance with Council policy.

## **COMMUNITY IMPACT**

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Should a Gateway be issued by the Department of Planning, Industry and Environment, consultation will occur as directed and that will be reported back to Council after the conclusion of the exhibition period.



## 1. SITE DESCRIPTION

The current site address is 165–169 Holden Street, Ashbury (the ‘site’), and is legally known as:

Property Address	Lot and DP Description	Site Area
165 – 169 Holden Street, Ashbury	Lot 1 on DP711077, Lot 1 on DP911478 and Lot 1 on DP115504	8,225m <sup>2</sup>

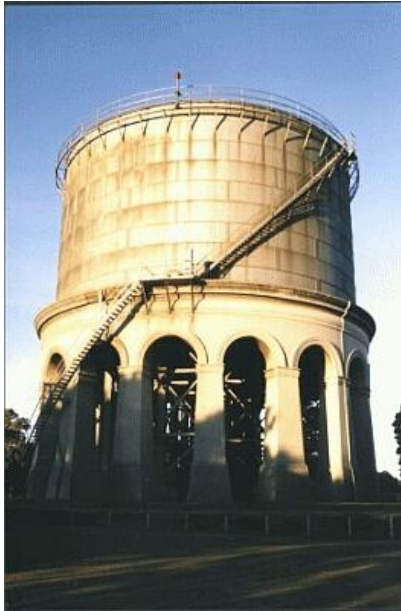
The site is occupied by a reservoir tower and ancillary buildings (including storage buildings). An area of land surrounding the reservoir tower has been identified as surplus land by Sydney Water, which Sydney Water seeks to rezone. The resultant portion of land proposed to be rezoned under this proposal (‘**subject site**’) is approximately 2,934m<sup>2</sup> which partially affects both Lot 1 on DP911478 and Lot 1 on DP115504 (see Figure 2). The remainder of the site is to be retained by Sydney Water and will continue to be used for operational purposes.



Figure 2: Site Identification with Aerial Photo.

The address contains the heritage significant Ashfield Reservoir, an elevated reservoir, made of steel panels riveted together, standing on a steel frame. The base of the reservoir is concealed behind a concrete arched colonnade. The reservoir is located at a high point in the area and is a very prominent local landmark item that retains a high degree of original integrity. It is one of a group of four reservoirs in the Sydney Metropolitan area of similar construction and date and is listed on the State Heritage Register (WS003), and in Schedule 5 Environmental Heritage of Canterbury LEP 2012 (Item No.11). The site is also within the Ashbury Heritage Conservation Area.





Images: Ashfield Reservoir now and in 1936. (Council, Royal Australian Historical Society)

This site is within Zone SP2 Infrastructure (Water Supply System) under the Canterbury Local Environmental Plan 2012 (CLEP 2012). There is currently no Floor Space Ratio (FSR), Heights of Buildings (HOB) or minimum Lot Size controls on the site. Residential uses are not currently permitted.

The address is bound to the north and south by low density residential dwellings (zoned R2), to the west by Peace Park and by Holden Street to the east. Lot 1 on DP911478 has a frontage of about 85m along Holden Street. The site sits at the crest of Holden Street and Peace Park and is occupied by disused Sydney Water buildings of an industrial nature.

The immediate area surrounding the site is characterised by detached, single storey, inter-war period housing comprising the Ashbury Heritage Conservation Area (see Figure 3). While there is some contemporary housing in the area, it is predominately characterised by various heritage conservation areas. There is little to no medium or higher density housing developments in the immediate area.

While the site is about 1km away from either Ashfield or Canterbury Train Stations, it is within 400m of multiple bus stops.





Figure 3: Locality Map

## 2. PROPOSAL

In October 2017, Council received an application to amend the zoning on 2,934m<sup>2</sup> ('the site') of the existing 8,225m<sup>2</sup> area from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential under the CLEP 2012 (see Figures 4 and 5).

The proponent submitted a planning proposal report (prepared by GLN Planning, dated October 2017) supported by the following studies:

- Statement of Environmental Effects by Sydney Water (dated 7/07/17)
- Various Remediation reports including a Site Audit Report (SAR) by JBS&G Australia (dated 16/08/19)
- Statement of Heritage Impact by Extent Heritage (dated 8/10/18)
- Conservation Management Plan by Sydney Water (dated June 2005)

The applicant has also provided an indicative subdivision pattern for the new lot (Figure 6). Further refinement of the subdivision pattern will be undertaken as part of the draft DCP.

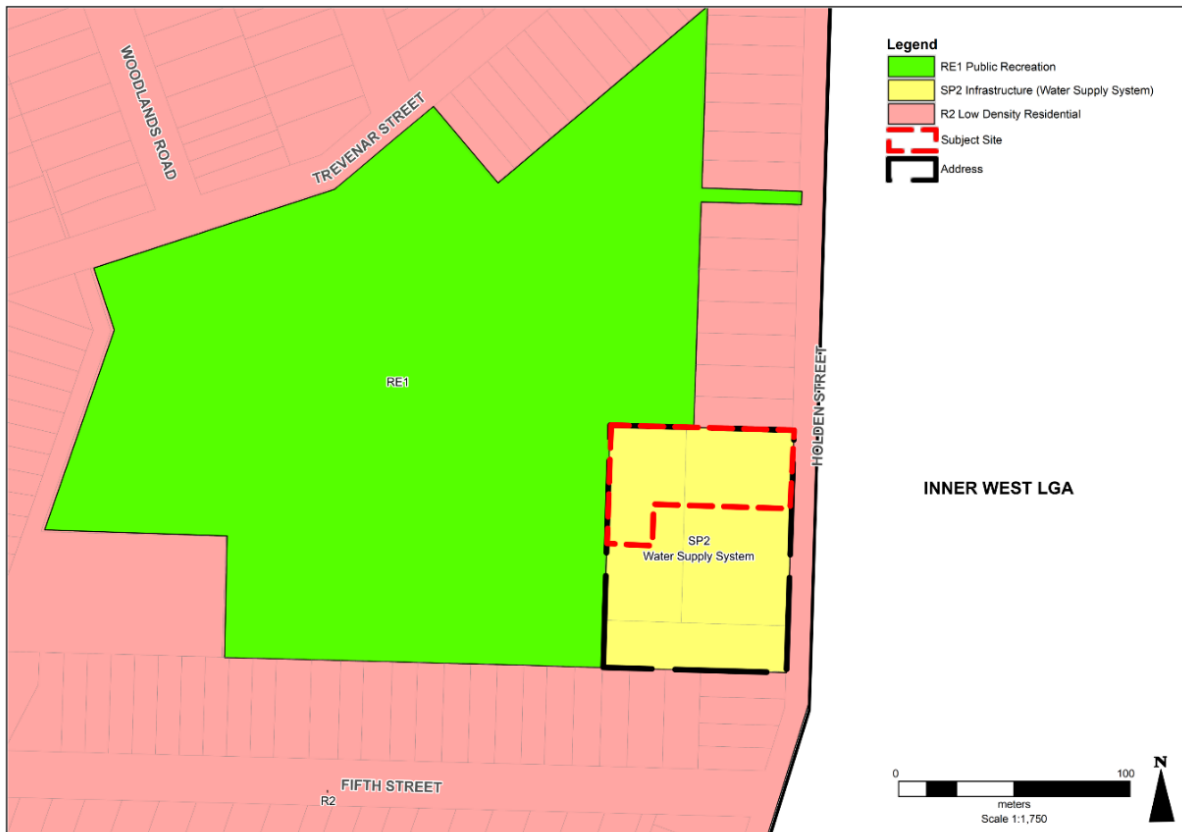


Figure 4: Existing Land Zoning Map

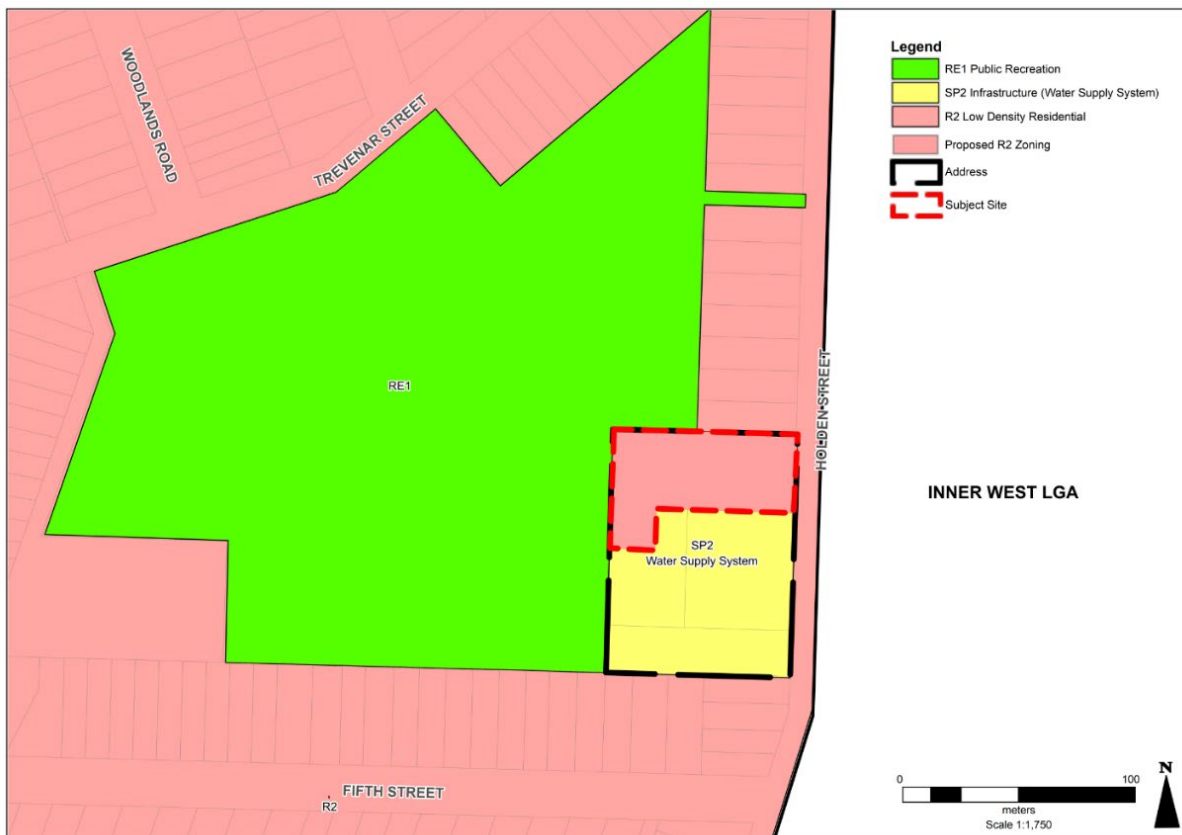


Figure 5: Proposed Land Zoning Map

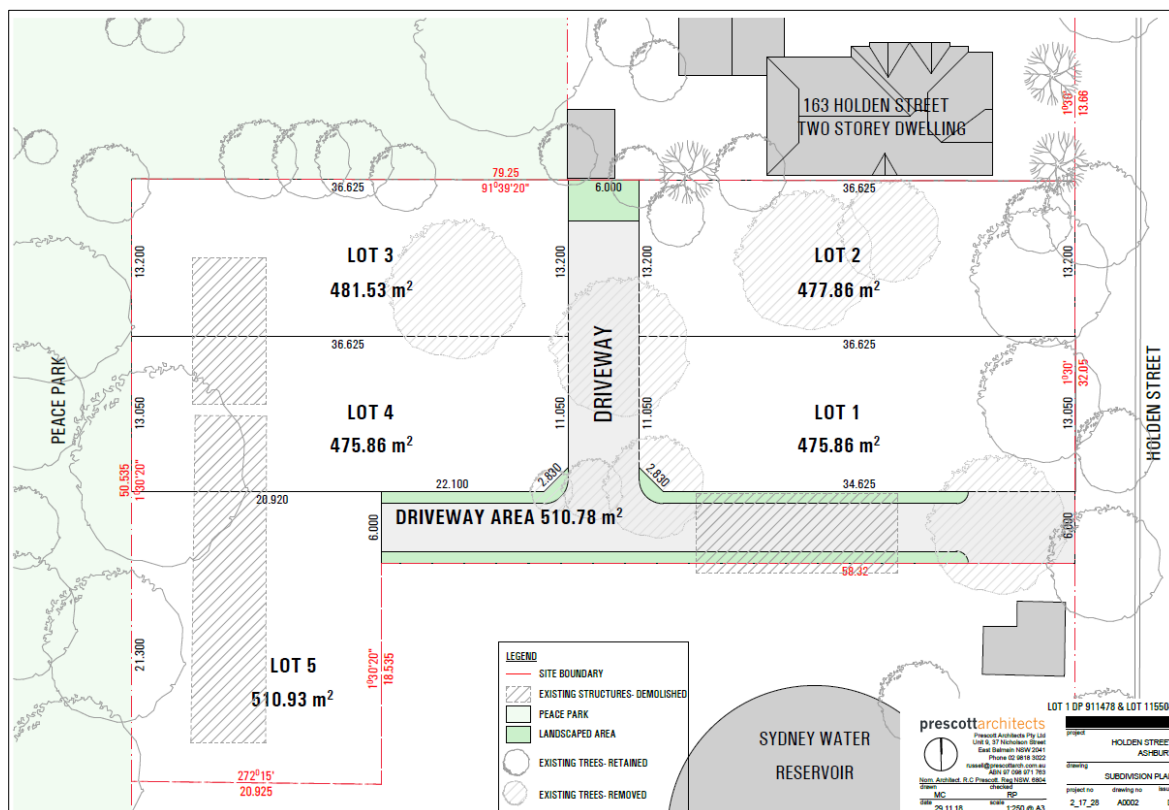


Figure 6: Concept Subdivision Plan

The applicant has proposed to apply Council's standard controls for the Zone R2 under CLEP 2012 to the site (see Table 1 below) to ensure future development is compatible with the surrounding land and delivers a consistent streetscape and character with the surrounding area (See Figures 7 to 10).

The proposal also seeks to amend the local heritage item affectation over the surplus area. Currently the affectation affects all of Lot 1 on DP911478 (see Figure 11). The proposal would remove the affectation from the surplus land area reducing the curtilage to the water tower from the north (see Figure 12). The Ashbury Heritage Conservation Area affectation over the site would remain as would its listing on the Schedule 5 Environmental Heritage of Canterbury LEP 2012.

Table 1: Existing and Proposed Planning Controls for the site, Adjoining Zone R2 controls

Control	Existing	Proposed Site	Adjoining R2 Zoned Land
<b>Zone</b>	SP2 Infrastructure (Water Supply System)	R2 Low Density Residential	R2 Low Density Residential
<b>Height of Buildings</b>	N/A	8.5m	8.5m
<b>Minimum Lot Size</b>	N/A	460m <sup>2</sup>	460m <sup>2</sup>
<b>Floor Space Ratio</b>	N/A	Nil – to be managed through clause 4.4(2A) and 4.4A of CLEP 2012*.	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012*.
<b>Heritage</b>	State Heritage Curtilage – Ashfield Reservoir and Ashbury Heritage Conservation Area	Reduced State Heritage Curtilage – Ashfield Reservoir and Ashbury Heritage Conservation Area.	n/a



\*CLEP 2012 extracts state:

Clause 4.4(2A)

*Floor Space Ratio*

*(2A) Despite subclause (2), the maximum floor space ratio for a building that is a dwelling house or a semi-detached dwelling is as follows—*

- (a) 0.65:1—if the site area is less than 200 square metres,*
- (b) 0.55:1—if the site area is at least 200 square metres, but less than 600 square metres,*
- (c) 0.5:1—in any other case.*

Clause 4.4A

*Exceptions to maximum floor space ratio for non-residential development*

*(2) Despite clause 4.4, the floor space ratio for non-residential development on land to which this clause applies must not exceed—*

- (a) if the land is in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—0.5:1,*

The proposed zoning and development standards are consistent with the surrounding R2 low density residential zoning.

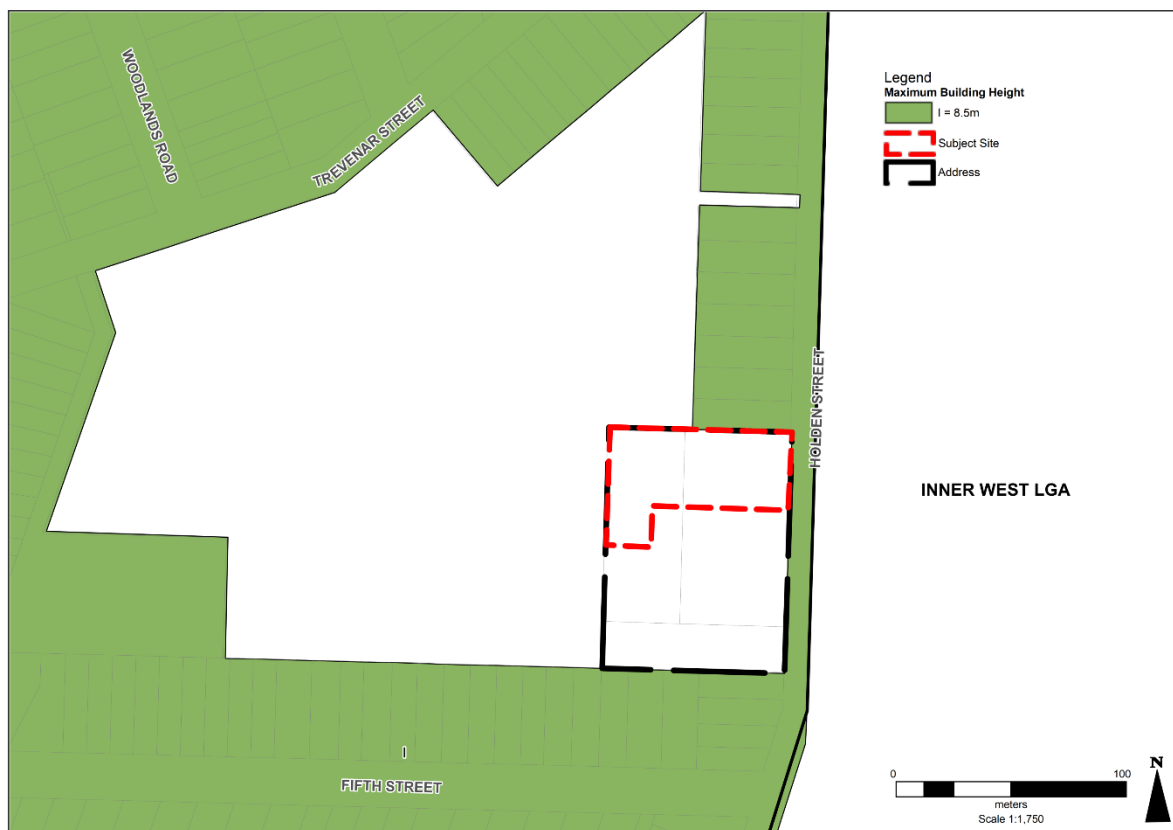


Figure 7: Existing Height of Buildings Map

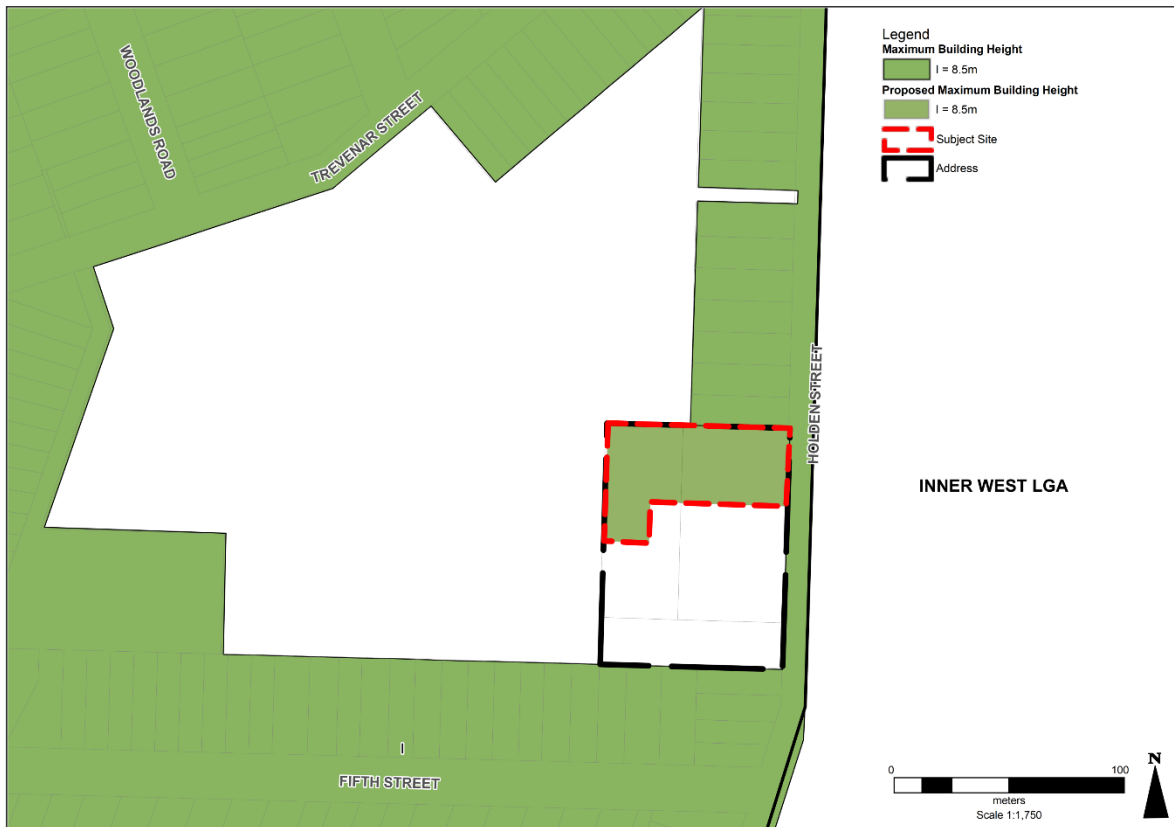


Figure 8: Proposed Height of Buildings Map

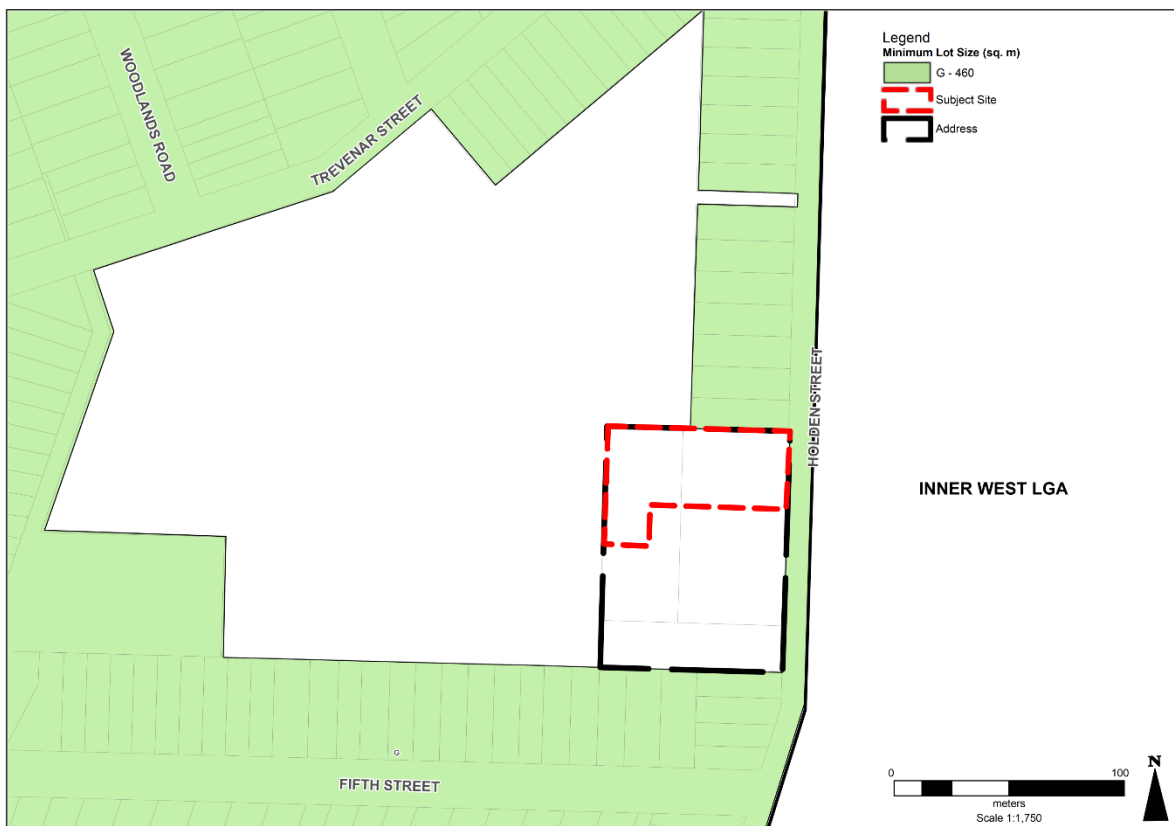


Figure 9: Existing Lot Size Map

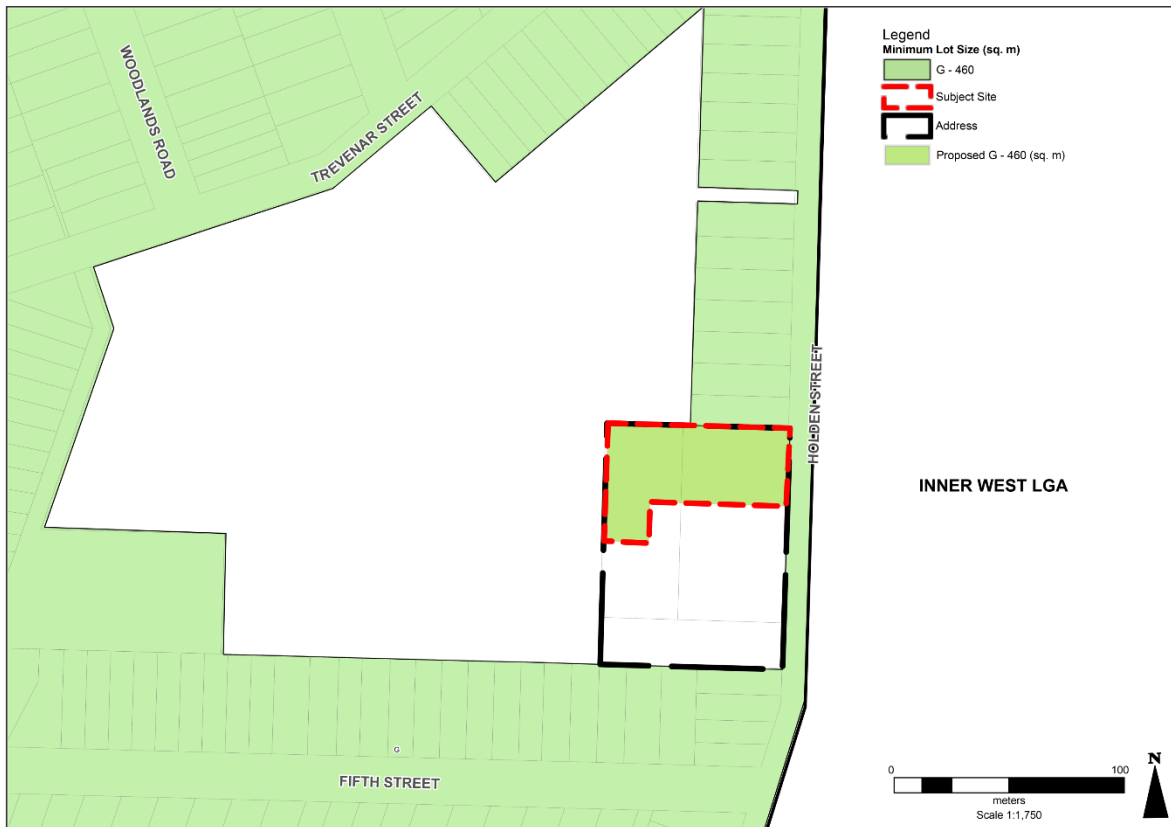


Figure 10: Proposed Lot Size Map

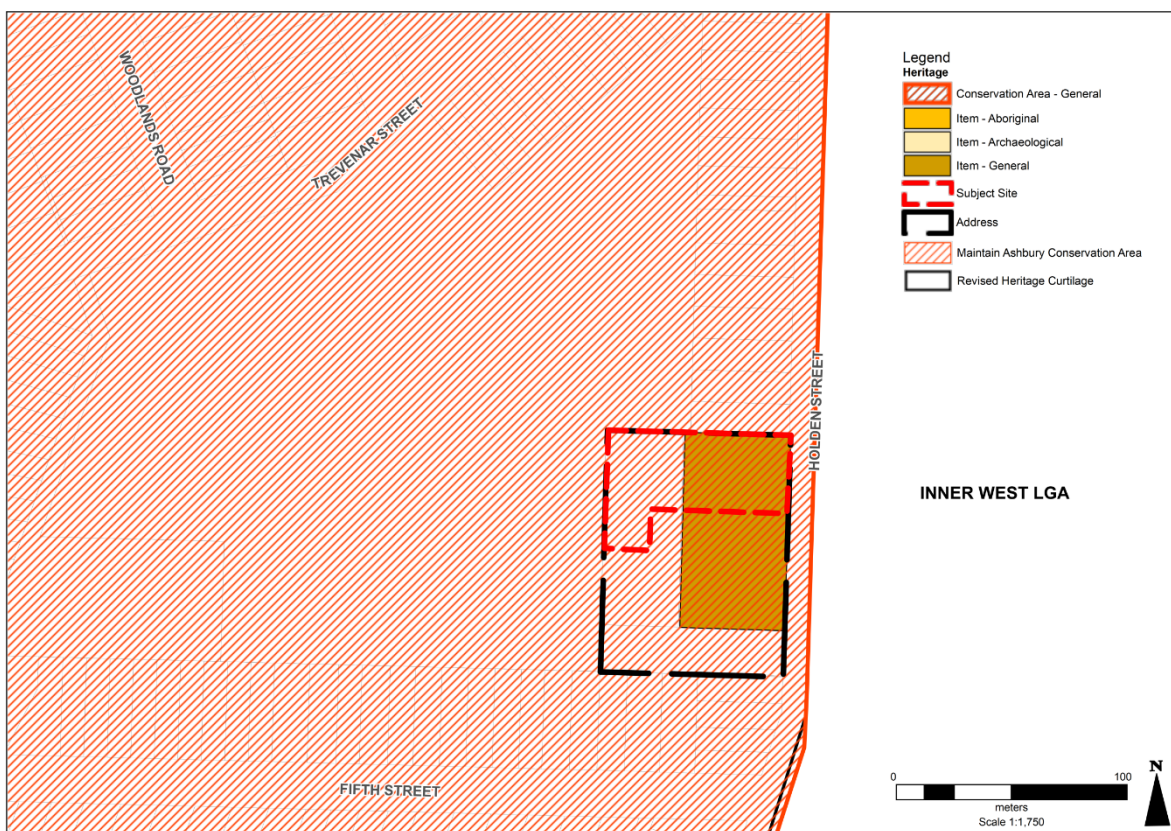


Figure 11: Existing Heritage Map

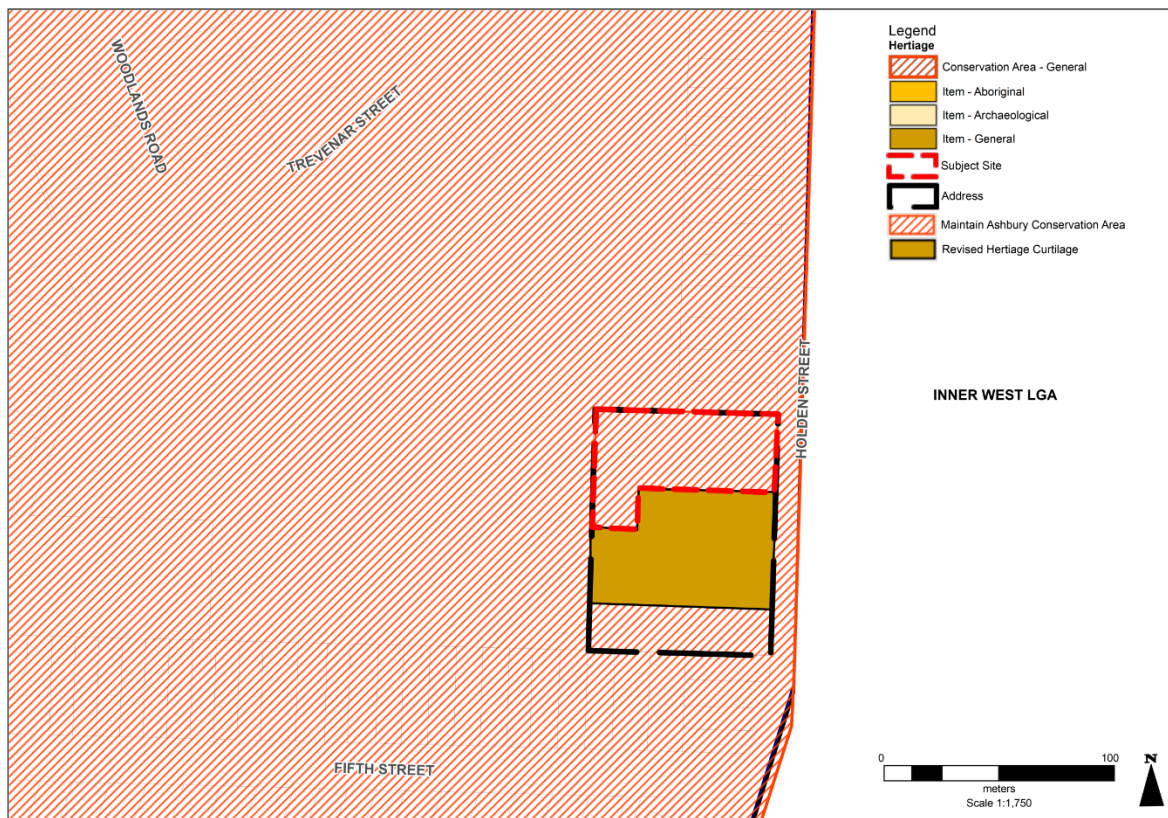


Figure 12: Proposed Heritage Map

### 3. SUMMARY

The assessment considered the proposal based on the Department of Planning, Industry and Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic merit to proceed to the Gateway, namely whether the proposal gives effect to key policies, including:

- Greater Sydney Region Plan (A Metropolis of Three Cities)
- South District Plan
- Local Strategic Planning Statement
- Canterbury Bankstown Housing Strategy
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

In relation to the proposed rezoning, Council's assessment findings (summarised in Section 4 below and detailed in Attachment A) indicate that **the proposal has strategic merit** as it will:

- deliver a zone which is compatible with the surrounding residential zone and eventually additional infill dwellings in the City contributing to greater housing diversity.
- has regard to the context, with the site being located within a Heritage Conservation Area and within a property listed as being of Local heritage significance and listed on Sydney Water's S170 (Heritage Act) heritage register and will manage impacts to the Heritage Conservation Area through a Site-Specific DCP.
- will ensure that identified contamination impacts are appropriately mitigated.
- Can make provision for a requirement of 5% affordable housing contribution for planning proposals resulting in more than 1000sqm of residential floorspace.



Should Council decide to proceed with a planning proposal, the assessment identifies the need for the following information to be provided post Gateway:

- Remediation Action Plan (RAP)
- Site Audit Report (SAR) covering the RAP by an EPA accredited Site Auditor
- Draft site-specific Development Control Plan (DCP) to ensure a development outcome that is sympathetic to the heritage character of the surrounding area.
- Planning Agreement to facilitate a contribution for Affordable Housing.

#### **4. ASSESSMENT**

In August 2016, the Department of Planning, Industry and Environment introduced the *Strategic Merit Test* to determine whether a proposal should proceed to Gateway as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*.

The proposal demonstrates strategic merit (see Attachment A) to proceed to Gateway subject to addressing the likely impacts as a result of the proposal. Should the proposal proceed to Gateway, the assessment identifies the following key issues to be addressed prior to exhibition.

##### **4.1 Heritage**

The subject site is part of the Ashfield Reservoir Heritage Item listed on Canterbury LEP 2012 (Schedule 5 Environment Heritage) and on Sydney Water's S170 Heritage Register.

Council referred the Statement of Heritage Impact (SOHI) to the NSW Government Heritage Office for review and comment. The SOHI supported the proposed reduction of the heritage curtilage on the Ashfield Reservoir (WS003, Item No.11) as shown in Figure 12.

The NSW Heritage Office review supported the spot rezoning and curtilage reduction as the recommended controls are considered appropriate and in keeping with the surrounding residential development. The Heritage Office requested a site specific DCP to guide sympathetic development.

Council has reviewed the SOHI and agrees that the spot rezoning and potential future development will have minimal impact on the heritage significance of the Ashfield Reservoir or Ashbury Heritage Conservation Area, with the application of a site specific DCP to guide sympathetic development.

##### **4.2 Contamination**

Council requested a review by an EPA accredited Site Auditor of the reports which identified that the site contained contaminants. The Site Audit Report (SAR) reviewed all the reports submitted by the applicant and acknowledged that the investigation plan is appropriate for determining the contamination status and assessing the suitability of the site for the proposed low density residential land use.

Council is satisfied that the land can be made suitable for the proposed use, subject to a Remediation Action Plan (review by a Site Auditor) being prepared post Gateway to determine the works necessary to render the site suitable for all available uses under R2 Low Density Residential zoning.



### **4.3 Affordable Housing**

Council is currently exhibiting a Draft Affordable Housing Strategy. The draft strategy identifies that the Planning Agreement Policy will be amended to require a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1000m<sup>2</sup> of residential floorspace, unless otherwise agreed with Council.

A potential yield of 5 residential lots would trigger the 1000m<sup>2</sup> threshold. The proponent will be asked to demonstrate how they can comply with this direction post Gateway.

### **4.4 Impact on infrastructure**

The proposal is located within a suburb that is adequately serviced by existing utility, community and transport infrastructure. The impacts on community facilities such as schools is relatively minor based on the proposed increase to five lots. Further, the minor increase in demand on other utility, community and transport infrastructure from potential development that would result from the rezoning can be addressed via Council's Section 94 Contributions Plan at the Development Application phase.

### **OTHER CONSIDERATIONS**

In relation to other considerations, Council assessed the proposal against the justification matters outlined in DPIE's publication *A Guide to Preparing Planning Proposals*.

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

A key matter for consideration is managing the likely effects as a result of the proposal to heritage significance, management of contamination issues and delivery of affordable housing.

The assessment identifies the need for the following information post Gateway should Council decide to proceed with a planning proposal:

- Remediation Action Plan (RAP)
- Site Audit Report (SAR) covering the RAP by an EPA accredited Site Auditor
- Draft site specific development control plan (DCP) to ensure a development outcome that is sympathetic to the character of the surrounding area.
- A commitment to a financial contribution for Affordable Housing to be delivered in the City.

**Attachment A** outlines the assessment findings.

## ATTACHMENT A–Assessment Findings

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

### 1. Strategic Merit Test

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

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

##### 1.1.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)

Evaluation	Consistent
<p><b>Proponent's Submission:</b> This planning proposal is consistent with the Greater Sydney Region Plan, namely Objective 10 to provide ongoing housing supply and a range of housing types in the right locations. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.</p> <p><b>Council's Assessment:</b> The proposal is generally consistent with the Greater Sydney Region Plan, namely:</p> <ul style="list-style-type: none"> <li>• Objective 4 – Infrastructure use is optimised under 'A city supported by Infrastructure' direction;</li> <li>• Objective 10 – Greater Housing Supply under the direction for 'Housing the City';</li> <li>• Objective 13 – Environmental heritage is identified conserved and enhanced under 'A city of great places' direction, and;</li> <li>• Objective 37 – Exposure to natural and urban hazards is reduced under the direction for 'A resilient city'.</li> </ul> <p>The proposed zoning and planning control amendments is consistent with the low density residential and conservation character of the surrounding neighbourhood and the significance of the Ashfield Reservoir.</p>	Yes.

##### 1.1.2 South District Plan

Evaluation	Consistent
<b>Proponent's Submission:</b> The subject site is located within the Southern subregion of Sydney. The planning proposal is consistent with the	Yes.

objectives outlined for the South subregion in that it will assist in achieving the priority to 'support the delivery of Canterbury-Bankstown's five year housing target of 13,250 dwellings, recognising significant growth from both infill development and the Bankstown to Sydenham urban renewal corridor'.

The planning proposal is consistent with the South District Plan, namely Planning Priority S5 to provide housing supply in the form of local infill development. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.

**Council's Assessment:** The proposal is generally consistent with the South District Plan, namely:

- Objective 4 – Infrastructure use is optimised under Planning Priority S1: Planning for a city supported by Infrastructure;
- Objective 10 – Greater Housing Supply under Planning Priority S5: Providing housing supply, choice and affordability with access to jobs, services and public transport;
- Objective 13 – Environmental heritage is identified conserved and enhanced under Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage, and;

The proposed rezoning will optimize infrastructure use by unlocking infrastructure land that is no longer required for operational purposes to provide greater housing supply within the greater Sydney region. Furthermore, the proposed R2 zone is consistent with the low density residential and conservation character of the surrounding suburban neighbourhood.

The reduction to the State Agency Heritage curtilage of the Item is considered appropriate as per advice from the Heritage Office and Heritage Consultant. Potential impacts to the Ashbury Conservation Heritage Area will be managed through application of a site-specific DCP, to will ensure consistency with surrounding and future uses on the site.

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

### 1.2.2 Local Strategic Planning Statement – *Connective City 2036*

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Nil to report (submitted prior to draft LSPS).</p> <p><b>Council's Assessment:</b> On 10 December 2019, the draft Local Strategic Planning Statement (LSPS) – <i>Connective City 2036</i> was adopted by Canterbury Bankstown Council. The LSPS was endorsed by the Greater Sydney Commission on 16 March 2020.</p> <p><i>Connective City 2036</i> aims to integrate a variety of transport modes with different land uses so that more people can connect to more places within the City and beyond. It will help to improve the City's ecological</p>	Yes

and river systems and create quality places for healthy living and ecological integrity.

With a City-wide target of 50,000 new dwellings by 2036, the planning proposal delivers on Actions E6.4.119 and E6.4.120 of Evolution 6: Urban and Suburban Places, Housing the City. These actions are:

- E6.4.119 Reinforce the low density character of suburban areas subject to Council's Local Housing Strategy
- E6.4.120 Identity the attributes that make special character areas unique, refine their boundaries and protect them from inappropriate development.
- E6.11.137 Affordable and social housing – prepare and exhibit the Affordable Housing Policy.

The proposal will ensure that impacts to the heritage water tower and heritage conservation area are minimised through a site-specific DCP that would be exhibited with the Planning Proposal. The proposed R2 Residential Zone is in keeping with the surrounding zone.

Council is currently exhibiting a Draft Affordable Housing Strategy. The draft strategy identifies that the Planning Agreement Policy will be amended to require a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1000m<sup>2</sup> of residential floorspace, unless otherwise agreed with Council.

A potential yield of 5 residential lots (including up to 10 dwellings based on lot configuration) would trigger the 1000m<sup>2</sup> threshold. The proponent will be asked to demonstrate how they can comply with this direction post Gateway.

As such the proposal is generally consistent with the LSPS – *Connective City 2036*.

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

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

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

Evaluation	Consistent
<b>Proponent's Submission:</b> The proposal appropriately responds to the existing natural environment of the site, including remediation investigations that will render the site suitable for low density residential	Yes

use. No significant environmental values or resources are known on the site.	
<b>Council's Assessment:</b> The proposal has regard to the natural environment as there are no significant effects known beyond contamination on the site.	

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood. The proposed rezoning to R2 Low Density Residential is consistent with the surrounding land uses and is not considered to result in any unacceptable amenity impacts.</p> <p><b>Council's Assessment:</b> The proposal has regard to and is generally consistent with the existing and desired future uses of land in the surrounding area for the reasons outlined in section 1.1 of this attachment.</p> <p>Further, the reduction to the State Agency Heritage curtilage of the Item is considered appropriate as per advice from the Heritage Office and Heritage Consultant. Potential impacts to the Ashbury Conservation Heritage Area will be managed through application of a site-specific DCP, to ensure consistency with surrounding and future uses on the site.</p>	Yes

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> No comment.</p> <p><b>Council's Assessment:</b> The proposal is located within a suburb that is serviced by existing utility, community and transport networks. Due to the size of the proposal, the increase in demand for services such as schools would be minor. The demand on transport, community and utility infrastructure from the potential development that would result from the rezoning can be funded through Council's Section 94 Contributions Plan.</p>	Yes

## 2. Planning Proposals – Justification Matters

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

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> This planning proposal is not a result of any strategic study or report.</p> <p><b>Council's Assessment:</b> The proposal is not the result of any strategic study or report.</p>	No

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Yes. Amending CLEP 2012 and rezoning part of the subject site to R2 Low Density Residential is the best means of achieving the objectives and outcomes of this planning proposal. This will facilitate the redevelopment of this land for residential purposes.</p> <p><b>Council's Assessment:</b> This planning proposal to rezone surplus Sydney Water land at 165-169 Holden Street, Ashbury is the best means of achieving the intended outcomes.</p> <p>The proposed rezoning will provide for local housing needs and is consistent with low density residential character of the surrounding neighbourhood. The addition of relevant planning controls, including site specific controls, is to be applied over the subject site to facilitate delivery of new development that does not impact on the character of the Ashfield Reservoir and surrounding Ashbury Conservation Area.</p> <p>Should Council decide to proceed with a planning proposal, a site specific development control plan is recommended to ensure sympathetic development with the surrounding character housing.</p>	Yes

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

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The current Sydney Metropolitan strategy – <i>A Plan for Growing Sydney</i> (the <b>Plan</b>) identifies that Sydney will need around 664,000 additional homes over the next 20 years. The planning proposal is consistent with the Plan in providing additional land for residential purposes in appropriate areas which are well serviced by public transport, roads, open space and community facilities.</p> <p>The rezoning sought under this planning proposal will:</p> <ul style="list-style-type: none"> <li>• Help to achieve the aims of the Plan</li> </ul>	Yes

Evaluation	Consistent
<ul style="list-style-type: none"> <li>Assist in providing housing stock and choice that suits different needs, budgets and lifestyle choices.</li> </ul> <p><b>Council's Assessment:</b> The proposal is generally consistent with the directions of the Metropolitan Plan, '<i>A Plan for Growing Sydney</i>', namely Direction 2.1: Accelerate housing supply across Sydney. The proposal delivers on the following actions of Direction 2.1:</p> <ul style="list-style-type: none"> <li>Action 2.1.1: accelerate housing supply and local housing choices</li> <li>Action 2.1.3: Deliver more housing by developing surplus or under-used Government land.</li> </ul>	

### 2.3.2 Greater Sydney Region Plan

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Refer to section 1.1 of this attachment.</p> <p><b>Council's Assessment:</b> The proposal is generally consistent with the Greater Sydney Region Plan for the reasons outlined in section 1.1 of this attachment.</p>	Yes

### 2.3.3 South District Plan

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Refer to section 1.1 of this attachment.</p> <p><b>Council's Assessment:</b> The proposal is generally consistent with the South District Plan for the reasons outlined in section 1.1 of this attachment.</p>	Yes

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

### 2.4.1 Community Plan – CBCity 2028

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The vision of Council's Community Plan 'CBCity 2028' is to have a city that is 'thriving, dynamic and real. The 'Liveable &amp; Distinctive' direction will achieve this by promoting a well-designed city which preserves the identity and character of local villages. The proposal is consistent with the Community Plan.</p> <p><b>Council's Assessment:</b> The CBCity 2028 is Council's 10-year plan to guide the City of Canterbury Bankstown on its journey through seven destinations to be a thriving, dynamic and real city.</p> <p>The proposal is generally consistent with the Canterbury Bankstown Community Plan – <i>CBCity 2028</i>, especially direction 6 for a liveable and distinctive city.</p>	Yes

### 2.4.2 Local Strategic Planning Statement – *Connective City 2036*

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Nil to report (submitted prior to draft LSPS).</p> <p><b>Council's Assessment:</b> On 10 December 2019, the draft Local Strategic Planning Statement (LSPS) – <i>Connective City 2036</i> was adopted by Canterbury Bankstown Council. The LSPS have achieved assurance from the Greater Sydney Commission (GSC) and is awaiting adoption by Council, or under delegation to the General Manager.</p> <p><i>Connective City 2036</i> aims to integrate a variety of transport modes with different land uses so that more people can connect to more places within the City and beyond. It will help to improve the City's ecological and river systems and create quality places for healthy living and ecological integrity.</p> <p>With a local target of 50,000 new dwellings by 2036, the planning proposal delivers on Actions E6.4.119 and E6.4.120 of Evolution 6: Urban and Suburban Places, Housing the City. These actions are:</p> <ul style="list-style-type: none"> <li>• E6.4.119 Reinforce the low density character of suburban areas subject to Council's Local Housing Strategy</li> <li>• E6.4.120 Identity the attributes that make special character areas unique, refine their boundaries and protect them from inappropriate development</li> </ul> <p>Potential impacts to the Ashbury Conservation Heritage Area will be managed through application of a site-specific DCP, to ensure consistency with surrounding and future uses on the site.</p> <p>The proposal is generally consistent with the draft LSPS – <i>Connective City 2036</i>.</p>	Yes

### 2.4.3 Canterbury Residential Development Strategy and draft Canterbury Bankstown Housing Strategy

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The Canterbury Residential Development Strategy (RDS) sets out the housing strategy to the year 2031. It considers the zoning and development controls in place to deliver housing to cater for the needs of the existing and incoming population for the area. The RDS is important in understanding the factors that drive the demand for new housing into the future and to ensure there are sufficient development opportunities for both the private and public sectors to meet this demand.</p> <p>Redundant land uses are discussed at Section 2.3.3 in the RDS which is relevant to the planning proposal. The RDS states that 'careful consideration should be given to decisions to change the zoning of</p>	Yes



redundant uses and, if and where supported, the proposed zoning to ensure amenity impacts are appropriately resolved’.

The proposed rezoning to R2 Low Density Residential is consistent with the surrounding land uses and is not considered to result in any unacceptable amenity impacts.

The planning proposal is not inconsistent with this local strategy and will provide additional housing within the Canterbury Bankstown LGA.

**Council’s Assessment:** Council has reviewed the RDS and supports the applicant’s position that the proposal is generally consistent with the local strategy. As it’s anticipated that the RDS will be superseded by the Draft Canterbury Bankstown Housing Strategy in the near future, the proposal has also been assessed against the revised strategy.

The Draft Canterbury Bankstown Housing Strategy is on exhibition following Council endorsement on the 25<sup>th</sup> February 2020. The intended outcome of the study is to inform a review of local environmental plans and guide future planning decisions.

With a forecast population of 500,000 by 2036 and the scarcity of greenfield development land, Council recognises that it cannot continue to rely on the delivery of housing in suburban areas.

The proposal delivers on the following strategic directions:

- #1 – Deliver 50,000 dwelling by 2036, subject to the NSW Government providing upfront infrastructure support;
- #4 – Ensure new housing in centres and suburban areas are compatible with the local character, and;
- #5 – Provide a choice of housing types, sizes, tenures and prices to suit each stage of life.

The proposal and intended form of housing supply in the Ashbury area aligns with the purpose of zone R2 Low Density Residential as outlined in the Strategy.

The RDS did not consider sites associated with a Heritage item or a heritage conservation area to be capable or accommodating further dwelling. Council could not have foreseen the identification of the site as surplus land to operational uses at the time of the RDS report (2013).

Subsequently, the planning proposal is generally consistent with both the RDS and draft Canterbury Bankstown Housing Strategy.

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

### 2.5.1 State Environment Planning Policy No. 55–Remediation of Land

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The subject site contains a level of contamination. Sydney Water have undertaken a Detailed Site Investigation (DSI) on the subject site.</p> <p>Based on the findings of the report, there are a number of contaminants on site which are required to be remediated prior to potential future use as low density residential development.</p> <p><b>Council's Assessment:</b> This SEPP requires Council to consider land contamination where it is proposed to enable development for sensitive land uses. Part 7A of the EP&amp;A Act reinforces this direction.</p> <p>According to the DSI report and subsequent Site Auditor Report (SAR) submitted with the application for the proposed low density residential use; the nature and extent of the contamination has been appropriately determined and the investigation, remediation or management plan is appropriate.</p> <p>Should Council proceed with a planning proposal, a Remediation Action Plan (RAP) (undertaken or approved by an accredited site auditor) is required post Gateway. The RAP will determine the works necessary to make the site suitable for all available uses under R2 Low Density Residential zoning.</p>	<p>Yes. Remediation Action Plan required if Council decides to proceed.</p>

### 2.5.2 State Environment Planning Policy (Infrastructure) 2007

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The planning proposal is not consistent with the aims of the Infrastructure SEPP.</p> <p>The planning proposal seeks approval for a minor rezoning and updates to the associated planning control maps. The amendments will not impact land to be retained by Sydney Water from relying on provisions within the ISEPP.</p> <p><b>Council's Assessment:</b> This SEPP identifies matters for consideration in relation to development adjacent to state classified infrastructure such as transport, electrical and water supply facilities.</p> <p>The proposal is consistent with the aim of this SEPP by allowing for the efficient development, redevelopment or disposal of surplus government owned land.</p>	<p>Yes.</p>

## 2.6 Is the planning proposal consistent with applicable Ministerial Directions?

### 2.6.1 Direction 2.3 – Heritage Conservation

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The subject site contains Ashfield Reservoir which is listed on the State Heritage Register.</p> <p>Council is currently considering a DA for the subdivision of the site to reconfigure the boundaries. This would create future Lot 1 (surplus land) and future Lot 2 which will contain the Ashfield Reservoir. This PP is consistent with the subdivision application and lot layout with this application seeking to rezone future Lot 1.</p> <p>A Statement of Heritage Impact (SOHI) was commissioned by Sydney Water. This report concluded that the proposed subdivision is not considered to have an adverse impact on the heritage significance of the Ashfield Reservoir. A separate application has been made to the NSW OEH to modify the curtilage of the heritage item.</p> <p>The subject site is also located within the Ashbury Conservation Area. The SOHI concluded that the proposed subdivision of the site will not have any direct impact upon the Ashbury Conservation Area.</p> <p><b>Council's Assessment:</b> The objectives of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Council referred the SOHI to the NSW Government Heritage Office for review and comment. The Heritage Office review supported the spot rezoning as the recommended controls are considered appropriate and in keeping with the surrounding residential development. The Heritage Office requested a site specific DCP to guide sympathetic development. Council has reviewed the SOHI and agrees that the spot rezoning and potential future development will have minimal impact on the heritage significance of the Ashfield Reservoir or Ashbury Conservation Area, with application of a site specific DCP to guide sympathetic development.</p> <p>The SOHI states that the planning proposal will maintain the item of significance, the Ashfield Reservoir. This is consistent with the requirements of this Ministerial Direction.</p> <p>Council notes that the subdivision DA is on hold until the rezoning is resolved.</p> <p>The development outcome/s that could result from the rezoning has the potential to be inconsistent with the conservation of the Ashbury Conservation Area character.</p>	<p>Yes, subject to application of a site specific DCP.</p>

Based on this, Council has requested a site specific DCP to facilitate protection of the Ashbury Conservation Area character (to be provided post-Gateway).

Based on the assessment the planning proposal can be made consistent with the requirements of Direction 2.3 – Heritage Conservation.

### 2.6.2 Direction 3.1 – Residential Zones

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The proposal is consistent with this direction. The rezoning will facilitate densities consistent with the surrounding area. The proposed rezoning is consistent with surrounding land to the north, south and east.</p> <p><b>Council's Assessment:</b> The objectives of this direction is to encourage a variety of housing types, make efficient use of existing infrastructure and minimise the impact of residential development on environment and resource lands.</p> <p>The planning proposal is consistent with this Ministerial Direction as the rezoning would provide suitably zoned land for additional dwellings in an existing residential area. The site-specific DCP will ensure any resultant development is in keeping with the heritage character of the locality.</p>	Yes.

### 2.6.3 Direction 3.4 – Integrating Land Use and Transport

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The site's location and access to public transport and existing facilities within nearby commercial centres achieves consistency with the objectives of this policy.</p> <p><b>Council's Assessment:</b> The objective of this direction is to give effect to and be consistent with specific guidelines.</p> <ul style="list-style-type: none"> <li><i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i></li> </ul> <p>Many of the planning principles in this guideline relate to location and design considerations for higher density housing. The rezoning of the subject site would allow for low density residential infill development within an established urban area. As such many of the principle in this guideline would not apply.</p> <p>However, the subject site is in proximity to dedicated bus routes which accesses the Hurlstone Park or Canterbury railway stations within 5 minutes and as such is consistent the principles of delivering new housing close to good transport options.</p>	Yes.

<ul style="list-style-type: none"> <li><i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i></li> </ul> <p>This guideline refers to business and services. The planning proposal does not propose any business activities.</p> <p>The planning proposal and potential associated impacts are consistent with this Ministerial Direction due to the close proximity to bus services. The planning proposal is an extension of an existing 2(a) residential zone. It is considered that any additional dwellings which result from the development of this land under this zone would utilise existing road networks and public transport services.</p>	
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### 2.6.5 Direction 5.10 – Implementation of Regional Plans

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The planning proposal is consistent with the current aims outlined in the Greater Sydney Region Plan (GSRP). Refer 2.3.2 for more information.</p> <p><b>Council's Assessment:</b> The objectives of this direction is to give legal effect to the vision, land use strategy, policies outcomes and actions contained in regional plans.</p> <p>The planning proposal is consistent with GSRP As set out in section 1.1 of this report.</p>	Yes.

### 2.6.6 Direction 6.2 – Land for Public Purposes

Evaluation	Consistent
<p><b>Proponent's Submission:</b> While the land is not identified to be acquired under CLEP, it is no longer required for a public purpose being for a Water Supply System. Sydney Water have lodged this planning proposal seeking to rezone part of the site to residential to facilitate the sale of this land.</p> <p><b>Council's Assessment:</b> The objectives of this direction is to facilitate the provision of public services and facilities or the removal of reservations where the land is no longer required.</p> <p>The proposal is consistent as the rezoning is requested by Sydney Water, the public authority responsible for the site. The site is identified by Sydney Water as no longer being required for operational uses.</p>	Yes.

### 2.6.8 Direction 7.1 – Implementation of A Plan for Growing Sydney

Evaluation	Consistent
<p><b>Proponent's Submission:</b> The planning proposal is consistent with A Plan for Growing Sydney and will facilitate housing growth within an identified growth area. Refer section 2.3.1 for more information.</p>	Yes.

<p><b>Council's Assessment:</b> The objectives of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i>.</p> <p>The proposal is consistent with <i>A Plan for Growing Sydney</i> as per section 2.3.1.</p>	
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**2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Evaluation	Consistent
<p><b>Proponent's Submission:</b> No. The subject site is not identified as containing threatened species, critical habitat, ecological communities or their habitat.</p> <p><b>Council's Assessment:</b> The proposal is consistent with the Ministerial Direction 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.</p>	Yes

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> There are no other likely environmental effects that are anticipated to result from the rezoning. Any remediation of the site will be completed prior to a change in land use.</p> <p>Technical reports undertaken on the site concluded that residential zoning for the site provides an acceptable outcome.</p> <p><b>Council's Assessment:</b> The proposal is not affected by any other known environmental effects.</p>	Yes

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Yes. There is not considered to be any adverse social or economic effects as a result of the amendments sought. It is considered that the rezoning will have a largely positive social outcome and will be harmonious with the existing social fabric of Ashbury through:</p> <ul style="list-style-type: none"> <li>• Providing an infill site for residential land use in close proximity to open space and public transport.</li> <li>• Adopting R2 Low Density Residential zoning which is consistent with the surrounding land uses.</li> </ul>	Yes.

<ul style="list-style-type: none"> <li>Facilitating future residential subdivision in line with CLEP 2012 as illustrated within the concept plans (not included with LPP submission). This rezoning will support future residential lots to meet the changing needs of the population.</li> </ul> <p>The planning proposal will facilitate future residential development that contributes additional housing within a suitable location.</p> <p><b>Council's Assessment:</b> The proposal would not have any other adverse social or economic effects that require management or mitigation.</p>	
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## 2.10 Is there adequate public infrastructure for the planning proposal?

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Yes. The residential development yield anticipated from the rezoning is modest and is considered to have negligible increase in traffic movements within the local road network.</p> <p><b>Council's Assessment:</b> The proposal is located within a suburb that is serviced by existing utility, community and transport networks. Council does not consider the scale of potential development that would result from the rezoning (up to 5 parcels) to significantly increase demand for services.</p>	Yes

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

Evaluation	Consistent
<p><b>Proponent's Submission:</b> Consultation with relevant State and Commonwealth public authorities will be undertaken as part of the exhibition of the planning proposal, as directed by the Gateway Determination.</p> <p><b>Council's Assessment:</b> The proposal has not been the subject of consultation with State and Commonwealth public authorities, except for the NSW Government Heritage Office. The Heritage Office support the spot rezoning as the recommended controls are considered appropriate and in keeping with the surrounding residential development. Any additional consultation with State and Commonwealth public authorities will be undertaken post Gateway, should Council decide to proceed with a planning proposal.</p>	Yes

-END-

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## Canterbury Bankstown Local Planning Panel - 06 April 2020

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<b>ITEM 3</b>	<b>188 Lakemba Street, Lakemba</b>
	<b>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</b>
<b>FILE</b>	<b>DA-507/2017– Roselands</b>
<b>ZONING</b>	<b>B2 – Local Centre</b>
<b>DATE OF LODGEMENT</b>	<b>20 December 2017</b>
<b>APPLICANT</b>	<b>Urban Link Pty Ltd</b>
<b>OWNERS</b>	<b>Instar Investment Holdings Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$8,093,421.00</b>
<b>AUTHOR</b>	<b>Planning</b>

### SUMMARY REPORT

The development application seeks consent for the demolition of the existing factory and the construction of a five storey mixed use development consisting of 25 units, 3 commercial tenancies and two levels of basement parking at the property known as 188 Lakemba Street, Lakemba.

The application was originally considered by the Canterbury Bankstown Local Planning Panel (the Panel) on 9 December 2019. The Panel determined that the matter be deferred and the Applicant be required to address the following matters by way of amended plans and/or additional information:

1. The architectural plans were not consistent and the elevations and floor plans need to be updated so as to be consistent.
2. That not all occupants of the building were able to access the roof top communal area by means of direct lift access. Any solution to this issue must not result in the height limit being breached.
3. The details of the street tree planting and the proposed footpath canopy were not consistent and the plans needed to be amended accordingly.

This addendum report has been prepared as the applicant has since amended relevant plans to address the various matters raised by the Panel.



Based on the detailed assessment of the revised plan and associated information, the application is recommended for approval.

## **POLICY IMPACT**

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This matter has no direct policy implications.

## **FINANCIAL IMPACT**

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This matter has no direct financial implications.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

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- A. Assessment Report
- B. Conditions of Consent

## **DA-507/2017 ADDENDUM ASSESSMENT REPORT**

On 9 December 2019, the Canterbury Bankstown Local Planning Panel deferred determination on DA-507/2017 for the Demolition of existing factory and construction of a five storey mixed use development consisting of 25 units, 3 commercial tenancies and two levels of basement carparking.

The reasons for the deferral were noted as:

1. The architectural plans were not consistent and the elevations and floor plans need to be updated so as to be consistent.
2. That not all occupants of the building were able to access the roof top communal area by means of direct lift access. Any solution to this issue must not result in the height limit being breached.
3. The details of the street tree planting and the proposed footpath canopy were not consistent and the plans needed to be amended accordingly.

On 11 February 2020, the applicant provided amended plans and held discussions with Council's Tree Officer regarding the appropriate species to deal with Point 3 above. Following those discussions, amended plans were received by Council on 21 February 2020.

### **1. Consistency of plans**

A complete set of amended plans (Appendix E) has been received. The applicant has amended the plans to ensure consistency between the elevations and the floor plans. In particular, the ground floor and elevations are now consistent in terms of locations of openings of the tenancies and the substation location.

### **2. Access to Roof Top Communal Space**

The applicant has amended the plans to show a second lift which goes from the roof to the basement level. The floor plans have been amended to ensure that the functionality of the building is maintained on each floor.

The proposed changes have not impacted on maximum building height, solar access and overshadowing or cross ventilation. Whilst there have been changes to apartment layouts, all apartments satisfy the minimum apartment sizes of the Apartment Design Guide, as identified in the previous Assessment Report.

Given the changes, the access to the communal roof top open space is now achievable from each section of the build. It is considered that the revised plans represent an improved outcome and align with Point 2 of the reasons for deferral.

### **3. Street Tree Planting and Canopy**

The applicant has provided an amended landscaping plan and planting schedule. The revised plans were referred to Council's Tree Officer for comment. The Tree Officer has raised no

objection to the planting scheme subject to the imposition of conditions which have been included within the amended conditions of consent (Appendix B) and, as such, the proposed amendments are considered to be in accordance with the requirements of the third reason for deferral.

## **CONCLUSION**

The development application has been assessed pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies.

## **RECOMMENDATION**

THAT Development Application DA-507/2017 be APPROVED subject to the amended conditions of consent contained within Appendix B

## **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.	Date of Issue	Prepared by
DA1002	Site – Demolition Plan	B	04/12/2017	Urban Link Pty Ltd
DA1003	Site Plan – Site Plan	H	17/02/2020	Urban Link Pty Ltd
DA2000	Floor Plans – Basement 02	G	17/02/2020	Urban Link Pty Ltd
DA2001	Floor Plans – Basement 01	G	17/02/2020	Urban Link Pty Ltd
DA2002	Floor Plans – Ground Floor Plan	J	17/02/2020	Urban Link Pty Ltd
DA2003	Floor Plans – Level 01	J	17/02/2020	Urban Link Pty Ltd
DA2004	Floor Plans – Level 02	H	17/02/2020	Urban Link Pty Ltd
DA2005	Floor Plans – Level 03	G	17/02/2020	Urban Link Pty Ltd
DA2006	Floor Plans – Level 04	G	17/02/2020	Urban Link Pty Ltd
DA2007	Floor Plans – Roof	H	17/02/2020	Urban Link Pty Ltd
DA3001	Elevations – North/South	H	17/02/2020	Urban Link Pty Ltd
DA3002	Elevations – East/West	K	17/02/2020	Urban Link Pty Ltd
DA3003	Elevations – Internal Courtyard	H	17/02/2020	Urban Link Pty Ltd
DA3004	Elevations – Streetscape	J	17/02/2020	Urban Link Pty Ltd
DA4001	Sections – AA	H	17/02/2020	Urban Link Pty Ltd
DA4002	Sections – BB	H	17/02/2020	Urban Link Pty Ltd
DA4003	Sections – CC	H	17/02/2020	Urban Link Pty Ltd
DA4004	Sections – DD/EE	H	17/02/2020	Urban Link Pty Ltd
DA4005	Sections – Sections FF/GG	B	17/02/2020	Urban Link Pty Ltd
DA4006	Sections – Typical Construction Details	A	19/03/2019	Urban Link Pty Ltd
1801	L-01 F - Rooftop Plan	F	14/02/2020	SiteDesign + Studios
1801	L-02 F – 3 <sup>rd</sup> / 4 <sup>th</sup> Floor	F	14/02/2020	SiteDesign + Studios
1801	L-03 F – Ground/ Level 1 + 2	F	14/02/2020	SiteDesign + Studios
1801	L-04 F – Existing Tree Plan	F	14/02/2020	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
-	Acoustic Assessment Report (Ref. 20160193.1/2911A/R1/TA)	-	29/11/2017	Acoustic Logic Consultancy Pty Ltd
-	188 Lakemba Street Lakemba NSW	-	13/12/2017	Morris Golding

	– Access Review			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.
  - b) All submitted plans are to remove the word ‘similar’ from the material schedule prior to the issue of a Construction Certificate.
- 3) Floor Slab Heights
- a) The FFL RL height of the each level must not exceed the RLs as shown below:
    - Level 01 – RL 30.600m
    - Level 02 – RL 33.600m
    - Level 03 – RL 36.600m
    - Level 04 – RL 39.600m
    - Roof – RL 42.600m
  - b) Prior to any Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the each floor accords with (a) above, to the satisfaction of the Principal Certifier.
- 4) Substation Location
- A modification application must be lodged to Council if the substation is required to be relocated, enlarged or modified in any way other than that as approved. Any such application must demonstrate how the structure/ facility will be integrated into the design of the building without relying on the front setback area.

5) Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

6) 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](http://www.ausgrid.com.au) about how to connect to Ausgrid's network.

7) 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.

8) 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.

9) 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.

10) 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](http://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.

11) 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.

12) Intercom, code or card locks or similar must be installed at main entries to the building to control access.

- 13) 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.
- 14) All vehicles are to enter and exit the site in a forward direction.
- 15) All vehicles are to wholly contained on site before being required to stop.
- 16) Bicycle parking associated within the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- 17) 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.
- 18) A construction works zone will not be permitted on Lakemba Street.
- 19) 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.
- 20) All of the recommendations of the Roof Terrace Plan of Management prepared by Pragma Urban Planning Pty Ltd are to be implemented and adhered to at all times.
- 21) The Remediation Action Plan (RAP) prepared by Geotechnical Consultants Australia (GCA) Pty Ltd (Dated: 25 July 2019, Report Number: E1932-1) and its recommendations are to be implemented and adhered to at all times.
- 22) The Acoustic Assessment report prepared by Acoustic Logic Consultancy Pty Ltd (Dated: 29/11/2017, Doc. Ref. 20160193.1/2911A/R1/TA) and its recommendations are to be implemented and adhered to at all times.
- 23) 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.



- 24) 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.

- 25) 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.

- 26) 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.
- 27) The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
- 28) Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
- 29) 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.
- 30) 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.
- 31) 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.
- 32) 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.

- 33) 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.
- 34) 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).
- 35) 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.
- 36) 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.
- 37) 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.
- 38) 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.
- 39) 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:

- 40) 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.
- 41) All aspects of the landscaping must be completed according to the submitted landscape plan (Drawn by Site Design Studios, drawing no. L-01F – L-04F Landscape Plan, Specification and Construction Details, submitted to council on 14 February 2020) 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
- 42) 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).
- 43) All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
- 44) 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.
- 45) 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.
- 46) 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.

- 47) 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.
- 48) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

Prior to release of a construction certificate 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.

- 49) 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.
- 50) 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.
- 51) 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](http://www.cbcity.nsw.gov.au).

- 52) 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.
- 53) 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.

- 54) 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.
- 55) 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.
- 56) 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.

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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.

- 57) 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.

- 58) 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:

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WORKS REQUIRING A 'WORKS PERMIT'

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



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

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

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

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

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

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

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

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

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

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

- 59) 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 20<sup>th</sup> 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 Council's system. Silt arrestor pit is to be sized in accordance with Canterbury Council's 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.

- 60) 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 Canterbury DCP 2012, Part 6.4.

- 61) 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 DCP 2012.
- 62) 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 DCP 2012.
- 63) 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.

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

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

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

- 65) 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.
- 66) A photographic survey of the adjoining properties at 186 Lakemba Street and 2 Croydon 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.
- 67) A dilapidation report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining property at 186 Lakemba Street and 2 Croydon 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.
- 68) 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.
- 69) 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

- 70) 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.
- 71) 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.
- 72) 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.
- 73) 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.
- 74) 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.
- 75) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.
- 76) 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.

- 77) 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.
- 78) 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.
- 79) 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.

- 80) 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: showing the name, address and telephone number of the principal certifying authority for the work, and
- a) **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,**
  - b) **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.

- 81) 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.
- 82) 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.
- 83) Approval is granted for the removal of the following trees:

Tree Species	Location
1 x <i>Callistemon viminalis</i> (weeping bottlebrush)	Located under powerlines on the south western side of the development site.

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work shall comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and the Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.

#### CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

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

- 86) 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 floor level and siting to the property boundaries conforms to the approved plans.
- 87) Prior to the first 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 floor level and siting to the property boundaries conforms to the approved plans.
- 88) Prior to the second 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 floor level and siting to the property boundaries conforms to the approved plans.
- 89) Prior to the third 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 floor level and siting to the property boundaries conforms to the approved plans.
- 90) Prior to the fourth 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 floor level and siting to the property boundaries conforms to the approved plans.
- 91) Prior to the roof 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 floor level and siting to the property boundaries conforms to the approved plans.
- 92) 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.
- 93) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 94) 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.
- 95) 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.**
- 96) 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.
- 97) 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.
- 98) 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.
- 99) 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".
- 100) 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.
- 101) A qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - shall be retained and regularly consulted throughout all demolition, clearing and construction work to ensure protection of the trees retained and compliance of all work with Australian Standard AS4373-2007 Pruning of amenity trees and Australian Standard AS4970-2009 Protection of trees on development sites.

102) The following street tree/s shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location	Protection Zones*
1 x <i>Callistemon viminalis</i> (weeping bottlebrush)	Located under powerlines on the south eastern side of the development site.	TPZ: 4.8m SRZ: 2.25m

\* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

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

- The tree/s is to be retained and protected together with its relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- **The area of Council's nature strip – excluding the concrete footpath – shall be fenced off for a distance of a 4 metres radius measured from the trunk of the *Callistemon viminalis* (weeping bottlebrush) located on the south eastern side of the development site prior to the commencement of demolition / construction. The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works.**
- The applicant will display in a prominent location on the fencing of each tree protection zone a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
  - a) The Development Consent number;
  - b) The name and contact phone number of the consultant arborist;
  - c) The purpose of the protection zone;
  - d) The penalties for disregarding the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced off Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone.
- Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.
- Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.

- Pruning of Council street trees/s can only be carried out under the authority of a Works Permit approving tree pruning and in accordance with the conditions imposed.

#### CONDITIONS TO BE SATISFIED PRIOR TO THE RELEASE OF THE SUBDIVISION

- 103) 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.
- 104) All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
- 105) The submission of one final plan of subdivision / consolidation and five copies.
- 106) 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

- 107) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 108) 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.
- 109) 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.
- 110) 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.

- 111) 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.
- 112) 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.
- 113) 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.
- 114) 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.
- 115) 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.
- 116) 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.
- 117) 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.
- 118) 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.



119) 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.

120) 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.

121) 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.

122) 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.

123) The awning maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.

124) 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"

125) 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".

- 126) 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-