



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

7 June 2021 - 6.00pm

ORDER OF BUSINESS

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ROSELANDS WARD

- 1 2 Chelmsford Avenue, Belmore**
Demolition of existing site structures and construction of a five storey mixed use development comprising of a ground floor retail premises, a commercial premises on the first floor and a residential flat building containing five apartments with rooftop communal open space 3

- 2 38-40 Croydon Street Lakemba**
Construction of a two-storey boarding house development comprising 28 boarding rooms plus one manager room, with basement car parking and associated site works 47

Canterbury Bankstown Local Planning Panel - 07 June 2021

ITEM 1	2 Chelmsford Avenue, Belmore
	Demolition of existing site structures and construction of a five storey mixed use development comprising of a ground floor retail premises, a commercial premises on the first floor and a residential flat building containing five apartments with rooftop communal open space
FILE	DA-566/2020 – Roselands
ZONING	B5 – Business Development
DATE OF LODGEMENT	9 July 2020
APPLICANT	CK Design Pty Ltd
OWNERS	Rediscover Simson Pty Ltd
ESTIMATED VALUE	\$2,827,089.00
AUTHOR	Planning

REPORT

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

Development Application No. DA-566/2020 proposes the demolition of existing site structures and construction of a five storey mixed use development comprising of a ground floor retail premises, a commercial premises on first floor and a residential flat building containing five apartments with rooftop common open space

DA-566/2020 has been assessed against the relevant provisions of State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012.

The application was initially notified for a period of 14 days between 31 July 2020 and 13 August 2020. A total of four submissions were received during this period. The following concerns were raised:

- *The proposal requires construction to occur on the common areas of the adjoining development, which means the common areas and appearance of the build will be changed and won't be reflect the contract signed with the developer.*
- *The construction of the development will result in adverse noise impacts on adjoining properties.*
- *The development will impact the structural integrity of adjoining developments.*
- *The development will result in adverse privacy impacts on adjoining properties.*
- *The development will impact on ventilation to adjoining properties.*
- *The development will result in adverse overshadowing impacts on adjoining properties.*
- *The development results in adverse traffic and parking impacts in Chelmsford Street.*
- *The proposal will adversely impact on the value of adjoining properties.*
- *The application is deficient in information to determine whether the development will result in wind and heat funnelling impacts.*
- *The application will result in adverse amenity impacts on adjoining properties which will result in current occupants having to relocate.*
- *Concern at the inclusion of a non-existent multi-storey building at number 2 Chelmsford Ave in the shadow diagrams. There is yet to be a DA submission for such a building. All three buildings at 2, 4 and 6 Chelmsford Ave are private single residences and lots 4 and 6 are zoned residential.*
- *Given the issues of global warming and the stress that has been put on the efficient use of energy it seems inadequate and a little out of step not to consider access to sunlight as a much higher priority that it has been given in the past. Sunlight is now a tangible commodity providing valuable energy savings to the home as well as generally helping to provide a pleasant and healthy environment. Consequently it is entirely appropriate in this day and age to expect that sufficient consecutive hours of sunlight at peak times would be protected through Councils existing controls and not diminished. This is especially so when significant investments have been made by residents to solar power.*

The Applicant was provided a single opportunity to address a number of concerns raised by Council within the additional information request letter dated 22 December 2020.

As outlined within the attached assessment report, there is ambiguity regarding the permissibility of the proposal. Furthermore, the current design seeks a departure from a number of planning controls including controls relating to building separation, solar access, natural ventilation, apartment design and car parking which are considered to adversely impact on the amenity afforded to future residents of the site as well as adjoining development. Given the extent of variations sought, it is considered that the site is not suitable for the proposal and support of the extent of variations sought would also result in a design that is inconsistent with the character envisaged for the locality.

Furthermore, the application is deficient in information to address concerns raised by Council's Traffic, and Waste departments. The outstanding matters raised by these departments would likely result in further redesign of the proposal to achieve compliance.

It is therefore recommended that the Application be refused.

POLICY IMPACT

This matter has no direct policy implications

FINANCIAL IMPACT

This matter has not direct financial implications

RECOMMENDATION

It is recommended that the application be refused, for the reasons contained in attachment B

ATTACHMENTS

- A. Assessment Report
- B. Reasons for Refusal

DA-566/2020 ASSESSMENT REPORT

BACKGROUND

On 23 July 2018, DA-327/2018 was submitted to Council by CSL Development Pty Ltd, for the demolition of existing structures and construction of a part five and part eight storey mixed use development containing one ground floor commercial unit and 16 residential units (1x 1 bedroom, 14x 2 bedroom and 1x 3 bedroom) with at grade parking and one level of basement parking.

On 21 September 2018 the Applicant, CSL Development Pty Ltd, commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the Respondent's deemed refusal of the development application. The Matter was discontinued on 27 September 2019.

The subject application (DA-566/2020) was lodged on 24 July 2020. The application originally sought consent to demolish existing site structures and construct a five storey shop top housing development comprising of ground floor commercial premises and nine residential units above with roof top common open space.

On 22 December 2020, an additional information request letter was issued to the Applicant to amend the design to address the concerns raised. In summary, the following concerns were raised:

- Compliance with State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and Apartment Design Guide.
- Permissibility.
- Variation to the maximum building height standard outlined within Canterbury Local Environmental Plan 2012.
- Stormwater design.
- Provision for essential services.
- Compliance with controls in Parts C4 and D1 of Canterbury Development Control Plan 2012 particularly in regard to parking, accessibility, waste, site width, façade design, solar access, setbacks, overall building design.
- Matters raised by Council's Building Surveyor, Development Engineer, Traffic Engineer, Waste Department and Urban Design Department.
- Other further information required to facilitate a detailed assessment.

The above information was due to be submitted on 19 January 2021. Council met with the Applicant on two occasions (28 January and 16 February 2021) to discuss the contents in the letter.

An extension to provide the information requested was provided until 17 March 2021. The information was submitted 29 March 2021. The assessment provided below is based on this information received.

In summary, it is noted that the site is somewhat constrained by virtue of the width of the site. However, the information submitted has not demonstrated that amalgamation with the adjoining property (4 Chelmsford) is not achievable. It is Council's view that through amalgamating with 4 Chelmsford, the proposed development will likely result in an improved amenity afforded to future occupants of the development as well as provide an improved transition of development to the adjoining R3 zone, compared to the design assessed as part of this application, as a result of the increased frontage width. As outlined within the report below, the current design seeks a number of variations to key development controls. The cumulative impact of these variations (should they have been supported) would result in adverse environmental impacts and subsequently would not be in the public interest. Therefore, the report recommends refusal of the application.

PROPOSED DEVELOPMENT

The Development Application (DA) seeks development consent for the demolition of existing structures, removal of six trees and the construction of a five storey mixed use development comprising retail and commercial premises and residential flat building with associated parking and landscaping. A detailed description of the development is provided below:

Ground Floor:

- 46.5sqm retail tenancy.
- 6 x residential parking spaces.
- 1 x commercial parking space.
- 1 x accessible visitor space.
- Separate residential and commercial waste bin storage areas.
- Fire Hydrant.
- Lift and stair access to upper levels.

First Floor:

- 58sqm commercial tenancy.
- Accessible toilet.
- Bottom level of 2 x two-bedroom apartments plus study which are accessed from the second floor above.
- Lift and stair access to other levels.

Second Floor:

- The upper level of the 2 x two-bedroom apartments also located on the first floor.
- The bottom level of 1 x three-bedroom apartment.
- Lift and stair access to other levels.

Third Floor:

- The upper level of the 1 x three-bedroom apartment also located on the second floor.
- 2 x one-bedroom apartments plus study.
- Lift and stair access to other levels.

Fourth Floor:

- 127sqm of communal open space, including a communal bathroom.
- Plant room.
- Lift and stair access to other levels.

Statutory Considerations

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

- State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)
- State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

Assessment

The development application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and the following key issues have emerged:

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

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

The subject site currently comprises a single storey residential dwelling and the historic use of the site is for residential. On this basis, there is no cause to believe that the subject site is contaminated and therefore would be considered suitable for the proposed use.

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

This policy applies to residential apartment development and is required to be considered when assessing this application. Residential apartment development is defined under SEPP 65 as development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component.

SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'. Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 (the Regs) requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the development application that addresses the design quality principles contained in SEPP 65 and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved. The documentation submitted comprises the Design Verification Statement. The statement comprises an assessment against the SEPP 65 principals, however it doesn't demonstrate, in terms of the Apartment Design Guide (ADG) how the objectives in Part 3 and 4 of that guide have been achieved, pursuant to Clause 50(1AB)(b)(ii) of the Regs.

The principles outlined within Schedule 1 of SEPP 65 are discussed as follows:

Principle 1: Context and Neighbourhood Character

Insufficient information has been submitted to determine whether the proposed development is consistent with Council's maximum building height control. Notwithstanding this, the design seeks departure from a number of development controls which represents an overdevelopment of the site. On this basis, the design is not considered to align with the desired future character of the locality.

Principle 2: Built Form and Scale

In addition to the above comment regarding height, the proposed design in its current form seeks a variation to the building separation, solar access and natural ventilation requirements contained within the ADG.

As the proposal currently stands, the design is not considered to be appropriate in terms of bulk and scale and could be improved.

Principle 3: Density

Given the number of variations proposed to key design controls, including controls relating to building separation, solar access, natural ventilation and acoustic privacy, the proposed density of the development is considered unsatisfactory and is not a reasonable response to the desired future context and built form.

Principle 4: Sustainability

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

Principle 5: Landscape

The proposal incorporates landscaping Level 1 as well as on the rooftop of each building as part of the communal open space area. Although the design doesn't incorporate any deep soil area, the proposed landscape area and design satisfies the ADG guidance for sites where the ground floor comprises 100% site coverage, such as the subject design.

Further, all the proposed apartments have access to private open space, in the form of balconies. The proposal satisfies the relevant landscaping requirements of the ADG and CDCP 2012.

Principle 6: Amenity

The proposed design does not satisfy the key design controls relating to building separation, solar access, natural ventilation and acoustic privacy. On this basis, the design in its current form, does not provide for adequate amenity for future residents of the development.

Principle 7: Safety

The applicant has considered Crime Prevention Through Environmental Design (CPTED) principles as outlined in CDCP 2012 in the design of the project. The proposal provides increased activation and passive surveillance of the surrounding streets and private open space areas on the site. Residential entry and lobby areas are to be secured and well lit.

Principle 8: Housing Diversity and Social Interaction

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

Principle 9: Aesthetics

The lack of articulation of the external façades and non-compliance with the relevant built form standards increases the perception of bulk, as well as adversely impacts the internal and external amenity. These elements result in a design that does not contribute to the desired future character of the locality and do not enhance the existing surrounding streetscapes.

Apartment Design Guide

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

Section	Design Criteria	Proposed	Complies
Part 3 Siting the Development			
3C Public Domain Interface	<ul style="list-style-type: none"> - Avoid long, high blank walls and fences - Direct access from the street to ground floor apartments and windows overlooking the street improve safety and social interaction; - Key components to consider when designing the interface include entries, private terraces or balconies, fence and walls, changes in level, services location and planting. - Safety considerations (real or perceived) and consideration of social interaction opportunities when viewed from the public domain. - Terraces, balconies and courtyard apartments to have direct street level entry where possible; - Changes in levels between ground floor and terraces to balance passive surveillance and privacy; - Provide seating at building entries, letter boxes and private courtyards adjacent the street. - Multiple building entrances to be clearly defined through architectural detailing, changes in materials, plant species and colours; - Concealment opportunities minimised. 	<p>The design of the southern and northern elevations comprises long, high blank walls.</p> <p>The building has been designed to incorporate private open space/habitable rooms facing Chelmsford Avenue to facilitate passive surveillance.</p> <p>Direct access to the retail tenancies from the street frontage is provided.</p> <p>Letterboxes aren't provided at the residential entrance.</p> <p>The entrance to the residential component is demarcated through setting the entrance back from the retail tenancy and with appropriate footway.</p> <p>Appropriate signage etc could also be incorporated via condition of consent, should the application be supported.</p>	No
3D Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site. (Total site area is 451.24m², requiring a minimum 112.81m²)</p> <p>Min 6m dimension.</p>	<p>Communal Open space for the residents is provided on the rooftop and measures 127sqm.</p>	Yes

Section	Design Criteria	Proposed	Complies	
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The communal open space solely receives solar access at 8am on 21 June.	No	
3E Deep Soil Zones	Deep soil zones are to meet the following minimum dimensions:		Yes – subject to conditions of consent.	
	Site Area	Minimum Dimensions		Deep Soil Zone (% of site area)
	Less than 650m ²	-		7%
	650m ² - 1,500m ²	3m		
	Greater than 1,500m ²	6m		
	Greater than 1,500m ² with significant existing tree cover	6m		
				No deep soil area is proposed. However, as per the design guidance within Part 3E of the ADG, it is acknowledged that the deep soil design criteria may not be possible on some sites including where there is 100% site coverage on the ground floor, such as this design. Where this occurs, the ADG recommend that an acceptable stormwater management should be achieved, and alternative forms of planting should be provided. Council’s Development Engineer has reviewed the design and raises no objection to the proposed stormwater design, subject to conditions of consent. Furthermore, the design incorporates planting on the upper levels. Therefore, the design is acceptable on merit.

Section	Design Criteria	Proposed	Complies				
3F Visual Privacy	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	For the purposes of the assessment below, reference to the floors is as shown on architectural plans.	No				
		North - Level 1: 0m - Level 2: 0m - Level 3: 0m - Rooftop: 1.2m		No			
		East - Level 1: 3m - Level 2: 6m - Level 3: 6.4m - Rooftop: 8.3m			No		
		South - Level 1: 3.2m - Level 2: 3.275m - Level 3: 3.275m - Rooftop: 4.5m				No	
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Section	Design Criteria	Proposed	Complies
3G Pedestrian Access and Entries	Multiple entries should be provided to activate the street edge.	Entries provided along Chelmsford Avenue.	Yes
	Entry locations relate to the street and subdivision pattern / existing pedestrian network.	Entry locations relate to subdivision pattern of the street,	Yes
	Building entries should be clearly distinguishable from private entries.	Residential entry is distinguished from retail component through increased setback and use of pathway. Appropriate signage can be conditioned.	Yes – via condition of consent should the application be supported.
	Building access areas (lift lobbies, stairwells and hallways) should be clearly visible from public domain and communal spaces.	Residential lift visible from public domain	Yes
	Minimise ground floor and underground level changes along pathways and entries. Steps and ramps integrated into design.	The building has been designed to ensure the entrance to the tenancy / residential entry points aligns, where possible, with the pathway it adjoins.	Yes – via condition of consent should the application be supported.
	Provide way finding maps for large developments. Electronic access and audio/video intercoms required.	Can be conditioned.	Yes – via condition of consent should the application be supported.
Part 4 Designing the Building			
4A Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	3 of the apartments proposed (60%) receive two hours solar access to internal living area and private open space.	No
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All apartments receive some direct sunlight.	

Section	Design Criteria	Proposed	Complies
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartment at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	<p>No apartments are cross ventilated. 4 of the 5 apartments rely on small windows within a light well to be cross ventilated. As outlined within Objective 4B-1 and 4B-1 of the ADG, light wells are not suitable for cross ventilation are not to be the primary air source for habitable rooms.</p> <p>No wind report has been provided to demonstrate this design achieves natural cross ventilation</p>	No
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	All cross through apartments included in the above calculations are less than 18m when measured glass line to glass line.	Yes

Section	Design Criteria	Proposed	Complies								
4C Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Commercial: Floor to Floor 3.6m for ground and first floor. It is unknown whether the mechanical ventilation on the ground floor impacts on the floor to ceiling heights. Furthermore, the ADG recommends a 4.1m floor to floor height on the ground floor to accommodate the 3.3m floor to ceiling height. There is concern that the 3.6m floor to floor height of the first floor will not be sufficient to accommodate the required slab and floor to ceiling height. Compliance with the recommended floor to floor heights will likely result in a development that exceeds the height of building development standard contained in CLEP 2012. Residential: Floor to floor heights are minimum 3.1m to enable 2.7m floor to ceiling heights.	No								
	<table><tr><th colspan="2">Minimum Ceiling Height for Apartment and Mixed-Use Buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Mixed use</td><td>3.3m for ground and first floor</td></tr></table>			Minimum Ceiling Height for Apartment and Mixed-Use Buildings		Habitable rooms	2.7m	Non-habitable	2.4m	Mixed use	3.3m for ground and first floor
	Minimum Ceiling Height for Apartment and Mixed-Use Buildings										
	Habitable rooms			2.7m							
	Non-habitable			2.4m							
Mixed use	3.3m for ground and first floor										
	These minimums do not preclude higher ceilings if desired.										

Section	Design Criteria	Proposed	Complies										
4D Apartment Size and Layout	Apartment are required to have the following minimum internal areas:	All apartments comply with the minimum internal area requirements.	Yes – via condition of consent should the application be supported.										
	<table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	NB some apartments comprise a wash room in addition to bathrooms. These washrooms haven't been included in the minimum apartment size requirements as they do not meet "bathroom" definition.	
	Apartment Type	Minimum Internal Area											
	Studio	35m ²											
	1 bedroom	50m ²											
	2 bedroom	70m ²											
	3 bedroom	90m ²											
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.												
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.													
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Noted.	Yes – via condition of consent should the application be supported.											
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All apartments with open plan layouts have a maximum depth of less than 8m.	Yes											
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All master bedrooms have a minimum area of 10m ² (excluding wardrobe). All other bedrooms have a minimum area of 9m ² (excluding wardrobe).	Yes											
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have a minimum dimension of 3m (excluding wardrobe).	Yes											

Section	Design Criteria	Proposed	Complies															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">• 3.6m for studio and 1 bedroom apartments• 4m for 2 and 3 bedroom apartments	The combined living/dining rooms within each apartment comply with the minimum width requirements.	Yes															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All cross through apartments are at least 4m internally.	Yes															
4E Private Open Space and Balconies	All apartments are required to have primary balconies as follows:	All apartments comply with the minimum balcony area and depth requirements.	Yes															
	<table><tr><th>Dwelling type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>			Dwelling type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m
	Dwelling type			Minimum Area	Minimum Depth													
	Studio apartments			4m ²	-													
	1 bedroom apartments			8m ²	2m													
	2 bedroom apartments			10m ²	2m													
	3+ bedroom apartments	12m ²	2.4m															
The minimum balcony depth to be counted as contributing to the balcony area is 1m.																		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Podium apartments have a podium greater than 15qm in size and 3m in depth.	Yes																

Section	Design Criteria	Proposed	Complies										
4F Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Maximum 3 apartments off the single circulation core.	Yes										
4G Storage	<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> <div>At least 50% of the required storage is to be located within the apartment.</div>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	All apartments meet the minimum storage requirements as demonstrated on Drawing No. A1-28.	Yes
Dwelling type	Storage size volume												
Studio apartments	4m ³												
1 bedroom apartments	6m ³												
2 bedroom apartments	8m ³												
3+ bedroom apartments	10m ³												

Section	Design Criteria	Proposed	Complies
4H Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	The design does not comply with minimum building separation. Furthermore, there is concern regarding the placement of ventilation vents for the parking area with respect to adjoining properties and within the subject site. this is discussed in further detail later within this report.	No
	Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	Corridors are located directly above each other on each floor. Noisy areas within buildings are grouped, where possible.	Yes
	Rooms with similar noise requirements are grouped together	Rooms with similar noise requirements are grouped together, where possible.	Yes
	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms	No bedrooms directly adjoin the driveway, building services or communal open space.	Yes

Section	Design Criteria	Proposed	Complies
4S Mixed Use	<p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> • development addresses the street • active frontages are provided • avoiding blank walls at the ground level 	<p>The development has been designed to appropriately address the street, particularly at ground level, to activate the street frontage. Direct access from the relevant adjoining street front has been provided to the ground floor retail and residential uses (where appropriate). The design doesn't incorporate any large spans of blank walls at ground level.</p>	Yes
	<p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided 	<p>Generally, the residential and commercial uses are adequately separated. The residential use has been demarcated through the use of an increased setback and incorporation of a pathway. Appropriate signage can be incorporated via condition of consent.</p>	Yes – via condition of consent should the application be supported.
	<p>Landscaped communal open space should be provided at and commercial podium or roof levels</p>	<p>The rooftop communal open space areas incorporate landscaping.</p>	Yes

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

BASIX Certificate No. 1114073M_02 dated 17 March 2021 accompanies this application. The Certificate makes a number of energy and resource commitments in regard to ventilation, provision of a central hot water system, at least three star water appliances, five star instantaneous gas water system, natural lighting and thermal comfort. These commitments have been shown on the DA plans, where appropriate. The design achieves a pass against the targets for water, thermal comfortable and energy. Subsequently, the design of the development satisfies the requirements of SEPP 2004.

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

The application involves the removal of 6 trees as well as impacts on adjoining trees. Council's Tree Preservation Officer has reviewed the application and raises no objection, subject to conditions of consent.

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

This site is zoned B5 Business Development. The controls applicable to this application are discussed below.

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

The objectives of the B5 Business Development Zone are as follows:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To provide for residential use in conjunction with mixed use development to create an attractive streetscape supported by buildings with a high standard of design.*
- *To support urban renewal that encourages an increased use of public transport, walking and cycling.*
- *To encourage employment opportunities on Canterbury Road and in accessible locations.*

The proposed development is considered to be inconsistent with the objectives of the B5 zone given the design of the ground floor, particularly in regard to the retail/commercial component. The size of these tenancies do not enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area as the retail tenancy is only 46.5sqm and the commercial tenancy is only 58sqm. As outlined in the table below, the Applicant hasn't adequately demonstrated which uses are actually permitted in these tenancies (as not all commercial/retail premises uses are permitted) and therefore it is unknown whether proposal is permitted, and if it is permitted, whether the smaller tenancies can accommodate such uses.

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.3 Zoning	B5 Business Development	<p>The proposed development is classified as a mixed use development. The site is identified as a Key Site within CLEP 2012. In accordance with Schedule 1, Clause 1 of CLEP 2012, residential accommodation is permitted with development consent on key sites, but only as part of a mixed use development.</p> <p>The development comprises a retail tenancy, a commercial tenancy and a residential flat building. Retail tenancies are prohibited in the B5 zone and therefore it is unknown which permitted uses are proposed within the commercial tenancies to ensure the residential component of the development is permissible pursuant to Schedule 1 of the CLEP 2012. Subsequently, the proposal in its current form is prohibited.</p>	No
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Approval is sought for the demolition of all existing structures on the subject site. A demolition plan was included with the architectural plans submitted to Council.	Yes
Part 4 Principal Development Standards			
4.3 Height of Buildings	18m	Maximum Building Height = 16.69m (lift overrun RL 56.85-NL40.16)	Yes
4.4 Floor Space Ratio	N/A	N/A	N/A

Provision/ Standard	Requirement	Proposal	Complies
Part 6 Local Provisions			
6.2 Earthworks	<p>Before granting consent to development including earthworks, the following must be considered:</p> <ul style="list-style-type: none"> (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	Council's Environmental Health Officer and Development Engineer have reviewed the proposal and raise no objection, subject to conditions.	Yes – via conditions of consent should the application be supported.

Provision/ Standard	Requirement	Proposal	Complies
6.4 Stormwater Management	Consent must not be granted unless: (a) Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration (b) Includes on-site detention if practical as an alternative means of water supply (c) Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts.	Council's Development Engineer has reviewed the stormwater design and raises no objection, subject to conditions of consent. It is noted that the development is proposed to be constructed over the Sydney Water Sewer easement that runs through the rear of the site. The Application was referred to Sydney Water for comment who raised no objection subject to conditions, should the application be supported.	Yes – via conditions of consent should the application be supported.
6.6 Essential Services	Essential services must be available or adequate arrangements have been made to make them available, including: - the supply of water; - the supply of electricity; - the disposal and - management of sewage; - stormwater drainage or on-site conservation; - suitable vehicular access.	Within Council's letter dated 22 December 2020, the Applicant was requested to confirm whether a substation is required and if so, ensure it is integrated within the design. The information received in response to this letter provided no mention as to whether one is required or not. A fire booster was incorporated into the design, but it is considered that the location could be improved to minimise impacts on the streetscape appearance of the site.	Unknown

- Canterbury Development Control Plan 2012 (CDCP 2012)**
 The proposed development has been compared to the requirements of CDCP 2012 as follows:
 - Part B1 – Transport and Parking**
 An assessment of the proposal against the car and bicycle parking rates in Part B1 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
Car Parking	<u>Residential</u> <ul style="list-style-type: none"> 1 bedroom: 1 space per dwelling (1 x 2 =2 spaces required). 	8 spaces provided and therefore the design is deficient 2 spaces.	No

	<ul style="list-style-type: none"> • 2 bedroom: 1.2 spaces (the 0.2 space to remain as common property) per dwelling ($1.2 \times 2 = 2.4$ spaces required (including $1.4 \times$ common property)). • 3 bedroom: 2 spaces per dwelling ($2 \times 1 = 2$ spaces required). • Visitor: 1 space per 5 dwellings ($5/5 = 1$ space required). <p>Commercial</p> <ul style="list-style-type: none"> • First time use (office/rest): 1 space per 40sqm ($104.5/40=2.6$ (3) spaces plus 1 x courier space required). <p>Total: 6.4(6) residential spaces (incl 1 x visitor) and 4 commercial spaces required. Total of 10 spaces required.</p>	As raised earlier within this report, there are queries regarding permissibility. Notwithstanding this, based on utilising worst case scenario parking rates, the design generates a requirement for 4 commercial spaces. Only one “commercial” space is proposed.	
Bicycle Parking	<ul style="list-style-type: none"> • Residents: 1 space per 5 dwellings = 1 space required). • Visitors: 1 space per 10 dwellings (0.5(1) space required) <p>Total: 2 spaces required.</p>	Two spaces provided at ground floor.	Yes

In addition to the above, Council’s Traffic Department raised concern with driveway design. The concerns raised are outlined within the Referral Section later in this report.

- **Part B2 – Landscaping and Part B3 – Tree Preservation**

The application was referred to Council’s Tree Management Team who raised no concern with the current design.

- **Part B4 – Accessible and Adaptable Design**

An Access Compliance Report prepared by PSE Access Consulting dated 9 March 2021 accompanied the application. The report confirms the design complies with the relevant access provisions. Furthermore, Council’s Building Surveyor reviewed the application (including the access report) and raises no objection, subject to conditions of consent should the application be supported.

- **Part B5 – Stormwater and Flood Management**

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

- **Part B7 – Crime Prevention and Safety**

An assessment of the proposed design against the relevant provisions of Part B7 is provided in the table below:

Standard	Requirement	Proposal	Complies
Crime Prevention Through Environmental Design	Avoid blind corners	The development has been designed to avoid blind corners.	Yes
	Provide natural surveillance for communal and public areas.	The design incorporates windows to habitable rooms. These windows are orientated towards the street.	Yes
	Provide clearly visible entries.	Entry points are clearly visible.	Yes
	Design the fence to maximise natural surveillance from the street to the building.	No front fence proposed.	N/A
	Avoid landscaping that obstructs natural surveillance.	The proposed landscaping does not obstruct natural surveillance.	Yes
	Ensure buildings are clearly identified by street numbers.	This requirement can be enforced via condition of consent.	Yes – via condition of consent should the application be supported.
	Use materials that reduce the opportunity for vandalism.	This requirement can be enforced via condition of consent.	Yes - via condition of consent should the application be supported.
	Provide an appropriate level of security for individual dwellings and communal areas through use of intercoms, self-closing doors and signage.	This requirement can be enforced via condition of consent.	Yes – via condition of consent should the application be supported.

- **Part B9 - Waste**

The application was referred to Council's Project Officer – Resource Recovery who raised concern with the current design primarily in relation to the proposed bin storage areas and their location, bulky waste area and associated doorway widths to these areas. The concerns raised are detailed within the Referral Section later in this report.

- **C4 - Residential Flat Buildings**

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

Standard	Requirement	Proposal	Complies
C4.2.1.1 - Frontage	4+ storey building: Min 30m frontage	12.19m	No
C4.2.1.2 - Isolated Sites	Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate coordinated development.	It was determined as part of the IHAP report for the redevelopment at 570-580 Canterbury Road, that the subject site (2 Chelmsford) will not be isolated as it could amalgamate with 4 Chelmsford.	No
	Undertake negotiations with neighbouring owners to seek amalgamation and enable coordinated redevelopment.		
	If adjoining owners do not agree on terms of amalgamation, provide evidence of reasonable offers and demonstrate that the isolated site is capable of reasonable redevelopment.	The SEE submitted advised that the Applicant has approached the owner of 4 Chelmsford. Insufficient evidence has been provided to satisfy Council that two independent variations were taken. One of the documents submitted is simply a statement from a real estate agent based at a significant distance from the site (in Quakers Hill). Furthermore, no written evidence of any offers provided to 4 Chelmsford (and correspondence from such offers) has been submitted.	
C4.2.1.3 - Open space and balconies	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the minimum balcony provisions within the ADG has been undertaken earlier within this report. Furthermore, an assessment against the communal open space requirements specified within the ADG has also been undertaken earlier within this report.		
C4.2.1.4 – Layout and Orientation	Orientate development to maximise solar access and natural lighting.	The site comprises an east-west orientation. As raised within the ADG Section of this report, the design does not comply with the minimum solar and natural ventilation requirements.	No

	Site the development to avoid casting shadows onto neighbouring dwelling’s primary living area, private open space and solar cells.	The design doesn’t comply with solar access requirements as outlined within this report.	No
	Site new development and private open space to avoid existing shadows cast from nearby dwellings.	As raised within the ADG Section of this report, the design does not comply with the minimum solar requirements.	No
	Site a building to take maximum benefit from cross-breezes and prevailing winds.	The development does not comply with the minimum natural ventilation provisions outlined within the ADG.	No
C4.2.2.2 - Height	Basement that projects greater than 1m above ground level comprises a storey	Basement does protrude greater than 1m above ground level and is therefore considered a storey.	Yes
C4.2.2.3 – Setbacks	Rear: Min 6m	Rear: Min Nil	No
	Deep Soil – Setbacks: Front and Rear: Min 5m Side: Min 2m	No deep soil provided.	Acceptable– see comments within ADG Section of this report.
C4.2.2.4 - Building Depth and C4.2.2.5 - Separation	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the minimum building depth and separation provisions within the ADG has been undertaken earlier within this report.		
C4.2.2.6 -Floor to Ceiling	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the minimum floor to ceiling provisions within the ADG has been undertaken earlier within this report.		
Part C4.2.3 – Building Design			
Contemporary Built Form	New building forms and design features shall not mimic traditional features.	The proposed building does not mimic traditional features.	Yes
	Access to upper storeys must not be via external stairs.	Access to upper storeys is via internal lift. Internal fire stairs are also provided to upper storeys.	Yes
	All dwellings must contain one kitchen and laundry facility.	All dwellings contain a kitchen and laundry.	Yes
Building Entries	Entries to residential buildings must be clearly identifiable.	The entrance to the residential component is demarcated through setting the entrance back	Yes – via condition of consent should the

		from the retail tenancy and with appropriate footway. Appropriate signage etc could also be incorporated via condition of consent, should the application be supported.	application be supported
	A minimum of one habitable room per dwelling must be oriented towards the streets.	Habitable rooms are orientated towards Chelmsford Avenue.	Yes
	Ground level private terraces located within the front setback must be setback at least 1m from the street boundary to accommodate a landscape strip which should remain in communal ownership.	No ground floor residential apartments proposed.	N/A
Façade Design	Façade design should reflect the orientation of the site using elements such as sun shading devices etc.	Achieved	Yes
	<u>Articulating Façade Panels:</u> Street Elevations: 6m to 8m Side Elevations: 10m to 15m	Min 3.2m Min 6.9m	No No
	Incorporate contrasting elements in the façade.	Contrasting elements included in part of the façade design. However, further articulation is required to the northern and southern elevations as they comprise long, high blank walls.	No
	Layer and step facades in order to avoid buildings forms that are bland, bulky or over scaled.	Further articulation required to comply with building setbacks to reduce bulk appearance.	No
Pavilions	Facades should be layered and stepped in order to avoid building forms that are bland, bulk and over scaled.	Each façade incorporates some layering and stepping. However, as outlined within this report, further stepping is required to comply with minimum setback requirements.	No
	Layering of facades should incorporate the base and upper storey elements.		
	Layering of facades should incorporate the base and upper storey elements.		
	Stepping of facades should be provided by balconies, staggered alignments for exterior walls and by contrasting design elements.		

Windows	Windows must be rectangular.	Windows are rectangular.	Yes
	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximum winter sun.	Larger windows and associated screening are provided along the eastern/western elevations.	Yes
Roof Pitch	Max 10 degrees	Roof is flat.	Yes
C4.2.3.3 - Dwelling Layout and Dwelling Mix	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the minimum dwelling layout provisions within the ADG has been undertaken earlier within this report.		
	Min 10% of apartments to be adaptable or accessible	1 of the 5 apartments proposed (20%) are proposed to be accessible.	Yes
C4.2.4.1 - Solar Access and Overshadowing	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the solar access provisions within the ADG has been undertaken earlier within this report.		
Solar Access and Overshadowing – Adjoining Development	<p>Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</p> <p>If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.</p> <p>Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:</p> <p>(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</p> <p>(b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.</p>	<p>It is noted that the overshadowing plans and the solar panel view from the sun diagrams don't correlate, so Council's main concern is that there is insufficient information to determine whether adequate solar access is maintained to adjoining properties.</p> <p>However, based on the information submitted, the properties to the south (namely no. 4 and no.6 Chelmsford) do not currently receive 3 hours of solar access to the dwelling and POS between 8am-4pm on 21 June. The proposal results in a further reduction of solar access provided to such properties (including the solar panels on No. 6).</p>	No

	Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June	Clothes drying areas have not been included on the plans.	
C4.2.5.2 - Building services	Integrate systems, services and utility areas within the design of the whole development.	<p>As outlined within the CLEP 2012 section of this report, it is unknown whether a substation is required to cater for the development.</p> <p>In terms of other services (i.e. air conditioning units, mechanical ventilation), these are incorporated within a plant room on the roof. The plant room is setback 9m from the front of the site and is integrated within the design.</p> <p>The location of mailboxes has not been indicated in the plans.</p>	No

- **D1 – Business Centres - General**

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

Standard	Requirement	Proposal	Complies
D1.3.3 – Floor to Ceiling Height	Section 6A of SEPP 65 states that a DCP cannot be inconsistent with the provisions of the ADG made under that SEPP in relation to balconies and development to which the SEPP relates. An assessment against the minimum floor to ceiling provisions within the ADG has been undertaken earlier within this report.		
D1.3.4 – Setbacks	<p>1-4 storeys a minimum setback of 3m from street boundary.</p> <p>*It is noted that this control relates to B5 development along Canterbury Road and any secondary frontage. Given the site is in line with the secondary frontage of the development to the north that fronts Canterbury Road, it has been used as a guide to ensure the proposal complements the existing development to the north as well as provides a transition to the lower density residential zoned land located to the south.</p>	Nil setback for ground and level 1. Level 2 and 3 is setback 2.75m which is in line with the approved development to the north.	No

	Above 4 Storeys – an additional 5m	5th storey is setback 9m.	Yes
	Proposed developments that adjoin residential zone boundaries to the side are to comply with the side setback that is defined by D1.3.4(C4).	The design protrudes beyond the building height plane particularly for the 4 th and 5 th storey.	No
D1.3.5 – Building Depth	Building depth for commercial premises must be Min 10m in depth	Ground Floor: Max 8.9m. First Floor: Ranges between 6m-8m.	No
D1.4 – Building Design	Locate entries so they relate to existing street and are clearly visible	The design of the ground floor tenancy does provide for an activated street front.	Yes
	Provide an awning over entry to contribute to legibility and the public domain	Awning provided.	Yes
	Cantilevered awning to overhang the footpath a minimum width of 3m	3m	Yes
	Cantilevered awning height to be in the range of 3.2m-4.2m	3.2m	Yes
	Do not place external solid roller shutters or brick walls on shopfronts	No solid roller shutters or brick walls applied on shopfronts.	Yes
D1.4.3 – Façade Treatment	New building forms and design features shall not mimic traditional features.	The proposed building does not mimic traditional features.	Yes
	Incorporate contrasting elements in facades	Contrasting elements included in part of the façade design. However, further articulation is required to the northern elevation as it currently presents as a 5 storey blank wall to adjoining developments to the north.	No
	Use a harmonious range of high quality materials, finishes and detailing.	The proposal incorporates a harmonious range of high quality materials, finishes and detailing.	Yes
	Consideration in the design of commercial premises is to be made for mechanical ventilation	The design has incorporated mechanical ventilation to the ground	Unknown

	required by potential future food shops and restaurants	floor. However as raised within the ADG section of this report, the floor to ceiling heights is not sufficient to cater for such ventilation.	
	Refer to existing height datum for new development to existing buildings such as eave and parapet lines, as a guide to aligning the height to levels of adj development	A streetscape plan has been submitted, however the RLs for the adjoining development to the north shown on the plans don't match those on the most recent set of plans. Therefore, the relationship between the two developments cannot be adequately considered.	Unknown

As outlined above, the design seeks to vary a number of key design controls. Given the cumulative number of variations sought and the amenity impacts associated with such variations, it is considered that the design is an overdevelopment of the site.

Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

The Canterbury Development Contributions Plan 2013 applies to the site. However, given the application is recommended for refusal, such contributions have not been calculated.

Referrals

- **Traffic**

Council's Traffic Engineer reviewed the application and raises the following concerns:

- **Driveway Location:** The proposed driveway does not comply with Council's Vehicle Crossing Policy as it does not provide 1 metre clearance from the site's side boundary to allow for a refuge for pedestrians between two consecutive driveways and non-conflicting turning paths.
- **Pedestrian Sight Lines:** The driveway should also allow for adequate sightlines to pedestrians as per Australian Standard: AS2890.1:2004 Figure 3.3. The Applicant was requested to demonstrate that the driveway meets those requirements. The recent letter received from the Applicant states that:
The sightlines cannot be achieved on the southern side however, given the width of the driveway and the low traffic generation it is unlikely that an exiting vehicle would travel hard up against the southern boundary and would likely travel in the middle of the driveway.

Exiting vehicles using the middle of the driveway is not a valid argument to compromise pedestrian sight triangles. It should also be noted that the footpath outside the subject site attracts pedestrians between on-street parking and major traffic generators in the vicinity of Canterbury Road in addition to the bus stop along Canterbury Road, east of Chelmsford Avenue.

- **Waste Management**

Council's Waste Services Officer has reviewed the application and raised the following concerns:

- Waste and Recycling Requirements - Commercial: The allocation of bins provided for the "commercial" tenancies are based on the assumption that the tenancies would be used as a low waste business (i.e. office or similar). If the tenancy is to be used for another permissible use, additional storage will be required and detailed in the Waste Management Plan.
- Waste Management Plan: The Plan submitted doesn't adequately address the ongoing waste management of the expected commercial use.
- Commercial Bin Storage Area: The nominated area does not address the following matters:
 - The doorway to the bin storage is insufficient to allow for the bins to be moved in and out of the storage cupboard.
 - No drainage to allow for the cleaning of the bin room shown.
- Residential Bin Storage Area: The nominated area does not address the following matters:
 - The area must be of sufficient size to fit and manoeuvre 4 x 660L +1 x 240L bins side-by-side (not stacked) with equal and convenient access to all bins by users. Approximately 15cm between bins should be provided
 - The area should minimise floor space to prevent people from dumping their unwanted waste that does not fit in the bins.
 - 1.5m aisle between bin rows, 2m doorways and pathways for the bin carting route with no steps/excessive slopes/obstacles
 - The room should be signposted 'Waste & Recycling' on the entrance doors.
 - No more than 15m from kerbside collection point.
- Bulky Waste: The bulky waste storage area does not address the following matters:
 - A separate room for the storage of bulky waste is to be provided, with 2m doorways and carting route to the street. This must be a separate room to the bin storage area, not accessible to the commercial tenancies.
 - The location of collection of bulky waste must not negatively impact the amenity of the commercial tenancy.

- Bin-Carting Route/Collection Point: The bin-cart routes do not meet the relevant controls contained within Part B9.4 of CDCP 2012 for the following reasons:
 - The carting distance is still greater than the CDCP 15m requirement.
 - Collection kerbside is not a service we offer for multi-unit dwellings. This building must be designed to utilise the collect and return service. If necessary, a temporary holding room can be designed.
 - Access via internal rooms such as lobbies is not acceptable due to the wear and tear on communal property as well as poor accessibility for collection staff.
 - Pathway with a gradient less than 1:30 must be extended to the kerbside collection point.
 - The entire frontage will be blocked during collection as the truck is 12m long and the site is narrow.

- **Urban Design**

Council's Urban Designer has reviewed the application and raises the following concerns. It is noted that the concerns below are discussed in detail against the relevant controls within this report:

- The site is too narrow to satisfactorily accommodate the proposal.
- Amenity afforded to the southern properties is significantly reduced due to overshadowing.
- The details on the shadow diagrams are incorrect.
- The floor to floor heights should be increased to meet the ADG minimum requirements.
- The setbacks do not comply with controls or character of area.
- Amenity within units is very low and unsatisfactory. Especially bedrooms with windows facing the light wells. Daylight access to these bedrooms will be inadequate and natural ventilation not possible.
- Building separation does not comply with ADG minimum requirements. The 6m separation between habitable rooms on the existing development to the north and the habitable balconies is inadequate.
- Car parking should be below ground.
- The excessive use of painted render is to be improved.
- The plans do not adequately illustrate habitable rooms of the existing six storey development to the East. It is unclear whether there is adequate building separation of 12m between habitable rooms and balconies. Dimensions and detail should be provided.
- Garbage chutes do not align to the garbage rooms on ground floor.
- No substation is proposed – if it is required it must be provided integrated into the built form.
- There is an existing street tree and power pole that would conflict with the proposed awning. The applicant should remove the awning over the public domain and underground the power pole. Recent adjacent development does not have awnings the entire Chelmsford Street frontage.

- **Building Surveyor**

Council's Building Surveyor reviewed the application and raised no objection subject to conditions of consent, should the application be supported.

- **Environmental Health Officer**

Council's Environmental health Officer reviewed the application and raised no objection subject to conditions of consent, should the application be supported.

- **Tree Officer**

Council's Tree Management Officer reviewed the application and raised no objection subject to conditions of consent, should the application be supported.

- **Development Engineer**

Council's Development Engineer reviewed the application and raised no objection subject to conditions of consent, should the application be supported.

- **Sydney Water**

The Application was referred to Sydney Water given the proposal involves constructing over the Sydney Water sewer asset. Sydney Water raised no objection, subject to conditions of consent being imposed, should the application be supported.

- **Ausgrid**

The Application was referred to ausgrid given the proximity of the development to the overhead wires along Chelmsford Street. Ausgrid raised no objection, subject to conditions of consent being imposed, should the application be supported.

Additional Considerations

- **Basement Design**

The car park design (particularly location of ventilation vents) lends itself to potentially impacting the adjoining residents as well as some apartments within the proposal in terms of acoustic and air quality. As a result, an acoustic assessment and air quality report prepared by suitably qualified consultants was requested by Council to be submitted. The requested reports were not provided and therefore insufficient information has been provided to determine whether the design is acceptable from a noise and air quality perspective.

- **National Construction Code**

Council's Building Surveyor reviewed the application and raise no objection, subject to conditions of consent.

- **Proposed construction works**

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

- **Sediment and Erosion Control**

Standard conditions could be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development, should the application be supported.

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

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

The application has been assessed under Section 4.15 of the Act. It is acknowledged that the Applicant has addressed some concerns previously raised by Council. However, as demonstrated throughout the body of this report, the design seeks a number of variations to key development controls. The application is also deficient of information to determine whether the design will result in adverse environmental impacts including information relating to overshadowing of adjoining properties, information to address concerns raised by Council's Waste, Traffic and Urban Design Departments, information relating to amalgamation with the property to the south and information relating to the potential impacts of the parking design (acoustic and air pollution). Furthermore, the additional information required to facilitate a detailed assessment may result in further design changes, particularly in regard to the matters raised by Council's Waste, Development Engineering, Traffic and Infrastructure departments.

As a result of the number of variations sought coupled with the lack of information submitted, the site is not considered suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was originally advertised for a period of 14 days between 31 July 2020 and 13 August 2020. Four submissions were received during this period.

The matters raised in the four submissions received are discussed below:

Objection: The proposal requires construction to occur on the common areas of the adjoining development, which means the common areas and appearance of the build will be changed and won't be reflect the contract signed with the developer.

Comment: The proposed development is solely contained within the subject site. Although the application is recommended for refusal, should it be approved, suitable conditions of consent would be imposed into the consent to ensure the structural integrity of the adjoining developments are maintained or repaired.

- Objection: The construction of the development will result in adverse noise impacts on adjoining properties.*
- Comment: Should the application be recommended for approval, conditions of consent would be imposed to restrict the hours of construction to minimise any noise impacts as much as possible.
- Objection: The development will impact the structural integrity of adjoining developments.*
- Comment: Although the application is recommended for refusal, should it be approved, suitable conditions of consent would be imposed into the consent to ensure the structural integrity of the adjoining developments are protected, maintained or repaired. This would include the need for dilapidation reports to be prepared for adjoining development.
- Objection: The development will result in adverse privacy impacts on adjoining properties.*
- Comment: Council agrees that the design would result in adverse privacy impacts and this forms part of the reasons for refusal.
- Objection: The development will impact on ventilation to adjoining properties.*
- Comment: There are no specific development controls relating to maintaining ventilation of adjoining properties. The development is contained within the boundaries of the site and will not block or cover any windows on any development that directly adjoins the site. Notwithstanding this, the proposal is not supported.
- Objection: The development will result in adverse overshadowing impacts on adjoining properties.*
- Comment: Council agrees that the design would result in adverse overshadowing impacts and this forms part of the reasons for refusal.
- Objection: The development results in adverse traffic and parking impacts in Chelmsford Street.*
- Comment: Council agrees that the design would result in adverse traffic and parking impacts given insufficient parking is accommodated on the site. This forms part of the reasons for refusal.
- Objection: The proposal will adversely impact on the value of adjoining properties.*
- Comment: The consideration on any impacts on the value of adjoining properties is not a planning consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.
- Objection: The application is deficient in information to determine whether the development will result in wind and heat funnelling impacts.*
- Comment: Given the number of variations sought to the design, Council is unable to support the proposal. Therefore, a wind and heat funnelling report was not requested to be submitted for consideration.

Objection: *The application will result in adverse amenity impacts on adjoining properties which will result in current occupants having to relocate.*

Comment: Given the number of variations sought to key development controls, it is agreed that the design will result in adverse amenity impact on adjoining properties. This forms part of the reasons for refusal of the application.

Objection: *Concern at the inclusion of a non-existent multi-storey building at number 2 Chelmsford Ave in the shadow diagrams . There is yet to be a DA submission for such a building. All three buildings at 2, 4 and 6 Chelmsford Ave are private single residences and lots 4 and 6 are zoned residential.*

Comment: The multi-storey development shown on the shadow diagrams for 2 Chelmsford is for the subject application. This is required to show the shadow impacts associated with the proposal on the adjoining properties, for Council consideration.

Objection: *Given the issues of global warming and the stress that has been put on the efficient use of energy it seems inadequate and a little out of step not to consider access to sunlight as a much higher priority that it has been given in the past. Sunlight is now a tangible commodity providing valuable energy savings to the home as well as generally helping to provide a pleasant and healthy environment. Consequently, it is entirely appropriate in this day and age to expect that sufficient consecutive hours of sunlight at peak times would be protected through Councils existing controls and not diminished. This is especially so when significant investments have been made by residents to solar power.*

Comment: Council's Development Control Plan 2012 does contain solar access requirements that new development is to comply with in order to ensure adjoining properties (including any solar panels) receive adequate solar access. The proposal is considered to result in adverse solar access impacts to adjoining properties and this forms part of the reasons for refusal.

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

Approval of the proposed development would not be in the public interest. The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by ensuring that any adverse impacts on the surrounding area and the environment are avoided. The matters raised in the public submissions, which are also similar to those raised by Council, reinforce that the development will result in unreasonable impacts on the locality and result in an undesirable precedent for future development.

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 State Environmental Planning Policies, development control plan, codes and policies.

As outlined within the body of the report, there is ambiguity regarding the permissibility of the proposal. Furthermore, the current design seeks a departure from a number of planning controls including controls relating to building separation, solar access, natural ventilation, apartment design and car parking which are considered to adversely impact on the amenity afforded to future residents of the site as well as adjoining development. Given the extent of variations sought, it is considered that the site is not suitable for the proposal and support of the extent of variations sought would also result in a design that is inconsistent with the character envisaged for the locality.

Furthermore, the application is deficient in information to address concerns raised by Council's Traffic, and Waste departments. The outstanding matters raised by these departments would likely result in further redesign of the proposal to achieve compliance. The Applicant has been provided adequate opportunity to address the matters raised throughout the duration of the assessment process.

It is therefore recommended that the Application be refused.

REASONS FOR REFUSAL

1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is prohibited and is inconsistent with the objectives of the B5 Business Development Zone contained within Canterbury Local Environmental Plan 2012.
2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application does not comply with Clause 50(1AB)(b)(ii) of the Environmental Planning and Assessment Regulation 2000 as the Design Verification Statement submitted does not demonstrate, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.
3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application is not consistent with State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development with respect to Schedule 1 Design Quality Principles. The proposed development does not meet Principle 1: Context and Neighbourhood Character, Principle 2: Built Form and Scale, Principle 3: Density, Principle 6: Amenity and Principle 9: Aesthetics.
4. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the Public Domain Interface contained within Part 3C of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development as the design comprises long blank walls (particularly along the southern and northern elevations) and letterboxes are not provided at the front entrance.
5. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the solar access requirements contained within Part 3D and Part 4A of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
6. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the minimum building separation requirements contained within Part 3F of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.

7. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the natural ventilation requirements contained within Part 4B of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
8. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the minimum floor to ceiling heights for commercial floors contained within Part 4C of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
9. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the acoustic privacy controls contained within Part 4H of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
10. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to allow a proper and thorough assessment of the design against the provisions outlined within Clause 6.6 – Essential Services of Canterbury Local Environmental Plan 2012.
11. The proposed development is unsatisfactory, pursuant to the provisions Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls of the Canterbury Development Control Plan 2012 (CDCP 2012) including:
 - a. Part B1 – Traffic and Parking
As outlined within Point 1, the proposal is currently prohibited and therefore parking generated by the proposal may vary. As it stands, based on worst case scenario, the design is deficient by 2 parking spaces. Furthermore, insufficient information has been submitted to allow a proper and thorough assessment of the application against the relevant traffic and parking controls outlined within Part B1 of CDCP 2012.
 - b. Part B9 – Waste
Insufficient information has been submitted to allow a proper and thorough assessment of the application against the relevant waste controls outlined within Part B9 of CDCP 2012.
 - c. Part C4 – Residential Flat Buildings
The design fails to comply with the following controls contained within Part C4 of CDCP 2012:
 - i. C4.2.1.1 – Frontage

- ii. C4.2.1.2 – Isolated Sites
 - iii. C4.2.1.4 – Layout and Orientation
 - iv. C4.2.2.3 – Rear Setbacks
 - v. C4.2.3 – Building Design (Façade Design and Pavilions).
 - vi. C4.2.4.1 – Solar Access and Overshadowing of adjoining development.
 - vii. C4.2.5.2 – Building Services
- d. Part D1 – Business Centres – General
The design fails to comply with the following controls contained within Part D1 of CDCP 2012:
- i. D1.3.4 – Setbacks
 - ii. D1.3.5 – Building Depth
 - iii. D1.4.2 – Building Design (Ground Level Interface)
 - iv. D1.4.3 – Façade Treatment
12. Insufficient information has been provided to determine whether the basement design will result in adverse noise and air quality impacts pursuant to the provisions of Section 4.15(b) of the Environmental Planning and Assessment Act 1979.
13. Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal will result in adverse environmental impacts and the site is not suitable for the proposed development.
14. Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

-END-

Canterbury Bankstown Local Planning Panel - 07 June 2021

ITEM 2	38-40 Croydon Street Lakemba
	Construction of a two-storey boarding house development comprising 28 boarding rooms plus one manager room, with basement car parking and associated site works
FILE	DA-999/2019 – Roselands
ZONING	R3 Medium Density
DATE OF LODGEMENT	25 November 2019
APPLICANT	Mr Elie Sleiman
OWNERS	40 Croydon Pty Ltd and 38 Croydon Pty Ltd
ESTIMATED VALUE	\$4,208,914
AUTHOR	Planning

REPORT

This matter is reported to Council's Local Planning Panel as the application seeks consent for a development for which 11 (eleven) submissions have been received.

Development Application No. DA-999/2019 proposes the Construction of a two-storey boarding house development comprising twenty eight (28) boarding rooms plus (1) manager room, with basement car parking and associated site works and landscaping.

DA-999/2019 has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and the Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020.

The application is generally compliant, however proposes minor variations to the requirements contained in the Development Control Plan 2012. The assessment of the development application has found that these variations are justified in the circumstances of this case, in the context of both the overall development and the surrounding locality.

The application was advertised for a period of 21 days and notified for 14 days with amended plans. A total of eleven submissions were received during these periods, which raise concerns relating to parking and traffic, suitability of the development in the locality, impacts on the school, solar access, the development is out of character with the area, not in keeping with the community, concern of future residents and the impacts resulting from dumping of waste and rubbish.

The report identifies and discusses the proposed non-compliances with the setbacks to the northern and eastern boundaries as contained in the CDCP 2012.

Despite the non-compliances it is considered that the development application is an appropriate outcome in the context of the surrounding locality and has been recommended for approval.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

The proposed matter being reported has no direct financial implications.

RECOMMENDATION

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

ATTACHMENTS

- A. Assessment Report
- B. Conditions of Consent

DA-999/2019 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 38-40 Croydon Street Lakemba. The site is a regular allotment that is zoned R3 Medium Density Residential. The site has a primary frontage to Croydon Street of 30.48m, a secondary frontage to Oneata Street of 50.46m and an overall site area of 1538m².



Figure 1: Aerial of subject site in yellow. **Source:** NearMaps 2021

The site has been recently cleared with a complying development approval issued for the demolition of the existing structures on both allotments. Development to the east is characterised by mixed commercial developments located within the adjoining B2 Local Centre zone. The rear of the site in part adjoins Davidson Lane and 108-114 Haldon Street. The site immediately to the west on Croydon Street is occupied by a school and is zoned R4 High Density residential. Allotments immediately to the north (across Oneata Street) and south adjoining the site (along the eastern side of Croydon street), contain generally low density single storey housing. The section of Croydon Street is zoned R3 Medium Density residential (see zoning map below).

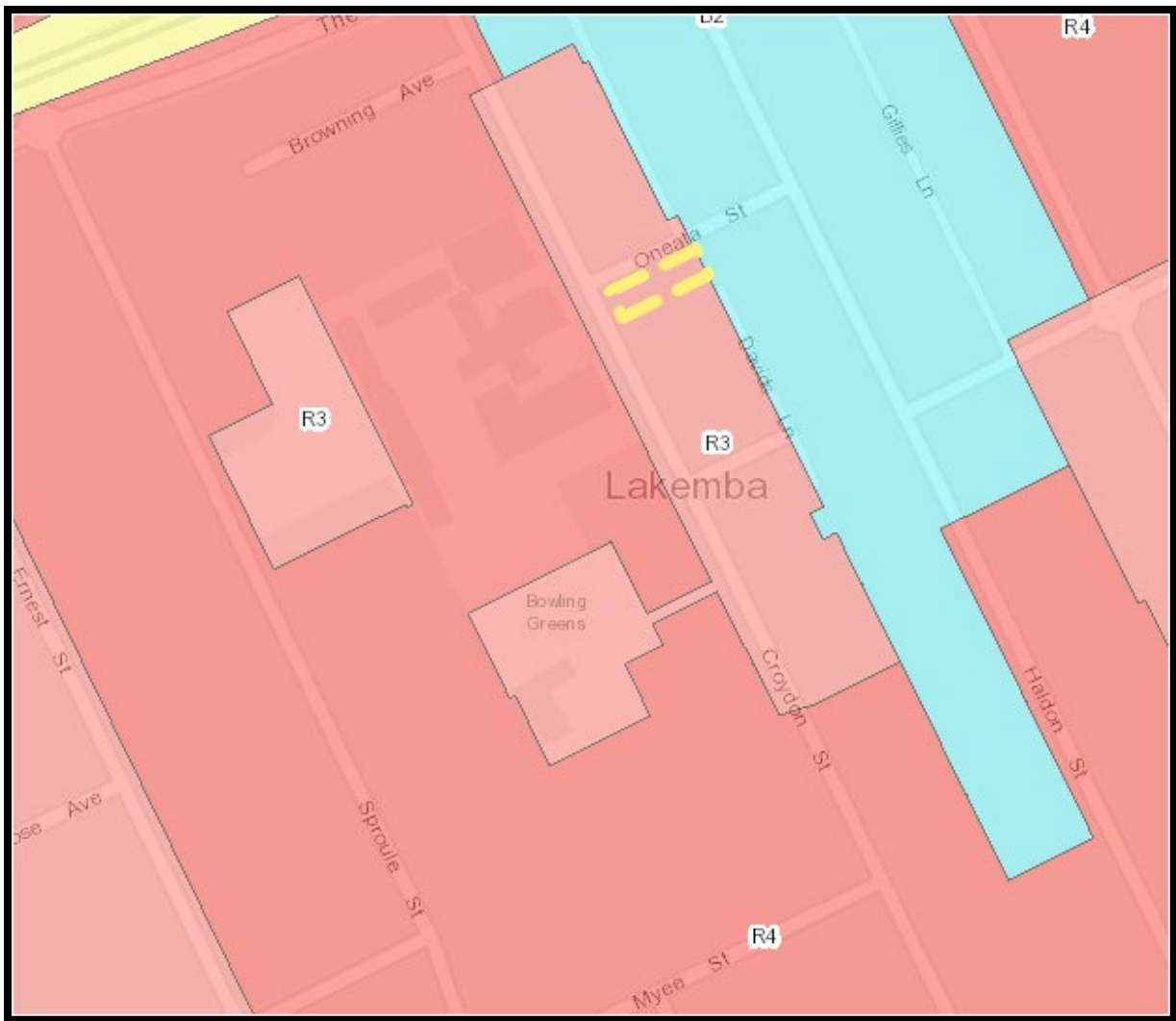


Figure 2: Zoning Map Excerpt CLEP 2012

PROPOSED DEVELOPMENT

The Development Application (DA) proposes the construction of a two storey boarding house, containing 28 single lodging rooms, a managers room, basement car parking and associated drainage, site works and landscaping.

The basement contains 15 car parking spaces, 6 motorcycle spaces, 6 bicycle spaces and provisions for services including lift, fire stairs and hot water services.

The ground floor contains 12 single lodging rooms, 1 managers room and 1 communal room, communal open space and waste area. The second-floor contains 16 single lodging rooms.

Statutory Considerations

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

- State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

SECTION 4.15 ASSESSMENT

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

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

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

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

The lots identified as 38 and 40 Croydon street, have a history of residential use. The site at 38 Croydon Street has a history of residential use, with a DA in 1997 for alterations for a part residential and part office use. No. 38 previously contained a large sealed area to the rear that was utilised for the parking of vehicles. Both the sites have been demolished under a separate Complying Development Approval and all structures have been removed. The previous uses on site are not identified in Table 1 of the Managing Land Contamination Guidelines as an activity that may cause contamination.

Further inspection of the site (prior to and post demolition) did not identify additional potentially contaminating uses. Based on the site history, the planning address submitted by the applicant and inspection undertaken it is considered that the site is suitable for the proposed development and meets the provisions within SEPP 55, without the need for further reporting.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 of SEPP (ARH) 2009 provides controls for boarding house developments. The table below provides a summary of the controls set out in this Policy in regard to this development:

Control	Comment	Compliance
Clause 26 – Land to which Division Applies		
<p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones—</p> <ul style="list-style-type: none"> a) Zone R1 General Residential, b) Zone R2 Low Density Residential, c) Zone R3 Medium Density Residential, d) Zone R4 High Density Residential, e) Zone B1 Neighbourhood Centre, f) Zone B2 Local Centre, g) Zone B4 Mixed Use. 	<p>The site is zoned R3 Medium Density.</p>	<p>Yes.</p>
Clause 29 – Standards that cannot be used to refuse		
<p>Floor Space Ratio</p> <p>A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than—</p> <ul style="list-style-type: none"> a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or b) If the development is on land within a zone in which residential flat buildings are permitted—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum 	<p>Residential flat buildings are not permitted on site. The proposal is not subject to a bonus under the SEPP.</p> <p>The maximum FSR on site is 0.5:1</p> <p>Proposal is 0.5:1</p>	<p>Yes.</p>

<p>floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <ul style="list-style-type: none"> i. 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or ii. 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1. 		
<p>Building Height</p> <p>The building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land</p>	<p>The proposed total building height is within the 8.5m height limit prescribed by CLEP 2012.</p>	<p>Yes.</p>
<p>Landscaped Area</p> <p>The landscape treatment of the front setback area is to be compatible with the streetscape in which the building is located</p>	<p>The current streetscape to the north and south on Croydon Street is characterised by residential developments varying in size and scale. The development proposes a compliant front setback and a generally compliant secondary setback to Oneata Street.</p> <p>The landscaping has been designed in accordance with the principles contained within the DCP. It is considered the landscaping proposed is compatible with the streetscape to both the primary and secondary frontage.</p> <p>The site adjoining to the east is zoned B2 Local Centre and the site to the west of Croydon Street is zoned R4 High Density residential and occupied by a school providing a mix of built form, parking and pedestrian links.</p> <p>The subject site is a corner allotment and it is considered that the landscaping proposed is compatible with the streetscape and the desired future character.</p>	<p>Yes.</p>
<p>Solar Access</p> <p>Where the development provides for one or more communal living rooms, at least one of those rooms is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The north facing communal living room receives the required three (3) hours solar access between 9am and 3pm in mid-winter.</p>	<p>Yes.</p>

<p>Private Open Space One area of at least 20m² (with a minimum dimension of 3m) for lodgers & 8m² (with a minimum dimension of 2.5m) for the boarding house manager</p>	<p>A communal open space area of 28m² is provided for the lodgers on the ground floor accessed off the communal room, with a minimum dimension of 3m.</p> <p>The Managers room is provided an area with a minimum 2.5m dimension and a total of 14m².</p>	Yes.
<p>Parking At least 0.5 spaces is provided for each boarding room, plus 1 space for each employee</p>	<p>The proposal includes 28 single lodger boarding rooms and a manager's room:</p> <p>28 x 0.5 = 14 car parking spaces are required for the boarding rooms and 1 car space for staff.</p> <p>Total spaces required is 15 (15) car parking spaces.</p> <p>The proposal provides for 15 car parking spaces.</p>	Yes.
<p>Accommodation size Minimum Gross Floor Area (GFA) (excluding private kitchen and bathrooms) is 12m² for single lodging rooms and 16m² in any other case</p>	<p>The proposal only seeks single lodging rooms. All rooms achieve the minimum 12m². Conditions will be imposed to ensure compliance is maintained.</p>	Yes.
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>All rooms have separate facilities contained within.</p>	Yes.
Clause 30 – Standards for boarding houses		
<p>Communal Living Room A boarding house that has 5 or more boarding rooms, at least one communal living room will be provided</p>	<p>A communal living room of 27m² is provided on the ground floor, adjoining the common open space. The communal room adjoins an area of communal open space located to the north on the site.</p>	Yes.
<p>Maximum GFA No boarding room is to have a gross floor area of more than 25m² (excluding private kitchen and bathroom) per room.</p>	<p>No boarding room is greater than 25m² (excluding private kitchen and bathroom).</p>	Yes.
<p>Maximum occupants No boarding room is to be occupied by more than 2 adult lodgers</p>	<p>The boarding rooms are designed for single occupants only. This will be reinforced through conditions of consent.</p>	Yes.

Facilities Adequate bathroom and kitchen facilities are to be available within the boarding house for the use of each lodger	Individual facilities have been provided in each room.	Yes.
Boarding Room Manager A boarding house that has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling is to be provided for a boarding house manager	A manager's room is proposed on the ground floor.	Yes.
Non-residential ground floor within commercial zones For a boarding house on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street is to be used for residential purposes unless another environmental planning instrument permits such a use	The site is within a Residential zone.	NA.
Motorcycle/Bicycle One parking space is to be provided for a bicycle, and one space is to be provided for a motorcycle, for every 5 boarding rooms.	28 rooms $28/5 = 5.6$ (6) Within the basement, 6 motorbikes and 6 bicycle spaces are provided.	Yes.
Clause 30A – Character of the Local Area		
Character Design of the development is compatible with the character of the local area.	<p>The immediate catchment and establishment of character for the site requires consideration of the existing streetscape and potential 'desired' character of the area, which is indicative of the surrounding zones. The subject site is a uniquely situated corner allotment located within the R3 zone.</p> <p>The adjoining properties to the east are zoned B2 Local Centre (fronting Haldon Street), and the western side of Croydon Street is zoned R4 High Density Residential as shown in figure 2 of this report.</p> <p>The immediately surrounding existing development consists of low scale (1-2 storeys) residential dwellings to the north and south along the eastern side of Croydon Street.</p> <p>To the west of the site, across Croydon Street, the site is occupied by a school and a mix of residential types to the further north and south within the R4 zone.</p> <p>The sites adjoining to the to the east fronting Haldon Street,</p>	

	<p>are zoned B2 Local Centre and comprise a mix of commercial development types.</p> <p>The existing built form along Croydon Street represent generally older housing stock within a R3 Medium density zone and are subject to potential future redevelopment.</p> <p>The design put forward within this DA, is sympathetic to the existing character through the selection of materials and finishes and provides for a building that aligns with the character of the area and generally conforms to the desired future character of the area.</p> <p>The development achieves a walkable, legible pedestrian interface within the surrounding properties, the street alignment and 6m front boundary setback facing Croydon Street is maintained, ensuring future development of the sites to the south will have a similar street alignment (noting that it is also consistent with the existing alignment).</p> <p>The site is a transitional site with the properties to the east being a business zoning. The property at 108 Haldon Street currently benefits from a zero boundary setback along the secondary frontage, with access arrangements adjoining the site. Under the current controls the site could be redeveloped and retain a zero boundary setback as prescribed in the CDCP 2012 to the secondary frontage.</p> <p>The setbacks proposed within this application are satisfactory in this instance, providing a transition arrangement that typically wouldn't be afforded to a site within an R3 zoning.</p> <p>Council concludes that the development provides for an appropriate response to the opportunities afforded by the ARH SEPP and relevant planning controls.</p>
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State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

No vegetation is proposed to be removed in association with this development. The proposed development has been reviewed by Council's Tree Management Officer who considers the works involved will not impact the street trees subject to compliance with the arborist report submitted and conditions of consent imposed. As such, it is considered that the proposal satisfies the provisions of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

Canterbury Local Environmental Plan 2012

This site is zoned R3 Medium Density Residential under CLEP 2012. The controls applicable to this application are discussed below.

Clause 1.2 Aims of Plan

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

(2) The particular aims of this Plan are as follows:

- (a) to provide for a range of development that promotes housing, employment and recreation opportunities for the existing and future residents of Canterbury,*
- (b) to promote a variety of housing types to meet population demand,*
- (c) to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community,*
- (d) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport nodes,*
- (e) to revitalise Canterbury Road by encouraging a mix of land uses that does not detract from the economic viability of existing town centres,*
- (f) to retain industrial areas and promote a range of employment opportunities and services,*
- (g) to promote healthy lifestyles by providing open space that supports a variety of leisure and recreational facilities and encouraging an increased use of public transport, walking and cycling,*
- (h) to protect the natural environment for future generations and implement ecological sustainability in the planning and development process,*
- (i) to protect and promote the environmental and cultural heritage values of Canterbury.*

The proposal generally complies with the relevant aims of this Plan.

Clause 2.3 Zone objectives and Land Use Table

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

The objectives of the R3 medium Density Residential Zone are as follows:

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

The proposed development meets the objectives of the R3 Medium Density zone as it provides for medium density housing choice within the area. The boarding house contains twenty-eight single lodgers rooms and one managers room. It is considered the proposal satisfies the objective of the zone.

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.3 Zoning	R3 Medium Density Residential	Boarding house permitted with consent.	Yes.
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition was removed from the development application. Separate CDC approval was issued for the demolition of structures on site.	NA
Part 4 Principal Development Standards			
4.1C Minimum lot sizes for boarding house	R3 – 1000sqm and 20 m frontage	30.48m Frontage 1538 m ² lot size	Yes.
4.3 Height of Buildings	Maximum height of buildings 8.5m	7.5 m proposed	Yes.
4.4 Floor Space Ratio	Maximum FSR 0.5:1	0.5:1	Yes.

Provision/ Standard	Requirement	Proposal	Complies
Part 6 Local Provisions			
6.2 Earthworks	<p>Before granting consent to development including earthworks, the following must be considered:</p> <ul style="list-style-type: none"> (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>The earthworks required for the proposal will not result in any significant impacts on the adjoining sites and the amenity of the neighbours, to the east and south of the property.</p> <p>Given this, the proposal complies with this clause.</p>	Yes.
6.4 Stormwater Management	<p>Consent must not be granted unless:</p> <ul style="list-style-type: none"> (a) Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration. (b) Includes on-site detention if practical as an alternative means of water supply. (c) Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts. 	<p>The application has been considered by Council's Development Engineer. The Development Engineer raised no objections to the proposal subject to the imposition of standard conditions. The proposal is therefore in accordance with the provisions of Clause 6.4.</p>	Yes.

Provision/ Standard	Requirement	Proposal	Complies
6.6 Essential Services	<p>Essential services must be available or adequate arrangements have been made to make them available, including:</p> <ul style="list-style-type: none"> - the supply of water; - the supply of electricity (substation); - the disposal and - management of sewage; - stormwater drainage or on-site conservation; - suitable vehicular access. 	The applicant has submitted a letter from Ausgrid. A substation will not be required. Conditions will be imposed to confirm this .	Yes.

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

The Draft Canterbury Bankstown Local Environmental Plan 2020 (CBLEP 2020) applies to the subject site. The Draft CBLEP 2020 has been publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020 and is now to be reviewed by the Department of Planning. While the draft instrument proposes the introduction of some additional provisions, in the most part, the Draft CBLEP 2020 provides for an administrative conversion of both the BLEP 2015 and CLEP 2012 into a combined document under the Standard Instrument LEP template.

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

The following table provides a summary of the development application against the controls contained in Part A, B and C of the Canterbury Development Control Plan 2012.

Canterbury Development Control Plan 2012 (CDCP 2012)

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

Part B1 – Transport and Parking

The proposed development meets the boarding house parking requirements as set out in SEPP ARH 2009 as addressed above. An assessment of the proposal against the car and bicycle parking rates in Part B1 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
Car Parking	0.5 spaces per boarding room and 1 car space for each person employed in connection with the development and who is resident on site.	<p>Twenty eight (28) rooms proposed and one (1) managers room</p> <p>28/0.5 = 14 spaces 14 + 1 = 15 spaces</p>	<p>Yes.</p> <p>15 provided.</p>

	In a development containing 10 or more spaces, provide 1 (one) accessible parking space per 10 beds designed in accordance with AS 2890.1. Provide 1 (one) space per 50 spaces for accessible visitor parking and designed and constructed in accordance with AS 2890.1.	3 accessible spaces shown 6 bicycle and 6 motorcycle spaces provided	Yes.
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Part B2 – Landscaping and Part B3 – Tree Preservation

The application was referred to Council's Tree Officer who raised no objection with the current design, subject to conditions of consent ensuring the retention of the Street Tree to Croydon Street.

Part B4 – Accessible and Adaptable Design

The proposal includes provisions for a lift within the basement and provides an accessible room at both ground and first floor. Conditions will be imposed to ensure compliance with the BCA and the required access standards. On this basis, the design is considered acceptable from an accessible and adaptable design perspective.

Part B5 – Stormwater and Flood Management

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

Part B7 – Crime Prevention and Safety

An assessment of the proposed design against the relevant provisions of Part B7 is provided in the table below:

Standard	Requirement	Proposal	Complies
Crime Prevention through Environmental Design	Avoid blind corners	The proposal limits blind corners where possible.	Yes.
	Provide natural surveillance for communal and public areas.	Natural surveillance to communal areas and public areas are provided.	Yes.
	Provide clearly visible entries.	The entry is clearly defined, legible and walkable within the streetscape.	Yes.
	Design the fence to maximise natural surveillance from the street to the building.	Fencing has been designed in accordance with the DCP to ensure visibility and security	Yes.

	Avoid landscaping that obstructs natural surveillance.	Landscaping complies with the requirements of the DCP.	Yes.
	Ensure buildings are clearly identified by street numbers.	The building is clearly legible and identified in the streetscape	Yes.
	Use materials that reduce the opportunity for vandalism.	Material selection is considered satisfactory.	Yes.
	Provide an appropriate level of security for individual dwellings and communal areas through use of intercoms, self closing doors and signage.	Adequate security measures for occupants are included.	Yes.

The application was reviewed by Council Community Safety Officer who raises no objection to the proposal.

Part B9 – Waste

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

Part C7- Boarding Houses

Standard	Requirement	Proposal	Complies
C7.2.2 Isolated Sites	Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment	The proposal does not result in the isolation of adjoining development sites	Yes.
C7.2.3 Layout and Orientation	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	The site is a corner allotment and benefits from a western primary frontage and has designed the built form to respond to the site and enable maximum solar access to the greatest number of rooms through the use of the eastern, northern and western elevation.	Yes.
	Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	The design has minimised any potential impacts to the southern property as a result of the building design and placement on the site.	Yes.
	Coordinate design for natural ventilation with passive solar design techniques.	The development has where possible allowed for natural ventilation to each room and enhances opportunities for solar access to each room.	Yes.
	Site new development and private open space to avoid existing shadows cast from nearby buildings.	The design has responded to the existing context and appropriately located the built form.	Yes.
	Site a building to take maximum benefit from cross-breezes and prevailing winds.	The design boarding rooms to be naturally ventilated as all rooms have windows, most of which have a northern, eastern or western aspect.	Yes.
	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	The design encourages passive surveillance to the street and communal areas.	Yes.
	Consider opportunities for the provision of private open space for individual rooms where it will not result in a visual or acoustic privacy impact upon neighbouring properties.	The design has incorporated where suitable opportunities for individual rooms to have ground level private open space areas.	Yes.

C7.3 Building Envelope			
C7.3.1 Floor Space Ratio, Height, Building Depth	New development shall comply with the relevant height and floor space ratio controls prescribed in the LEP. Maximum - FSR 0.5:1 Height of building (HOB) 8.5m Wall height 7m	FSR 0.5:1 HOB 7.6m Wall Height 7m	Yes.
	New boarding houses (including alterations and additions) shall comply with the building envelope controls of this DCP (unless specified in this chapter) for comparable predominant building type in the relevant zone provided in the table below: R3 Medium Density Residential: Part C3 – C3.3	Refers you to Part C3 – 3.3 see table to follow	

C7.3.2 Setbacks for boarding houses	<p>The following setbacks apply to boarding houses in the relevant zone: R3</p> <p>Front:</p> <ul style="list-style-type: none"> • Minimum setback of 6m • On a major road: a minimum setback of 9m from front boundary <p>Side:</p> <ul style="list-style-type: none"> • Minimum setback of 2.5m • Corner lots: minimum of 5.5m from the secondary frontage (the longer street boundary) <p>Rear:</p> <ul style="list-style-type: none"> • Minimum setback of 6m • Corner lots: minimum of 5.5m from the secondary frontage (the longer street boundary) <p>Deep Soil: A minimum setback of deep soil along the front and rear boundaries 5m wide</p>	<p>Primary 6.5m to balcony</p> <p>5m to southern boundary (side)</p> <p>4.4m to ground floor patio/balcony on the secondary frontage</p> <p>5.5m to building wall</p> <p>5m to rear boundary</p> <p>5m deep soil area</p>	<p>Yes.</p> <p>Yes.</p> <p>No.</p> <p>Yes.</p> <p>No.</p> <p>Yes.</p> <p>See discussion below [1] Setbacks.</p>
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C7.4 Building Design			
C7.4.1 Building design of boarding houses	New boarding houses (including alterations and additions) shall comply with the relevant building design controls of this DCP (unless specified in this chapter) for comparable predominant building type in the relevant zone provided in the table below: R3 Medium Density Residential: Part C3.4	The proposal achieves the design controls outlined in the DCP.	Yes.
C7.5 Car Parking	Boarding houses shall comply with the B1 parking and transport controls of this DCP.	28 rooms + 1 manager room SEPP rate 1 per 0.5 rooms 1 per staff 15 required – 15 provided	Yes.
C7.6 Amenity			
C7.6.1 Solar Access and Overshadowing Solar Access to Proposed Development	Boarding houses should be located so that solar access to at least 50% of the communal open space areas and to communal living windows is achieved for at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.	Communal room is north facing and will receive solar access between 10am and 2pm. The communal open space area located within the secondary setback is north facing and will achieve 3 hours.	Yes.
	Where site orientation permits boarding rooms must receive a minimum of 2 hours of sunlight between 9.00am and 3.00pm on 21 June.	13 of the 28 rooms receive sufficient solar access to each room. This is considered a satisfactory design solution given the site orientation.	Yes.
	Principle areas of private open space (POS) must receive a minimum of 2 hours of sunlight between 9.00am and 3.00pm on 21 June to at least 50% of the open space surface area.	No POS is required for each boarding room, other than that for the manager. The managers private open space and the communal open space comply with the requirements of the ARH SEPP 2009 and achieve 2 hours solar access	Yes.
	All habitable rooms are to have access to natural ventilation through an external window.	All boarding rooms have an external window or sliding door.	Yes.

	Natural light is to be available from an external window or from a light well – not from a skylight. Access to light is to be provided by way of a window or door with a minimum floor area of the room of 10%. Note: Skylight as a sole source of light is not permitted.	The requirement would be achieved via a window or sliding door proposed to each room. Conditions to ensure the proposal complies with the requirements will be imposed.	Yes.
C7.6.1 Solar Access and Overshadowing Solar Access to Neighbouring Development	Proposed development must retain a minimum of 3 hours of sunlight between 9.00am and 3.00pm on 21 June for existing primary living areas and communal rooms and to 50% of the principal private open space.	Demonstrated.	Yes.
	Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: a. Systems must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June. b. If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.	None present on the southern property at the time of assessment.	Yes.
	Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	An area for clothes drying to the adjoining property is maintained.	Yes.
C7.6.2 Visual Privacy	Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	The site has increased southern setback to reduce impact on the adjoining property. Internally the development is serviced by an open breezeway, providing adequate separation between the building elements on site.	Yes.

	<p>Minimise direct overlooking of rooms, common rooms and private open space through the following:</p> <ol style="list-style-type: none"> Provide adequate building separation, and rear and side setbacks; and Orient living room and communal room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties. 	<p>To ensure the potential for overlooking is mitigated a condition has been imposed to require 300mm lattice be placed on top of the southern boundary fence.</p> <p>Communal room and adjoining Communal open space are orientate towards the street and are considered satisfactory in terms of visual privacy.</p>	Yes.
	<p>If living room windows or communal room windows of private open spaces would directly overlook a neighbouring dwelling:</p> <ol style="list-style-type: none"> Provide effective screening with louvres, shutters, blinds or pergolas; and/or Use windows that are less than 600mm wide or have a minimum sill height of at least 1.6m above the associated floor level. 	<p>The proposal has a 5m setback to the southern boundary. The windows along the southern elevation have a minimum sill height of 1.8m from finish floor level and are not considered to result in any significant visual privacy implications.</p> <p>The windows adjoining the rear of the site (business zone) have a 5m setback and look onto a partial lane way and back of house/car parking for a commercial property. It is not considered the windows proposed will have any unreasonable impacts.</p>	Yes.

	Screening of bedroom windows and boarding room windows will be considered on merit and dimensions are not restricted based on potential privacy impacts.	<p>The development as proposed has responded to visual privacy orientating as many rooms as practical to the primary and secondary frontage to active the streetscape, enhance surveillance and provide a and well-designed façade.</p> <p>Where windows are not orientated to a street, the windows adjoining the residential property to the south have been suitably designed to remove any potential visual privacy impact.</p> <p>The windows to the west, whilst larger are considered appropriate in the context of the site adjoining commercial uses and is within a business zone.</p> <p>The proposal will not impact on the current operations of the commercial site, and any future redevelopment of the site will not be limited as a result of this development proposed.</p>	Yes.
C7.6.3 Acoustic Privacy	Protect sensitive rooms, such as bedrooms and boarding rooms, from likely sources of noise such as major roads and neighbouring living areas.	The development/site is not located on a major road.	Yes.
	Bedroom windows and boarding room windows in new developments that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway.	Adequate screening provided using ground floor fence and landscaping	Yes.
	Screen balconies or windows in living rooms, communal rooms, bedrooms or boarding rooms that would face a driveway or basement ramp	The proposal is satisfactory in its treatment of windows adjoining the driveway. Suitable sill heights are used to ensure they will not be impacted by the vehicles when entering and exiting the site.	Yes.

C7.7 Fences and Ancillary Development			
C.7.1 Fences	Provide boundary definition by construction of an open fence or low hedge to the front street boundary.	Open fence 1.2m wide to front and secondary setback	Yes.
	Front fences within the front boundary setback are to be no higher than 1.2m.	1.2m	Yes.
	Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m.	A condition will be imposed that requires the side fence to be 1.8m.	Yes.
	On corner sites where the façade of a building presents to two street frontages, fences are to be no higher than 1.2m.	1.2m high fence proposed.	Yes.
	Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	Conditions imposed to ensure the solid component does not exceed 1.2m of the 1.5m proposed.	Yes.
C7.7.2 Building Services	All letterboxes be installed to meet Australia Post standards.	A condition of consent will be imposed to ensure compliance.	Yes.
	Design and provide discretely located mailboxes at the front of the property.	A condition of consent will be imposed to ensure compliance.	Yes.
	Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.	The provision of a substation is not required. A condition of consent will be imposed.	Yes.
	Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.	The development has located the air-conditioning services within the basement The waste area has been suitably incorporated into the proposal and is accessible at ground floor. Council's waste officer has reviewed and subject to conditions imposed is satisfied with the design	Yes

	<p>Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes.</p> <p>Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site:</p> <ol style="list-style-type: none"> Screen air conditioning units behind balcony balustrades; Provide screened recesses for water heaters rather than surface- mounting them on exterior walls; and Locate meters in service cabinets. 	The proposal does not require services to be fitted externally. A condition of consent will be imposed to ensure the external fixtures for services are not revised within the construction certificate.	Yes.
	Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation.	The proposal does not require services to be fitted externally. A condition of consent will be imposed to ensure the external fixtures for services are not revised within the construction certificate.	Yes.
	Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes.	The design suitably integrates the required building services within the overall design.	Yes.
	<p>Location and design of service areas should include:</p> <ol style="list-style-type: none"> Screening of clothes drying areas from public and semi-public places; and Space for storage that is screened or integrated with the building design. 	The clothes drying area is located adjoining the southern boundary within the site and suitably screened from the street.	Yes.

	<p>Minimise visual impact of solar hot water systems by:</p> <ol style="list-style-type: none"> Placing the system as unobtrusively as possible, both to the street and neighbouring properties; Using a colour that is consistent with the colour of roof materials; Designing solar panels, where possible, as part of the roof; Setting the solar panels back from the street frontage and position below the ridgeline; and Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry). 	A hot water system is shown to be located within the basement this is considered satisfactory.	Yes.
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Part C Multi Dwelling Housing and Attached Dwellings Section C3.3 – Building Envelope

<u>Height</u>	<p>Development for the purposes of attached dwellings must not exceed the following numerical requirements:</p> <ol style="list-style-type: none"> Maximum of two storeys and 7m maximum external wall height, where the height of buildings under the LEP is 8.5m. Maximum three storeys and 10m maximum external wall height, where the height of buildings under the LEP is 11.5m. 	<p>7m wall Height</p> <p>7.6m height of building</p>	Yes.
<u>Basement and Sub-floor Projection</u>	Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.	Approx. 700mm at front of site and cut in at the rear to cater for the basement proposed.	Yes.

Part C Multi Dwelling Housing and Attached Dwellings - Section C3.4 Building Design

	Contemporary architectural designs may be acceptable if: (a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours. (b) The proposed addition is not visually prominent from the street or from a public space. (c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	A contemporary design is proposed. The site is not a heritage item or within a conservation area New building is proposed. Not proposed, new build sought.	Yes.
	New building forms and design features shall not mimic traditional features but should reflect these in a contemporary design.	The design is of contemporary modern design and does not mimic traditional features.	Yes.
	Access to upper storeys must not be via external stairs.	No external staircases proposed.	Yes.
	All dwellings must contain one kitchen and laundry facility.	Each room provides kitchen, laundry and bathroom facilities, no shared facilities are proposed.	Yes.
	Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	Demolition of all existing structures has been undertaken under separate approval (complying development). The site is currently vacant.	Yes.
	Entries to residential buildings must be clearly identifiable.	The residential entry is clearly defined and legible within the streetscape.	Yes.
	A minimum of one habitable room per dwelling must be oriented towards the street to promote positive social interaction and community safety.	The application is for a boarding house, the 'rooms' are the entirety of each 'dwelling' therefore this cannot be achieved and is considered to not apply to the development type. The design proposed utilises the primary and secondary frontage within the design and orientates 15 of the 28 units face the street. This ensures that the streetscape is suitably activated, whilst promoting passive surveillance.	NA

	Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.	Clear sight lines to the street are provided to the development from entries, the communal room and the boarding rooms oriented towards the primary and secondary frontage.	Yes.
	In multiple unit development, face at least one habitable room or private open space area towards a communal space, internal driveway or pedestrian way.	The communal open space is located adjoining the communal room and managers room.	Yes.
	Ground level private terraces located within the front setback must be setback at least 1m from the street boundary to accommodate a landscape strip which should remain in communal ownership.	Courtyards within the secondary setback are located at least 1.5m back from the road (Oneata Street) no courtyards proposed within the primary setback.	Yes.
	Landscaping of street setbacks should not include continuous visually-solid hedges that would block sight lines from dwellings or conceal intruders.	Landscape plan shows a planted edge to the street containing informal hedging. The landscape plan shows a mix of landscape species to boarder the site. Conditions will be imposed to ensure the species selected will allow for visual surveillance.	Yes.
	Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	1.72 m high at highest point 50% open picket style fence shown to Oneata Street (secondary frontage) 1.2m max height to Croydon Street.	Yes.
	The combined width of front fencing is not to occupy more than 50% of the frontage of the site.	The plans provided show the integration of the fencing with a landscape frontage. Primary frontage 28% fence to landscaping (72%) Secondary frontage – 50% fence to landscaping Combined site 42% fence to 58% landscaping	Yes.

<u>Façade Treatment</u>	Development on corner lots must address both street frontages through façade treatment and articulation of elevations.	<p>The design proposed is a contemporary and modern built form.</p> <p>The design has addressed both street frontages and provided visual interest and building articulation using suitable material and finishes and the use of balcony design. The design is considered satisfactory.</p>	Yes.
	Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	The development uses light and dark coloured bricks and cladding. Their use is controlled and carefully chosen to accentuate elements of the building and provide controlled visual interest	Yes.
	Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	The development incorporates framing element for build articulation and sun shading to northern windows, without dominating the façade	Yes.
	Facades visible from the street should be designed as a series of articulating panels.	The façade has been designed to give the appearance of a series of articulated panels, utilising changes in depth through controlled building elements to provide a consolidated streetscape with visual breaks and modulation.	Yes.
	Width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	The development has been designed as a series of panel elements within the streetscape, ensuring the visual breaks and rhythm of the development is interactive and responsive. The depth and articulation used ensures the streetscape is not dominated by blank, unarticulated building walls.	Yes.
	<p>The width of articulating panels shall be in accordance with the numerical requirements below:</p> <p>Street Elevation 4-6m Side Elevation - 10-15m</p>	The proposal is generally consistent with the widths required for each 'pavilion' element.	Yes.

	Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall or other protruding feature) of at least 0.5m for residential buildings.	The proposal includes the use of balconies and patios to show depth and change along the elevation to ensure visual interest and the reduction of the appearance of the built form as a continuous flat wall. The design has a mix of materials and finishes addressing both the primary and secondary frontage ensuring an active frontage provided.	Yes.
	Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	The schedule of colours and finishes provided identifies a range of materials and finishes that are considered satisfactory in providing visual interest and contrast.	Yes
	Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	Balconies are provided along the secondary frontage for 1m depth in three locations. The primary frontage incorporates a balcony projecting 0.5m forward of the building wall.	No, see discussion below [2] Articulation.
<u>Pavilions</u>	The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	The proposal is for a boarding house and this control does not strictly apply. However, it is considered the design is such that each two storey component 'panels' assist in achieving the design and visual interest sought.	Yes.
	Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	The façade as designed has utilised building modulation, changes in materials and finishes to provide for a break in the built form. The built form as presented does not exceed 25m in one built element.	Yes.

	Pavilion elements shall have a depth between 10-15m.	<p>The development doesn't strictly contain pavilion elements, however the intent of the control to limit the width of built form and provide articulation and building relief is achieved in this design with the building elements and articulation shown.</p> <p>It is considered the development meets the requirement of this control.</p>	Yes.
	Articulate upper storey pavilions with an additional side boundary setback and identify by separate roofs.	Separate roof forms are not practical given the nature of the development and the built form. The side setbacks to the south for the adjoining development are in excess of the minimum required. As such it is considered the proposal is satisfactory.	Yes.
<u>Windows</u>	Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	The proposal incorporates windows that are generally square or rectangular located within each room. It is considered the design selected and façade appearance has appropriately located the windows as required.	Yes.
	Large windows should be screened with blinds, louvres, awnings or pergolas.	A condition will be imposed to ensure blinds or similar are installed for the occupants	Yes.
	Windows must be rectangular.	The windows proposed are generally rectangular in shape.	Yes.
	Square, circle and semi-circle windows are acceptable in moderation.	No circular or semi-circle windows proposed.	Yes.
	Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	Glazing to the elevation when a sliding door is proposed contains two panels.	Yes.
	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Suitable cover is provided to a number of ground floor windows from first floor balcony projections, a condition of consent can be imposed to enhance compliance for north facing first floor windows.	Yes.

<u>Ventilation</u>	<p>Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).</p> <p>Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.</p>	Each room has a window or sliding door that can be opened for ventilation and a 2.7m floor to ceiling height is proposed.	NA
<u>Roof Design and Features</u>	Use a simple pitched roof that accentuates the shape of exterior walls and minimises bulk and scale.	A modern roof design comprising a generally flat roof (2 degree fall) is proposed to ensure the overall bulk and scale of the development is minimised. The contemporary design is considered suitable in this instance and lends to the reduction of the development of the overall bulk and scale of the development.	Yes.
	Avoid complex roof forms with multiple gables, hips and valleys, or turrets.	The design is a contemporary, simplified roof that avoids the need for hips, gables and the alike. The roof form provided is considered a reasonable design outcome for the proposal.	Yes.

	Roof pitches are to be compatible and sympathetic to nearby buildings.	<p>The roof design presented is a contemporary built form and considered generally compliant with the DCP controls.</p> <p>The site is uniquely located. The sites to the east are occupied by business developments of varying forms, the site to the west is occupied by a school (R4 zone) whilst the sites to the north and south along Croydon Street are traditional older housing stock.</p> <p>The roof form, whilst not reflective of the current residential built form adjoining the site (traditional hipped roofs/gable roofs), it is sympathetic to and not incompatible to the surrounding roof forms.</p>	Yes.
	Parapet roofs that increase the height of exterior walls are to be minimised.	Where parapet/balcony framed elements are used, they have been minimised.	Yes.
	Use minor gables only to emphasise rooms or balconies that project from the body of a building.	No gables have been used.	Yes.
	Mansard roofs (or similar) are not permitted.	The development does not propose a mansard style roof.	Yes.
	Pitched roofs should not exceed a pitch of 30 degrees.	2 degree flat roof proposed.	Yes.
	Relate roof design to the desired built form and context.	The proposed roof form is compatible and related to the desired built form and context as required by the DCP.	Yes
	Relate roof design to the desired built form and context	Compatible and related to the desired built form and context as required by the DCP.	Yes

[1] Setbacks

The proposal fails to comply CDCP 2012, Part C7, Clause 7.3.2 in relation to the secondary and rear setback. The control is provided below:

.....

Side:

- *Minimum setback of 2.5m*
- *Corner lots: minimum of 5.5m from the secondary frontage (the longer street boundary)*

Rear:

- *Minimum setback of 6m*

....

The development seeks consent for a 5m rear boundary setback and a 4.3m setback in three points along the secondary frontage due to the inclusion of projecting balcony framing elements introduced to the façade.

The definition of setback in the CDCP 2012, requires that the setback be measured from the property boundary at 90 degrees to the building wall; outside face of any balcony, deck or the like; the supporting posts of a carport, or a verandah roof; and whichever distance is the shortest.

When considering the set backs and the variations requested, the context of the site and the expected/desired character has been considered.

The sites directly adjoining the subject site to the east are known as 108-114 Haldon Street and are zoned B2 Local Centre. The CDCP 2012, Part D, Section 7.3, C1, identifies the sites within the Lakemba local centre as shown in CDCP 2012 Figure D7.2 (excerpt below):

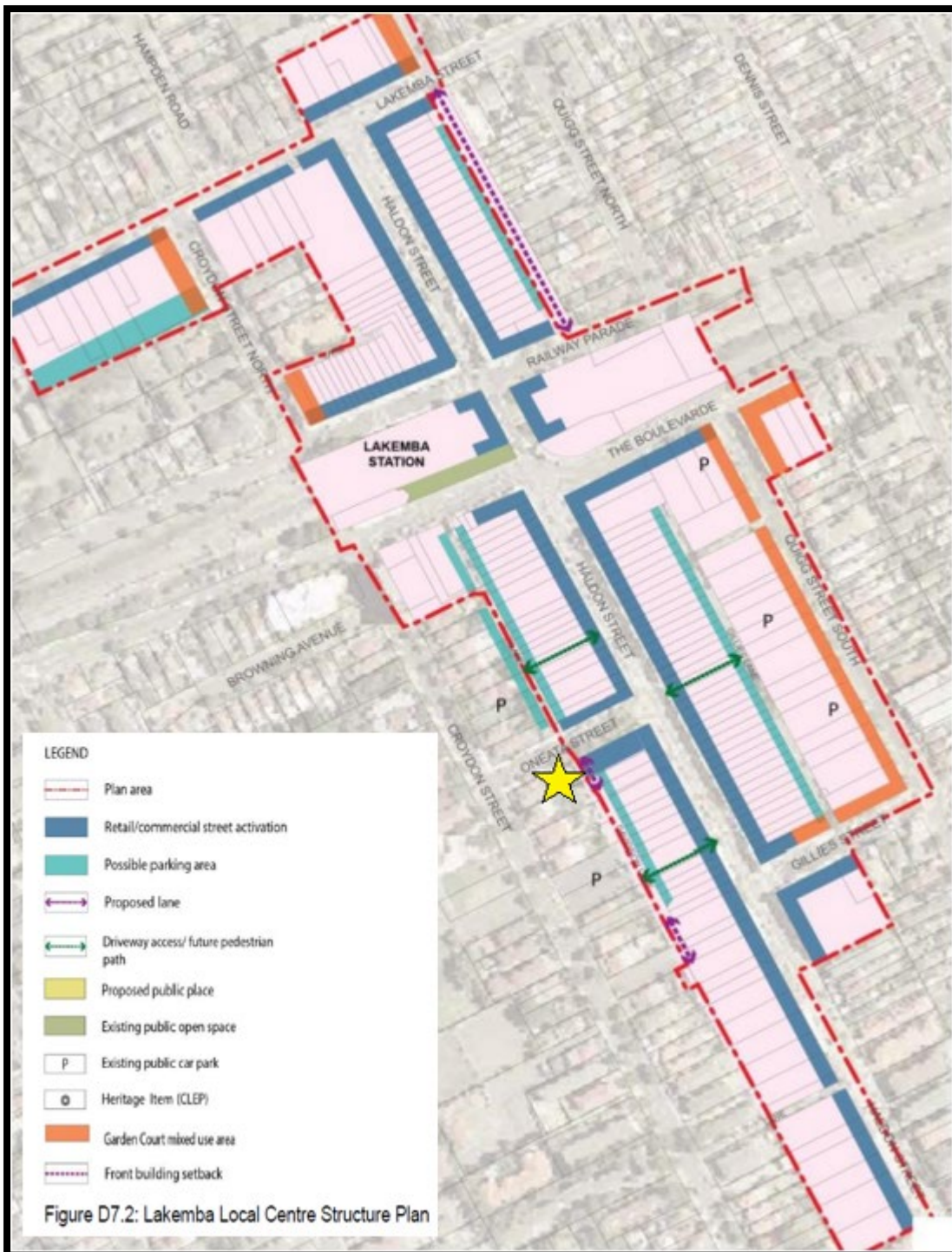


Figure 3 – DCP Excerpt part D, Figure D7.2

The local centre plan indicates that the corner of Haldon and Oneata Street is desired to have a retail/commercial activation, with the area adjoining Davidson Lane (rear of this property), shown as desired for possible parking area and proposed lane way extension.

Secondary setback

The proposal has achieved compliance for the building wall, however has incorporated three balconies/patios that would fail to achieve the required 5.5m setback. The setback when measured to these points is 4.3m (closest point).

Ensuring an appropriate built form outcome is complicated given the subject site is a corner allotment that is bound to the east by a commercial zone. The development within the commercial zone currently has a zero setback for approximately 50% of its secondary frontage and locates parking and access arrangements adjoining the subject site.

The 5.5m setback with the projections and building articulation ensures that the built form is reflective of the typical residential character and seeks to achieve a softer residential edge to developments within residential zones. In this instance, given the R3 site, directly adjoins the B2 zone, the minor non-compliance for 16m of the 39m façade can be considered as a suitable interface and relationship between the zones. The built form will read within the context and form a suitable transition around the corner element of the site. The reduced setback in the locations shown along the facade, will still meet the objective of the control given the commercial zoning interface.

Strict compliance with the control in this instance is unreasonable and unnecessary given the site and the surrounding developments and the minor encroachments in this instance are considered worthy of support.

Rear setback

The application proposes a variation to the rear setback. The proposal fails to provide a 6m rear setback as outlined by the CDCP 2012.

The site to the rear adjoins the B2 zone. The sites fronting Haldon Street, adjoining the subject site within the zone allows an 18.5m height limit. They are identified in Part D of the CDCP 2012 as having a primary and secondary frontage for commercial activation with a potential laneway extension to Davidson Lane onto Oneata Street. at the rear of the site.

The rear setback provides for the compliant 5m deep soil area and offers private open space that will have functionality to a number of ground floor rooms.

The reduction in setback for the proposal will not result in any constraints for the reasonable redevelopment of the adjoining sites, nor will it set an undesirable built form presentation as the transition in this instance, given the adjoining B2 zone and built form existing within the site has a substantial setback to the common boundary.

Should the redevelopment of the adjoining site occur, its likely the lane will be extended along the adjoining lots (108 Haldon Streets) western boundary, providing a setback by way of a lane way to the subject site.

It is considered strict compliance with the control in this instance, given the existing built form and potential redevelopment as identified within Council's CDCP 2012 is unreasonable and unnecessary.

[2] Articulation

The proposal fails to comply CDCP 2012, Part C3, Clause 3.4.1 control 24 in relation to screening prominent corners. The control is provided below:

Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.

The development utilises a small projection of 0.5m, materials and finishes to articulate the corner, whilst ensuring the design is responsive to the context of the site. The design of the development is such that it has appropriately responded to the corner, whilst ensuring it is in character with the streetscape. On that basis the proposal can be supported.

Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)

The Canterbury Development Contributions Plan 2013 applies to the site and requires a contribution of \$142,214.00. This is included as a condition of consent.

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

There are no planning agreements applicable to the proposed development.

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

The proposed development is not inconsistent with the 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, where non-compliances with the relevant 'design criteria' in the CDCP 2012 occur, they have been addressed and are considered worthy of support. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

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

The site is considered suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised for a period of 21 days and renotified for 14 days with amended plans. A total of eleven (11) submissions were received during these periods, which raise concerns relating to parking and traffic, suitability of the development in the locality, impacts on the school, solar access, the development is out of character with the area, not in keeping with the community, concern of future residents and the impacts resulting from dumping of waste and rubbish.

Objection: Location is not suitable given the proximity of the proposal to schools, baby health care centre, preschool and aged care home.

Comment: Boarding houses are permitted within the R3 Medium Residential Density zone. The site meets the minimum allotment areas for a boarding house in accordance with the Canterbury Local Environmental Plan 2012. The development has been assessed against, and generally complies with, the relevant planning requirements for a boarding house development.

The site is situated near a commercial centre and public transport, it is considered the locality is suitable for the proposed development as outlined within this report.

Objection: Parking within Croydon street is already difficult; this development will further impact the availability of on street parking and increase traffic congestion throughout the street and surrounding street. An increase in parking and traffic could lead to increases in accidents and double parking as the street is already congested

Comment: The development includes a basement car park accommodating 15 car parking spaces, 6 motorcycle and 6 bicycle spaces. This is compliant with the off-street parking requirements contained within the State Environmental Planning Policy. The application has been reviewed by Council's Traffic Engineers who have raised no objection to the proposal based on traffic and parking.

Objection: Concern over the safety of pedestrians walking in front of the site.

Comment: The development is a corner allotment and has been designed to locate the driveway to the southern most corner of the primary frontage to provide the greatest distance to the intersection at the corner of Croydon Street and Oneata Street.

The driveway design utilises a single-entry driveway to ensure the retention of the street tree. Council's Engineers have considered the proposal and raised no concerns with safety. The proposed development will have adequate visibility splays for cars entering and exiting the site.

The driveway will not, therefore, result in additional safety concerns for pedestrians walking within the area than that of any other driveway proposed.

Objection: Concern with the overcrowding of residences that already happens within Lakemba and this will likely have a similar outcome

Comment: The proposed development proposes 28 single lodging rooms and 1 managers room on site. It is considered the proposal and the Plan of Management submitted will ensure the maximum occupancy of the development is complied with. Conditions will be imposed to ensure the development operates in accordance with this requirement.

Objection: Not enough parking proposed within the development.

Comment: The site provides for the required off street parking within the basement. The development will not result in an increase in traffic generation to an unacceptable level in the immediate locality.

Objection: Motives of boarder is unknown. Potential Abuse, kidnapping of local school children are a possibility with low accountability. We have seen this happen overseas and it needs to be a lesson learned here with the Canterbury-Bankstown Council. These boarding places can be used as temporary places to plot terrorist attacks, brothel business, child abuse and illegal drug dealing.

Comment: The boarding house will have an onsite manager and will be guided by a Plan of Management. The alleged behaviours, intentions or motives of future residents is not a planning assessment consideration.

Objection: The proposal will likely increase existing issues with illegal dumping of household waste on footpaths and verges, as boarders come and go, likely to increase the rate of dumping.

Comment: Matters of illegal dumping should be reported to Council's compliance team for investigating and action. The development has provided adequate waste facilities. The matter of potential future illegal dumping by residents cannot be further considered as part of the assessment of this application.

Objection: The proposal isn't in keeping with the character or the community and surrounding development and is an over development of the site.

Comment: The development has been reviewed in accordance with the relevant legislation and planning controls, and generally complies with the requirements set out. The built form shown is reflective of the bulk and scale indicative of the planning controls. The development is located within an R3 zone between properties zoned B2 and R4.

Objection: Concern over the solar access impacts to the adjoining properties and the resulting impacts of loss of light/solar to the properties.

Comment: The proposal complies with the solar access requirements to the southern dwelling.

Objection: Concern over noise from Boarding house and impact on school children, especially when sitting exams.

Comment: The development is not anticipated to result in any impacts as a result of noise outside of general residential noise. The development will not adversely impact the school or community operations in proximity.

Objection: The location of the boarding house will likely impact both directly and indirectly to young people.

Comment: The development will assist in providing a diversity of housing choice within the area. The proposed development is not considered to result in any significant impacts to the youth in the surrounding area by the housing choice proposed.

Objection: Concern of the visual privacy of neighbouring sites.

Comment: The development has been designed and meets the requirements of the Canterbury Development Control Plan 2012 in relation to visual privacy as discussed earlier in this report.

Objection: Concern over the location given the type of people likely to live in the accommodation and possible issues with drugs and alcohol on the premises, resulting in crime, anti-social behaviour and possible violence.

Comment: The behaviour of future residents is not a planning assessment consideration. Issues of anti-social or violent behaviour are policing and social care matters which are not regulated or managed through the planning system.

Objection: Concern with notification scope of Council and lack of detail in the notice and in the notification plans provided

Comment: The application has been notified in accordance with Council's policy.

Objection: Concern the development will result in illegal dumping within the street.

Comment: Should illegal dumping occur within the area, contact Council on 9707 9000.

Objection: Loss of the heritage building within the area.

Comment: The site is not listed as a heritage item under the Canterbury Local Environmental Plan 2012. Separate approval was obtained for removal of the dwellings on site under complying development.

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

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

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and the Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020.

The application proposes minor variations to the requirements contained in the Canterbury Development Control Plan 2012. However, the assessment of the development application has found that these variations are justified in the circumstances of this case, in the context of both the overall development and the surrounding locality.

RECOMMENDATION

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

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-999/2019, submitted by Mr Elie Sleiman, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
19140-04	Proposed Site Plan	D	04.05.21	ES Design
19140-05	Proposed Basement Floor Plan			
19140-06	Proposed Ground Floor Plan			
19140-07	Proposed First Floor Plan			
19140-08	North and West Elevations			
19140-09	South and East Elevations			
19140-10	Sections View			
19140-11	Section view and driveway grade details			
19140-12	Front Fence Details			
19140-13	Schedule of finishes			

- 3) The boarding house must be designed, constructed and operated in accordance with:
 - i. *Local Government (General) Regulation 2005*, Schedule 2, Part 1 Standards for places of shared accommodation;
 - ii. *Boarding Houses Act 2012*; and
 - iii. *Boarding Houses Regulation 2013*.
- 4) The acoustic report prepared by Rodney Stevens Acoustics Pty Ltd, titled, 'Noise Assessment Proposed Boarding House Development 38 - 40 Croydon Street, Lakemba', dated 30 October 2019, reference 190494R1 and the recommendations within the report forms part of the development consent.
- 5) The Plan of Management prepared by Concise Planning titled 'Operational Plan of Management', dated 6 May 2021 forms part of development consent. In the event of any inconsistency, the conditions of this consent will prevail over the plan of management. The Plan of Management should be updated in section 1 to note 28 single boarding rooms.

- 6) The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

- 7) Subdivision of the boarding house is not permitted.
- 8) No Substation is approved within this consent.
- 9) 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 construction work to ensure protection of the street 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.
- 10) Prior to the commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners at 108-112 Haldon Street and 42 Croydon Street to the east and south of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to the commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
- 11) A substation has not been approved and if required details must be submitted to an approved by Council. Further Council approval is required prior to the installation of any substation for the development.
- 12) The deep soil areas located in the rear setback adjoining Davidson Lane must be retained as deep soil and landscaping for the lifetime of the development. No encroachments for services or any structure is permitted within these areas.
- 13) Underground services shall use common trenches outside Tree Protection Zones. If services need to be run within a Tree Protection Zone then all utility pipes and similar are to be installed using appropriate directional boring techniques. No tree roots are to be severed or damaged during this work.
- 14) Sight triangles are to be modified, marked and provided on both sides of the driveway, as per the sketch marked in red on the approved plans sheet 19140-04 Revision D dated 04.05.21. The retaining walls are to be installed on both sides of the driveway no more than 400mm within the sight triangles to ensure sight lines are kept clear of any obstacles.

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:

- 15) 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.
- 16) The landscaping proposed is to be in accordance with the Landscape Plan, date 23rd October 2019, By Tina Kosta. A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 17) 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.
- 18) 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.
- 19) The street trees adjoining Croydon Street must be retained and protected through out the development in accordance with Section 12.1 of the Arboricultural Impact Assessment Report, prepared by Horticultural Management Services; dated 10th September 2020.
- 20) A vacant land charge form is to accompany any Construction Certificate (CC) application for the removal of all domestic garbage and recycling bins.
<https://www.cbcity.nsw.gov.au/council/forms/waste-recycling>

- 21) 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 Development Engineering Standards and submitted to the certifier for approval prior to the issue of a construction certificate.
- 22) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

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

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

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

- 23) 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.
- 24) 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.
- 25) 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 \$142,214.00. The amount payable is based on the following components:

Contribution Element	Contribution
2013	
• Community Facilities	\$ 12,871.42
• Open Space and Recreation	\$ 125,715.34
• Plan Administration	\$3,627.24

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

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

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

- 26) 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.
- 27) Stormwater drainage from the development shall be designed so as to comply with Council's Canterbury Development Control Plan 2012 Part B5 stormwater guideline requirements and of the BASIX Certificate (where applicable). A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan Rev C, dated 28/03/2021 prepared by TAA CONSULTING ENGINEERS.

The final plan shall be certified by the design engineer that it complies with Council's Canterbury Development Control Plan 2012 Part B5, the BASIX Certificate and the relevant Australian Standards.

- 28) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) A medium duty VFC at the property boundary.
 - b) Drainage connection to Council's system.
 - c) Concrete footway paving along the site's entire frontage to Croydon Street.
 - d) The Street Trees must be retained and protected in accordance with the arborist report as required by condition 12 of this consent.
 - e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f) Repair of any damage to the public road including the footway occurring during development works.
 - g) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

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

- 29) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grades cannot be achieved, then 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.

- 30) 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.
- 31) The layout of the proposed car parking areas associated with the subject development including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions shall be in accordance with the Australian Standard AS 2890 parking series.
- 32) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 33) A design certificate and detailed plans are to accompany any Construction Certification application which demonstrates that the waste storage room has been designed to be constructed in accordance with the following requirements:
- a) Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.

- b) The floors must be finished so that it is non-slip and has a smooth and even surface.
 - c) The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
 - d) The walls must be constructed of solid impervious material.
 - e) The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
 - f) Walls, ceiling and floors must be finished in a light colour.
 - g) Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - h) Self-closing doors openable from within the room.
 - i) Must be constructed to prevent the entry of birds and vermin.
 - j) Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
 - k) The external doorways must be 2m wide.
 - l) The internal door is to be 1.5m wide.
 - m) Designed to fit 3 x 660L garbage bins
 - n) Designed to fit 3 x 660L recycling bins
 - o) Designed to fit 1 x 240L garden waste bins.
- 34) A design certificate and detailed plans are to accompany any Construction Certification application which demonstrates that the bin carting route from the waste storage room to nominated collection point has been designed to be constructed in accordance with the following requirements:
- a) Direct and less than 15m;
 - b) Minimum 2m wide hard surface;
 - c) Minimum 2m wide doorways;
 - d) Non-slip, free from obstacles and steps;
 - e) A maximum grade of 1:30 (3%);
 - f) Layback installed at the nominated collection point.

Bins are to be presented for collection at the top of the ramp/external door of the bin storage room.

- 35) A design certificate and detailed plans are to accompany any Construction Certification application which demonstrates that the bulky waste storage room has been designed to be constructed in accordance with the following requirements:
- a) Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
 - b) The floors must be finished so that it is non-slip and has a smooth and even surface.
 - c) The walls must be constructed of solid impervious material.

- d) The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
 - e) The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
 - f) Walls, ceiling and floors must be finished in a light colour.
 - g) Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - h) A self-closing door openable from within the room.
 - i) Must be constructed to prevent the entry of birds and vermin.
 - j) Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
 - k) All doorways must be 2m wide.
 - l) Designed with a minimum floor space of 4m².
- 36) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

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

This plan shall include details of the following:

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

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

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

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

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

- 37) 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.

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

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.
- p) A medium Vehicular Footway Crossing (VFC) at the property boundary. All existing and / or new infrastructure located on Council's land in front of the development site is to be provided in accordance with Council's Engineering Standard STD DWG N° S-004. All costs associated in achieving compliance with this condition must be borne by the person having the benefit of this Determination Notice. All work must be completed prior to the issue of any Occupation Certificate

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

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

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

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

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

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

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

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

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

- 39) The development is to be carried out in accordance with the commitments shown in the BCA Section "J" Assessment Report Rev B, dated 29/09/2020, prepared by Noura Al Hazzouri. The Section "J" commitments approved with the development application are to be reflected in the construction certificate plans and specifications.

- 40) 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 owner must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged to 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, 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:

- 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.
 - Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
 - The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
- 41) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The Engineer must design the Pump out system in accordance with Australian Standards AS3500.3. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 42) If required, documentary evidence of Sydney Water's approval of the proposed connection to its drainage system is required to be submitted to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. All conditions imposed by Sydney Water shall be strictly complied with and incorporated into the approved drainage plan.

- 43) A suitably qualified Professional Engineer shall certify that the layout of the proposed car parking areas associated with the subject development, including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, and parking bay dimensions should be in accordance with the Australian Standard AS 2890 parking series.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 44) 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.
- 45) 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.
- 46) 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.

- 47) 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.
- 48) 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.
- 49) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

- 50) 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.

- 51) 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.
- 52) 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.
- 53) 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.

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

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

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 55) Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
- 56) No heavy vehicles associated with demolition, construction or the delivery of materials are to arrive or depart the site during active school zone periods (i.e. from 8.00am – 9.30am and 2.30pm – 4.00pm on school days).
- 57) In order to facilitate construction works, a Works Zone is to be installed across the site frontage in Croydon Street, subject to the approval of the Traffic Committee. The Applicant must apply for the Works Zone in accordance with Council's requirements, three months prior to the commencement of the works on the site.
- 58) Appropriate measures should be considered for site access, storage and the operation of the site during all phases of the construction process in a manner which respects adjoining owner's property rights and amenity in the locality, without unreasonable inconvenience to the community.

- 59) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 60) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 61) 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.
- 62) Tree protection measures must be maintained at all times.
- 63) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 64) 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.
- 65) 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.
- 66) If an excavation extends below the level of the base of the footings of an adjoining building or a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a) if necessary, must underpin and support the building in an approved manner, and
 - b) must, at least 7 days before excavating below the level of the base of the footings of a building give notice of intention to do so to the owner of that building and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) must take all precautions to protect all of the structures from damage.

The owner of any affected buildings is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

- 67) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 68) 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.
- 69) 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.
- 70) All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.
- 71) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 72) The stormwater drainage system shall be constructed in accordance with Council's Canterbury Development Control Plan 2012 Part B5 and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 73) 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.

- 74) An identification report by a registered surveyor must be submitted to the principal certifier prior to the ground floor slab being poured to verify the buildings wall setback and floor level conform to the approved plans.
- 75) Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e) Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/ details are also to be kept of person removing the waste.
- f) All materials and resources that are to be stored on site during construction works are contained on the site, the provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

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

- 77) 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 (where applicable).
- 78) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 79) Consolidation of the existing allotments must be registered by NSW Land Registry Services prior to the issue of an occupation certificate.
- 80) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system. A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 81) The Principal Certifying Authority shall obtain an acoustic validation report from an appropriately qualified acoustic consultant, not previously involved in the development, stating that the recommendations outlined in the acoustic report prepared by Rodney Stevens Acoustics Pty Ltd, titled, 'Noise Assessment Proposed Boarding House Development 38 - 40 Croydon Street, Lakemba', dated 30 October 2019, reference 190494R1 have been implemented and that relevant noise criteria as well as the recommendations has been satisfied, prior to the issue of any Occupation Certificate. A copy of the acoustic validation report shall be provided to Canterbury Bankstown Council prior to the issue of any Occupation Certificate.
- 82) 15 off street car spaces and 6 motorcycle and 6 bicycle spaces being provided (within the basement) in accordance with the submitted plans. The accessible car parking space is 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.
- 83) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title" in accordance with the appropriate provisions of the Conveyancing Act.

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

- 84) 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.
- 85) 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.
- 86) 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.
- 87) 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.
- 88) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development.
- 89) An identification report by a registered surveyor must be submitted to the principal certifier to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 90) Prior to the issue of any Occupation Certificate, under the Boarding Houses Act 2012, Boarding House proprietors are required to register their boarding house with NSW Fair Trading. Failure to do so is an offence and action may be taken.
- 91) Prior to the issue of any Occupation Certificate, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, WMP. Specifically, the path of travel for all waste, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions and that all waste facilities are fit for purpose.

- 92) Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its contractors to enter and exit for the purpose of waste and recycling collection. The development is also required to indemnify council and its contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building. A positive covenant shall be placed on the property title, such as section 88B certificate.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.

The provision of Council's waste collection service will not commence until formalisation of the agreement.

- 93) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and all adjoining and adjacent neighbours with the Operator providing contact details for the registering of complaints/incidents. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate and commencement of the use.
- 94) In order to enhance sight distance for pedestrians and vehicular traffic, a 'No Stopping Waste Vehicles Excepted' signage is to be installed along the site frontage in Croydon Street, subject to obtaining approval from the Traffic Committee, three months prior to the occupation of the site. All costs associated with the installation of the stems and signs are to be borne by the Applicant.
- 95) A 10 metre long part-time 'Loading Zone (10am – 12pm Mon to Sat)' for loading and unloading activities is to be installed along the eastern end of the site frontage in Oneata Street between the two pedestrian access points, subject to obtaining approval from the Traffic Committee, three months prior to the occupation of the site. All costs associated with the installation of the stems and signs are to be borne by the Applicant.
- 96) Any redundant driveway along Oneata Street and Croydon Street fronting the development site to be removed and reinstated with kerb and gutter and verge to match with remaining at the Applicant's cost.
- 97) The footpath along Oneata Street and Croydon Street fronting the development site is to be reconstructed at the Applicant's cost.

USE OF THE SITE

- 98) The use of the outdoor communal areas are restricted to 7.00am to 8.00pm daily.
- 99) The hours of use of the internal communal areas is restricted to between 7:00 am and 10:00 pm, daily.
- 100) The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The Operator shall be responsible for ensuring that the terms of the Plan are always adhered to.
- 101) No more than one lodger per room with the total number of lodgers residing in the boarding house at any one time not to exceed 28 lodgers.
- 102) All vehicles associated with the development shall enter and exit the site in a forward direction.
- 103) The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, wastewater, waste products, grit, oil or other harmful products.
- 104) Should a noise issue (relating to the development) not previously identified arise (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this acoustic assessment report must be submitted to Council for approval and from there noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.
- 105) The Operator is to monitor the number and nature of complaints/incidents, shall formally register all incidents/complaints received and shall detail the action taken to rectify the problems that have arisen. This information shall be collated into an Incidents/Complaints Register. This Register must be produced upon demand by Council or NSW Police. The Register must contain a direction that all complaints/incidents of a criminal nature are to be reported to the Police immediately.
- 106) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282: Control of the Obtrusive Effects of Outdoor Lighting to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

- 107) The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where an operator/proprietor takes over an existing, or begins operating a new, registrable boarding house. Council will carry out initial inspection (within the first twelve months) in accordance with the Boarding Houses Act 2012 and ongoing annual inspections, subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.
- 108) The approved Waste Management Plan (WMP) is to be implemented throughout the ongoing use of the development.
- 109) The nominated collect and return collection point are to be utilised to facilitate the collection of waste and recycling bins for the development
Bins are to be presented for collection at the top of the ramp/external door of the bin storage room.
- 110) The nominated kerbside collection point is to be utilised to facilitate the collection of garden waste bins for the development. All mobile garbage bins that are left kerbside for collection must be taken back within the property boundary on the same day of service.
- 111) The development must operate in full compliance with Council's Waste Management collection requirements.
- 112) The final Plan of Management (POM), which addresses the ongoing management and operational aspects of the boarding house is to be implemented throughout the ongoing use of the development.
- 113) No waste storage bins are to be located or placed outside the approved waste storage room at any time except for collection purposes.
- 114) Signage can be provided by Council that clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. The signs provided must be maintained by the site manager.
- 115) The construction and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
- a) Boarding Houses Act 2012
 - b) Boarding Houses Regulation 2013
 - c) Local Government Act 1993
 - d) Local Government Regulation 2005

- 116) Kitchen facilities - Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin. The floor of any kitchen must have an approved impervious surface.
- 117) General cleanliness - All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
- 118) Appropriate furniture and fittings must be provided and maintained in good repair.
- 119) Long term residences - If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.
- 120) All lodgers shall enter into a residential tenancy agreement before occupation of any room in the development.
- 121) Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrances and exits. All CCTV cameras shall have the capacity to store footage for a minimum of twenty-one days.
- 122) The Operator of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- 123) The use of the outdoor communal areas are restricted to 7.00am to 8.00pm daily.
- 124) The hours of use of the internal communal areas is restricted to between 7:00 am and 10:00 pm, daily.
- 125) This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of twenty eight (28) single boarding rooms, plus a manager's room that comprises a double bed.
- 126) The maximum number of boarders is limited twenty nine (29) persons (including the manager) based on a maximum of one (1) lodger per single lodger room.
- 127) All boarders/lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House.
- 128) Signage to be installed at the front of the Boarding House that includes a contact number for the registering of all complaints.

- 129) Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises, including the open communal area. Speakers located within the premises must not be placed to direct the playing of music towards the outdoor areas associated with the premise.

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