GAT & Associates Pty Ltd

Statement of Environmental Effects

February 2022

51 Drummond Street, Belmore

Demolition of All Existing Structures and Erection of a Five (5) Storey Shop Top Housing Development Including Two (2) Levels of Basement Car Parking, Ground Floor Commercial Tenancy, twenty-six (26) Residential Units and Associated Landscaping and Site Works

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Project Ref.	P4253		**Draft**	**Final**
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Table of Contents

List of Appendices

1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of an application for the demolition of all existing structures and erection of a five (5) storey shop top housing development including two (2) levels of basement car parking, ground floor commercial tenancy, twenty-six (26) residential units and associated landscaping and site works at 51 Drummond Street, Belmore.

GAT & Associates have been engaged by the project architect, Loucas Architects, to prepare a Statement of Environmental Effects to accompany the development application for Canterbury-Bankstown Council's consideration.

This Statement of Environmental Effects is based on information and details shown on the following plans prepared by Loucas Architects, Project No. Pn-21010, dated 25 January 2022, Revision B:

- Drawing No. A-0800 Basement 2 Floor Plan
- Drawing No. A-0900 Basement 1 Floor Plan
- Drawing No. A-1000 Ground Floor Plan
- Drawing No. A-1100 L1 Floor Plan
- Drawing No. A-1200 L2 Floor Plan
- Drawing No. A-1300 L3 Floor Plan
- Drawing No. A-1400 L4 Floor Plan
- Drawing No. A-1500 Rooftop Floor Plan
- Drawing No. A-2000 Elevations 01
- Drawing No. A-2100 Elevations 02
- Drawing No. A-2200 Elevations 03
- Drawing No. A-2300 Elevations 04
- Drawing No. A-2500 Section A
- Drawing No. A-2800 Shadow Diagrams 01
- Drawing No. A-2810 Shadow Diagrams 02
- Drawing No. A-2820 Shadow Diagrams 03
- Drawing No. A-2830 Shadow Diagrams 04
- Drawing No. A-3000 Solar Access & Cross Ventilation 01
- Drawing No. A-2500 Solar Access & Cross Ventilation 02

- Drawing No. A-4000 GFA Calculation 01
- Drawing No. A-4010 GFA Calculation 02
- Drawing No. A-5000 Adaptable unit details 01

In addition to the above plans, the following reports and documents have also been considered and should be read in conjunction with this Statement of Environmental Effects:

- Access Report prepared by Accessible Building Solutions, dated 15 September 2021.
- BASIX Certificate prepared by Building & Energy Consultants Australia.
- Geotechnical Investigation prepared by EI Australia, dated 8 December 2021.
- Landscape Plan prepared by Isthmus Landscape Design, dated 16 August 2021.
- Plan of Management prepared by GAT & Associates, dated January 2022.
- Preliminary Site Investigation prepared by EI Australia, dated 1 September 2021.
- Survey Plan prepared by Geometra Consulting, dated 11 May 2021.
- Stormwater Drawings prepared by John Romanous & Associates, dated 10 November 2021.
- Traffic Impact Assessment prepared by Motion Traffic Engineers, dated January 2022.
- Waste Management Plan prepared by Loucas Architects.

This Statement of Environmental Effects has been prepared in support of the proposed application. This report is based on the submitted plans, inspections of the site and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts (positive and negative).

The proposed development has been assessed in relation to:

- Section 4.15 Evaluation under the Environmental Planning & Assessment Act, 1979.
- State Environmental Planning Policy (BASIX) 2004.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- State Environmental Planning Policy No. 55 – Remediation of Land.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

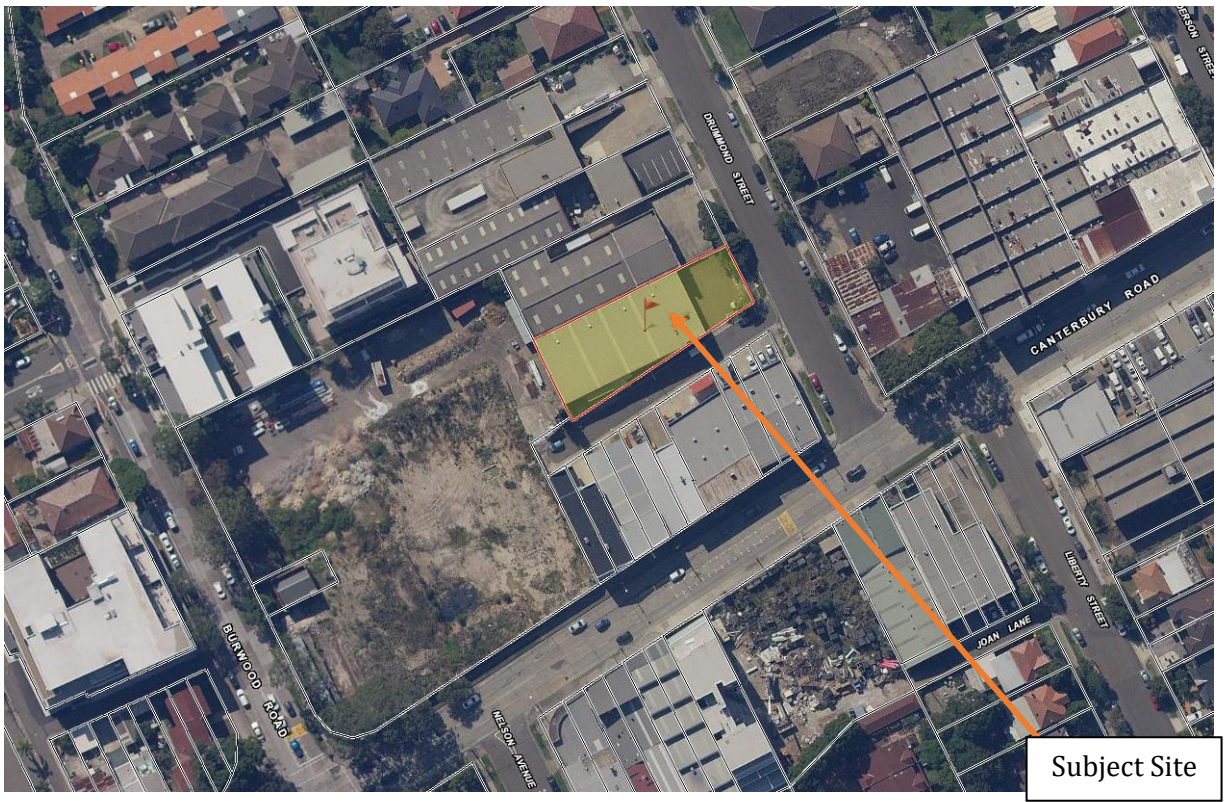
- Canterbury Local Environmental Plan 2012.
- Canterbury Development Control Plan 2012.
- Remediation of Land SEPP 2018.
- Draft Canterbury Bankstown Local Environmental Plan 2020.

2.0 SITE CONTEXT

The subject site is commonly known as 51 Drummond Street, Belmore, and is legally defined as Lot 200 in Deposited Plan 1062028. The site is located on the western side of Drummond Street and bounded to the south by Drummond Lane.

The site is irregular in shape with a frontage to Drummond Street measuring 16.14m in width. The southern secondary street boundary to Drummond Lane measures 55.885m and the northern side boundary measures 55.455m. The rear boundary measures 23.025m. The overall site area is 1,086m^2. Refer to Figure 1 – Site Location Map.

Figure 1: Site Location Map



Source: SIX MAPS

Currently located on the site is a two (2) storey brick and concrete warehouse with associated hardstand, at grade carparking at the front of the site.

The site is located within a local centre and the development in the area reflects this. Properties to the north and south of the site are commercial in nature predominantly varying between two and three storeys. Adjoining the site to the west are a number of recently built, five-six storey shop top housing developments. Immediately opposite the subject site to the east is a vacant block.

The subject site is within 700m walking distance to Terry Lamb reserve which provides opportunity for open-space recreational activities. The site is also within 900m walking distance to Canterbury Hospital.

Being within a local centre, the site is well located to shops, services and amenities. The site is also 750m walking distance from the Belmore Train Station and 75m from numerous bus services along Canterbury Road.

The site is well suited to the development, as will be demonstrated within this SEE.

Figure 2: Street view of subject site, No.51 Drummond Street (facing north-west).

Figure 3: Adjoining two storey commercial development at No.49 Drummond Street (facing south-west)

Figure 4: Vacant lot opposite subject site, No.685-687 Canterbury Road, Belmore (facing south-east)

Figure 5: Adjoining 4-5 storey shop top housing development at No.717-721 Canterbury Road (facing west)

3.0 PROPOSAL

The proposal before Council seeks the demolition of all existing structures and the erection of a five-storey shop top housing development. A single commercial tenancy, 26 residential units and two basement levels are proposed.

The following unit mix is proposed:

- 1 bedroom units: 4
- 2 bedroom units: 18
- 3 bedroom units: 4

The following provides a breakdown of the proposal and should be read in conjunction with the architectural plans prepared by Loucas Architects.

Basement 2 Floor Plan

- This level comprises 20 x residential car spaces, plus one (1) x accessible space and a dedicated car wash bay.
- Four (4) bicycle parking spaces are provided adjacent to the lift.
- The remainder of the level is occupied by lift lobbies, fire stairs and residential storage area.

Basement 1 Floor Plan

- The level comprises of 20 car parking spaces with the following mix:
  - Ten (10) residential car parking spaces, two (2) of which are accessible.
  - Four (4) commercial parking spaces.
  - Six (6) visitor car parking spaces for use of the commercial premises.
- Four (4) bicycle parking spaces are provided adjacent to the lift.
- The remainder of the level is occupied by lift lobbies, fire stairs and pump room.

Ground Floor Plan

- One commercial tenancy, 200m^2 in area, is located at the front of the site. A storage room and toilet are attached to the commercial tenancy.
- The residential lobby has been sited to the southern side of the frontage, primarily fronting Drummond Lane. Entrance to the lobby is provided off Drummond Street.
- Residential units towards the rear of the site are situated above the commercial parking spaces and are more than 1 metre above natural ground level. The following residential units are located on ground level.
  - 2x 2 bedroom units.

- The remainder of the level will be occupied by separate residential and commercial waste rooms, a green bins room and a landscaped courtyard area.

Levels 1 - 4

- Each level will provide for 1 x 1 bedroom, 4 x 2 bedroom and 1 x 3 bedroom units.
- Units 1.02, 2.02, 2.04, 3.02, 3.04, 4.02 and 4.04 are identified as livable units.

Roof Level

- A communal room is provided on each roof top which provides direct access to the rooftop communal open space.
- An area of communal open space is proposed on each roof, measuring 280m^2 and 240m^2.

Technical reports have been prepared by the required consultants with their conclusions summarised below. Reference should be made to these accompanying reports attached under separate covers for a more detailed assessment of the proposal.

- Access Report

  An Access Report has been prepared by Accessible Building Solutions and provides for an assessment of the proposal against the relevant BCA clauses, Australian Standards, Part 4Q of SEPP 65 and Council's DCP relating to Access for People with a Disability.

  The report confirms that the proposal complies with or is capable of compliance with all relevant standards.

- Geotechnical Investigation

  A Geotechnical Investigation has been prepared by EI Australia to provide advice and recommendations in relation to the proposed development and associated earthworks required.

  Reference should be made to the Geotechnical Investigation submitted under separate cover for a detailed assessment of soil conditions on the site and recommendations to be implemented during excavation and construction phase of the proposed development.

- Preliminary Site Investigation

  A Preliminary Site Investigation has been prepared by EI Australia to investigate the environmental conditions of the site and document any evidence of possible pollutant sources.

  EI Australia concluded that the site can be made suitable for its proposed use, subject to the implementation of recommendations provided in the report. Reference should be made to the Preliminary Site Investigation submitted under separate cover.

- Traffic Impact Assessment

  A Traffic Impact Assessment has been prepared by Motion Traffic Engineering and assesses the proposed development in the context of existing traffic and parking conditions; against Council's parking and servicing requirements and with respect to traffic generation and impacts.

  The proposal notably complies with the relevant parking and servicing requirements as detailed in the submitted Traffic Impact Assessment and within this SEE.

4.0 SECTION 4.15 EVALUATION

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.

The provisions of:

4.1 Any Environmental Planning Instruments

4.1.1 State Environmental Planning Policy – Building Sustainability Index (BASIX)

The proposal has been assessed against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The modified proposal satisfies the targets set by the Policy in relation to water, thermal and energy.

A BASIX Certificate has been prepared for the proposed residential component of the development and is attached under a separate cover. The certificate demonstrates compliance with the required Water, Thermal and Energy provisions under BASIX.

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

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) sets the rules for the clearing of native vegetation in NSW.

The SEPP repealed tree preservation clauses in Council Local Environmental Plans (clauses 5.9 and 5.9AA) and will now regulate the process for tree removal, pruning and the like that does not require development consent, but for which a permit from Council is required. Council's forms and policies will be updated to reflect this change.

The Vegetation SEPP was amended on 17 September 2021 to replace the transitional Clause 27 with a permanent framework for land clearing that involves routine agricultural activities. The updated framework includes 'allowable activities' that can be carried out on land being used for agriculture and zoned E2, E3, E4 and R5 in Local Government Areas included on the map. The change allows landholders to maintenance works and some construction activity without the need for approval. The changes will commence from 18 December 2021. In the interim, the temporary arrangements under Clause 27 continue to apply.

The proposed development will require the removal of four (4) minor trees within the front boundary to accommodate the proposed development. The trees are not significant in size and will be replaced by three (3) prickly-leafed tea trees along the front boundary. Reference should be made to the landscape plan prepared by Isthmus Landscape Design.

4.1.3 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether 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 the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation has been prepared by EI Australia to investigate the environmental conditions of the site and document any evidence of possible pollutant sources.

EI Australia concluded that the site can be made suitable for its proposed use, subject to the implementation of recommendations provided in the report. Reference should be made to the Preliminary Site Investigation submitted under separate cover.

4.1.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This State Policy aims to improve the design quality of residential flat buildings of three or more storeys, incorporating four or more dwellings.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy. All information and details shown within this Statement of Environmental Effects is based on the submitted plans prepared by Loucas Architects.

State Environmental Planning Policy No. 65 specifies nine design quality principles for residential flat buildings. These principles are as follows:

Principle 1 Context and Neighbourhood Character

Principle 2 Built Form and Scale

Principle 3 Density

Principle 4 Sustainability

Principle 5 Landscape

Principle 6 Amenity

Principle 7 Safety

Principle 8 Housing Diversity and Social Interaction

Principle 9 Aesthetics

The aims and objectives of this policy are:

> *(1) "This policy aims to improve the design quality of residential apartment development in New South Wales.*

(2) This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.

(3) Improving the design quality of residential apartment buildings aims:

(a) to ensure that they contribute to the sustainable development of New South Wales;

(i) by providing sustainable housing in social and environmental terms; and

(ii) by being a long term asset to their neighbourhood; and

(iii) by achieving the urban planning policies for their regional and local contexts; and

(b) to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and

(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and

(d) to maximise amenity, safety and security for the benefit of their occupants and the wider community; and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability, and

(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

(4) This Policy aims to provide:

(a) consistency of policy and mechanisms across the State; and

(b) a framework for local and regional planning to achieve identified outcomes for specific places."

The SEPP notes that good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, square and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Furthermore, good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic, and environmental challenges.

These nine design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. These principles are addressed under Appendix A of this report.

Additional comments are provided below.

4.1.4.(a) Deep Soil Zone

Part 3E of ADG requires 7% of the site area to be allocated towards deep soil zone with minimum 3m dimensions. Based on the site area of 1,086m^2, the proposed development is required to provide 76.02m^2 of deep soil area on the site. The proposed development includes a deep soil zone at the rear of the site measuring 59.1m^2, representing a shortfall of 16.92m^2.

It should be noted that the site is located within an established urban environment and is zoned B2 Local Centre. The proposed deep soil provided is an improvement on the existing conditions of the site which currently does not include any deep soil zones.

Additional planting is proposed within the front and rear boundaries, central courtyard and rooftop. The planting proposed includes a number of trees which are able to achieve mature heights between 0.9m to 10m. The landscape plan prepared by Isthmus Landscape Design indicates that the proposed deep soil zone is able to accommodate two (2) trees with mature heights between 15m to 20m and four (4) trees with mature heights between 4m to 5m.

Additionally, the proposed stormwater plans serve to ensure acceptable stormwater management is achieved.

In view of the above, the proposed variation is considered to be reasonable.

4.1.5 Canterbury Local Environmental Plan 2012

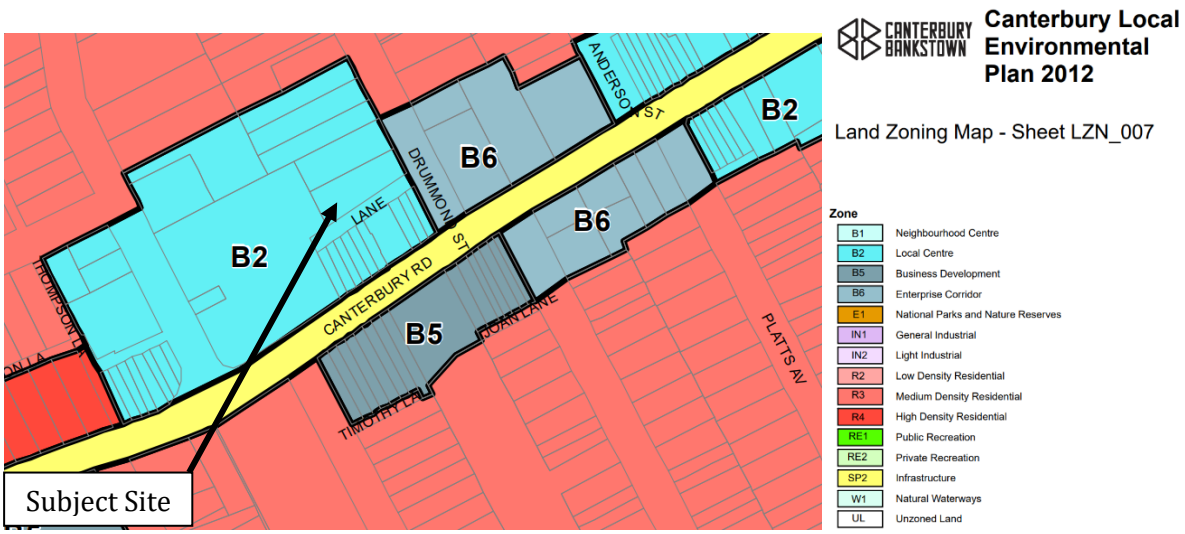
A comprehensive assessment of the proposal against the controls can be found in Appendix B.

Additional comments are provided below.

4.1.5.(a) Zoning

The subject site is zoned B2 Local Centre under the Canterbury Local Environmental Plan 2012. Refer to Figure 6 below.

Figure 6 Zoning Map



Source: CLEP12, NSW Legislation website

The proposed development, shop top housing, is listed as permissible with development consent within the zone.

The objectives of the zone are as follows:

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

The following comments are made with respect to the objectives:

- Under the proposed works, the site will be redeveloped for the purposes of shop top housing inclusive of a generously sized 200m^{2}commercial tenancy at ground floor. The use of the tenancy will be subject to future development applications but is capable of providing for a variety of retail or business uses to support the Belmore locality.
- As detailed above, a commercial tenancy is proposed under this application which will encourage employment opportunities. Being within a local centre, the site is well located to shops, services and amenities. The site is also 750m walking distance from the Belmore Train Station and 75m from numerous bus services along Canterbury Road.
- It is considered that the design will support the economic growth of the locality with the proposal representing the highest and best use of the site. The proposal will transform the existing commercial warehouse located on the site into a five storey

mixed use building comprising of a commercial tenancy fronting Drummond Street and twenty-six (26) new dwellings.

The proposed development therefore aligns with the objectives of the zone.

4.1.5.(b) Height of Buildings

The subject site is identified on the Canterbury LEP 2012 Height of Buildings Map. Refer to Figure 7 below.

Figure 7 Height of Buildings Map

Source: NSW Legislation, CBLEP13, map 02.

The maximum building height prescribed for the subject site is 18m.

The proposed development seeks a building height of 19.88m, exceeding the maximum building height by 1.88m, resulting in a variation of 10.4%.

The extent of the breach is limited to the topmost portion of the lift and communal living room which provides access to the rooftop communal open space.

A written justification is required for the proposed variation to the maximum building height development standard, in accordance with Clause 4.6 of the Canterbury LEP 2012.

Reference should be made to the submitted Clause 4.6 – Variation Letter in Appendix E of this SEE.

4.2 Draft Relevant State, Regional and Local Environmental Planning Instruments

4.2.1 Remediation of Land SEPP 2018

The NSW State Government is currently in the process of a broader review program in the aim of ensuring all State Environmental Planning Policies are relevant and up to date. The Draft State Environmental Planning Policy's Explanation of Intended Effects was on public exhibition between 31 January 2018 and 13 April 2018.

As such SEPP 55 will need to be updated to respond to changes in Federal and State legislation and policy, this is to reflect new land remediation practices.

The new SEPP aims to ensure improved management of remediation works through the alignment of the need for development consent with the level of complexity, scale and associated risks with the proposed works.

It is stated that the proposed changes will:

- reduce the risks associated with remediation projects
- encourage proponents to better consider and plan remediation work
- better protect the community from unnecessary risks, disturbance and inconvenience
- ensure there is consistent regulation of contaminated land and facilitate enforcement of long-term environmental management plans.

Notably, the proposed SEPP will continue to categorise remediation works into two categories being Category 1 and Category 2.

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

The material of Clause 7 will be introduced within the new SEPP along with the list of activities which may lead or have led to potential contamination which are currently contained within the 'Managing Land Contamination: Planning Guidelines.'

As part of the new SEPP, a provision will be introduced which allows the consent authority to exercise discretion to not require an investigation report if the authority knows the land is not contaminated or may otherwise be suitable for the use being proposed. The consent authority must have sufficient evidence and/or information in this regard about the land status in order to exercise such discretion.

Reference is made to Part 4.1.3 of this report.

4.2.2 Draft Canterbury Bankstown Local Environmental Plan 2020

The Draft Canterbury Bankstown Local Environmental Plan 2020 closed exhibition on 22 May 2020.

The purpose of the LEP is to consolidate the Canterbury and Bankstown Local Environmental Plans to produce a single set of planning rules.

At the time of writing the LEP 2020 has not been gazetted, however is within the understood to be with the Department of Planning, Industry and Environment for finalisation.

The LEP does not alter the permissibility of shop top housing within the B2 Local Centre zoning. Further, it does not alter the site's zoning, height or FSR controls, or introduce any further clauses of relevance.

The LEP, does, however, introduce a new objective of the zone. The objective is:

- *To allow for the development of land uses that achieve a high standard of urban and landscape design and have regard to local amenity.*

The following comment is made in response:

- As noted under Appendix B of this report, while the subject site is located within a business zone, specific regard has been made to maximise landscaped areas where possible. The proposed deep-soil and landscape planting proposed is an improvement on the existing conditions of the site.

  The resultant design enhances landscaping within an established urban area. At roof level, the mix of planting and hard paved areas allows for passive and active recreation spaces for the future residents. The use of the entire roof level as communal open space also provides for a place of respite, allowing residents in a high density zone to take advantage of an unobstructed outlook of district views.

  Refer to the landscape plan prepared by Isthmus Landscape Design.

The proposal will continue to align with the zone objectives following the consolidated LEP coming into force.

4.3 Development Control Plans

4.3.1 Canterbury Development Control Plan 2012

A comprehensive assessment of the proposal against the controls can be found in Appendix C.

Additional comments are provided below.

4.3.1.(a) Crime Prevention & Safety

The proposed shop top housing development has been designed with respect to the principles of Crime Prevention through Environmental Design. The following comments are made with respect to the principles of surveillance, access control, territorial reinforcement and space management.

Surveillance

The shop top housing development has been designed to minimise blind corners in communal areas.

The proposal provides for casual surveillance to the street with habitable rooms and private open space oriented toward Drummond Street. The lobby area is clearly identifiable and visible from Drummond Street further encouraging visual and casual surveillance. Furthermore, the commercial entry and residential entry are separated to mitigate any unintended access for those who are not residents.

Common areas are to be well lit, internally and externally, to ensure surveillance is possible at all hours and to mitigate negligent behaviour whilst encouraging visibility within these spaces.

Access Control

The shop top housing development will be clearly identified with street numberings designed in accordance with Council's requirements. As noted above, the pedestrian entries and vehicular

entrance to the basement will be clearly delineated. Commercial and residential entries will also be clearly distinguishable.

Access into the development will be controlled via a security system.

Territorial Reinforcement

The development will be constructed of high quality materials that can be easily cleaned should vandalism occur. External areas will be well-lit and monitored to discourage such negligent activities.

Landscaping, signage and directional pathways will assist in the distinction of public and private spaces.

Space Management

Each unit is to be locked with separate keys. Appropriate lighting with be provided to external areas to ensure they are well lit. The proposed materials and finishes are hardwearing to minimise maintenance costs.

4.4 Regulations

There are no prescribed matters which hinder the development.

4.5 Likely Impacts

Consideration must be made to the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.5.1 Impact on the Natural Environment

The subject site does not contain any significant vegetation in its current form and is notably located within an existing urban area.

In view of the B2 Local Centre zone afforded to the subject site, opportunities for landscaping on site are limited. The proposal seeks the removal of four (4) minor trees at the front of the site to accommodate the proposed development. Three (3) replacement trees are proposed within the front boundary, with additional vegetation proposed at the rear of the site and within the central courtyard area. Additionally, landscaping in the form of landscape planters are proposed within the rooftop communal open space, helping to soften the impact of the built form and provide a suitable level of amenity for future residential use.

Hence, despite the limitations of the site, the proposed development will improve landscaping on the site that is within an established urban area. The landscaping proposed will help to create a visual balance between the natural and built environment.

Having regard to the comments above, it is considered that the proposed development will not have an adverse impact on the natural environment.

4.5.2 Impact on the Built Environment

The proposed shop top housing development directly responds to the B2 Local Centre zoning afforded to the site. The proposal incorporates a generously sized commercial tenancy at ground floor that complements the character of the neighbourhood and activates the Drummond Street frontage.

The residential portion of the development will provide for a high level of amenity to the future occupants through 73% compliance with solar access, 65.4% compliance with cross ventilation and an area of communal open space that spans the entirety of the roof level.

For the reasons detailed in this report, the proposal will positively contribute towards the built environment.

4.5.3 Social and Economic Impacts on the Locality

The proposed development will result in a positive social and economic impact to the locality. From a social perspective, the proposal provides for new residential accommodation in an area well serviced by local infrastructure. The proposed units comprise of a mix of 1, 2 and 3 bedrooms including adaptable designs therefore catering to a range of households. The units are well designed with areas of private open space that flow on from living areas and are generous in size. The proposed areas of landscaping throughout the development and communal open space at roof level ensure a high level of amenity for residents and visitors.

As discussed throughout this report, an area of commercial floor space is provided at ground level fronting Drummond Street. Although the use of this tenancy is subject to a future application, the proposal ensures future business and employment opportunities are possible on the site, reinforcing the B2 Local Centre land zoning which applies to the site.

4.5.4 Suitability of the Site

The land is appropriately zoned to permit the development and the development meets the objectives of the B2 Local Centre zone and the Canterbury Local Environmental Plan 2012.

4.6 Submissions made in accordance with this Act or the regulations

Not relevant.

4.7 The Public Interest

The public interest would be served by approval of this development, as it achieves the desired future character envisioned for Drummond Street. The proposed development promotes urban renewal, providing for new residential accommodation as part of a shop top housing development. The proposed building is considered to be of a high standard of design and will contribute towards creating an attractive streetscape.

The proposed commercial tenancy will activate the street frontage and encourage employment opportunities reflective of the B2 Local Centre zone objectives.

It is considered that the development is conducive to Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.

5.0 CONCLUSION

The proposed development has made regard to the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration, in relation to the proposal.

The proposal has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial effects of the proposal include:

- The proposed shop top housing development is well-designed to provide excellent streetscape presentation, whilst maintaining amenity for residential occupants/tenants.
- The development will contribute to the provisions of commercial tenancies and accommodation within the Canterbury-Bankstown community.
- The proposed development will result in an a more efficient and orderly development of the land.
- The proposal is compatible with Council's planning objectives and controls for the site and the locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The proposed works do not result in any unreasonable impact to adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A 9 Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The following comments are provided to address the 9 Design Principles:

Principle 1 Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The site is located on the western side of Drummond Street and is on a corner lot bounded to the south by Drummond Lane. The site is zoned B2 Local Centre and the proposal is for a shop top housing development, a permissible form of development in the zone reflective of the desired future character of the area.

Properties to the north of the site are commercial in nature predominantly varying between two and three storeys. Adjoining the site at the rear are a number of recently built, four-five storey shop top housing developments.

Being within a local centre, the site is well located to shops, services and amenities. The site is also 750m walking distance from the Belmore Train Station and 75m from numerous bus services along Canterbury Road.

The proposal is considered to respond to the desired future character of the area and the constraints of the site. Where possible, the proposal has made considerable effort to achieve the objectives and controls of the Apartment Design Guide as detailed in this report.

Principle 2 Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The immediate western neighbour, No. 541-543 Burwood Road, consists of several five (5) storey shop top housing developments. The immediate northern neighbour, 49 Drummond Street, is a two storey building/warehouse.

Opposite the subject site to the south of Drummond Lane are two (2) storey commercial premises which front Canterbury Road.

The proposed development is reflective of the desired future character of the area providing for a five (5) storey shop top housing development. The proposed development is considered consistent with other recently constructed shop top housing developments located within the vicinity of the subject site. The proposed development has been adequately setback and articulated to prevent the appearance of building bulk to the streetscape.

Principle 3 Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

This development provides for new residential accommodation in an accessible location where there is demand for increased density. The proposed 26 units sought on the site are considered to be suitable, given the site is well located to public transport, services and amenities and is consistent with Council's planning instruments and the controls prescribed to the site.

The proposed density is not out of character with recent approvals or desired future character based on the prescribed controls to the site. The design of the development is sympathetic to adjoining sites and has accounted for the potential isolation of adjoining sites. The density is considered appropriate for the site.

Principle 4 Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

The Water, Thermal and Energy performance of the proposed residential housing has been assessed as part of the submitted BASIX certificate. Where possible, the principles of environmentally sensitive design have been incorporated into the development and is evident through the 65.3% natural cross ventilation available to the residential component of the development.

Energy efficient parameters prescribed the BASIX Certificate will ensure that the development meets the required targets.

Principle 5 Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

The Apartment Design Guide acknowledges that the design criteria for deep soil planting is not always possible particularly in business/high density districts or where there are non-residential uses at ground floor level resulting in 100% site coverage.

While the subject site is located within a business zone, specific regard has been made to maximise landscaped areas where possible. The proposed deep-soil area is an improvement on the existing landscaping condition of the site. Moreover, additional landscaping has been proposed within the central courtyard and rooftop communal open-space.

The resultant design enhances landscaping within an established urban area. At roof level, the mix of planting and hard paved areas allows for passive and active recreation spaces for the future residents. The use of the entire roof level as communal open space also provides for a place of respite, allowing residents in a high density zone to take advantage of an unobstructed outlook of district views.

Reference should be made to the landscape plan prepared by Isthmus Landscape Design.

Principle 6 Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment:

Careful consideration has been given to the orientation and positioning of the development and the design and layout of units to ensure a high level of visual and acoustic privacy is maintained between units and future development around the site. The proposal provides future occupants with a high level of amenity in terms of good outlook from habitable areas, as well as to balconies as private open space. Each unit will achieve good amenity in terms of natural light.

Careful planning of the proposed built form provides 65.3% of apartments to achieve cross ventilation due to their aspect, design and internal layout planning. Additionally, 19 out of 26, or 73% of all units, achieve or exceed the minimum 2 hours of solar access to living areas.

All apartments have private balconies adjacent to living areas, consistent with this policy.

All dwellings achieve 2700mm ceiling heights to all habitable rooms.

Other amenity considerations include the provision of lifts servicing all floors of the development, as well as pathways and entrances of the building in accordance with AS4299.

Principle 7 Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The proposed development has had regard to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been taken into consideration.

The proposed development has made provisions for natural surveillance for public areas, being Drummond Street and Drummond Lane. The common areas will be appropriately lit to ensure safety and visibility after dark.

The entrance to the upper level residential units from the foyer is via a controlled access lift system. An intercom system will be provided adjacent to the entry lobby along Drummond Street for visitor access.

The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building.

Principle 8 Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible

features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

The proposed development provides for new residential accommodation within an established urban area, which is located in close proximity to public infrastructure. The development provides for a range of one, two and three bedroom apartments to cater to different housing needs and lifestyles. A well designed and landscaped communal open space provides for opportunities for residents to interact. Moreover, six (6) adaptable/livable units have been provided, enhancing the housing diversity of the Belmore locality.

Principle 9 Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

It is considered that the proposed development incorporates a composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The location of the site, and bulk and scale of surrounding existing and potential future developments have been considered in the design of the development. The internal layout of the residential units has been carefully arranged to maximise amenity for future occupants.

Appendix B State Environmental Planning Policy No. 65 – Apartment Design Guide

STANDARD	OBJECTIVE	COMPLIANCE
Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Reference should be made to architectural plans prepared by Loucas Architects.
Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies. Where possible units have been orientated to maximise solar access.
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Complies.
Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies.
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies.
Communal And Public Open Space	3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping *Design criteria:* Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	Complies. Site area: 1,086m^2 Required COS: 271.5m^2 Proposed rooftop terrace: 520m^2
	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 3pm on 21 June (mid winter).	Complies. Majority of the rooftop COS achieves solar access.
	3D-2 – Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Complies.
	3D-3 – Communal open space is designed to maximise safety.	Complies.
	3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	N/A.

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td>Deep Soil Zones</td><td>3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design criteria:
Deep soil zones are to meet the following minimum requirements:
<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table></td><td>Site area: 1,086m². Minimum required: 76.02m², 3m dimension.

59.1m² provided.

Variation sought. Refer to part 4.1.4(a) of this SEE.</td></tr>
<tr><td>Visual Privacy</td><td>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria:
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:
<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</td><td>Complies – The proposed windows and balconies from habitable rooms have been setback 12 metres from windows of habitable rooms on buildings within and adjoining the subject site.</td></tr>
<tr><td></td><td>3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</td><td>Complies.</td></tr>
<tr><td></td><td>3G-1 - Building entries and pedestrian access connects to and addresses the public domain.</td><td>Complies.</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
Pedestrian Access and Entries		Pedestrian entries from Drummond Street addresses the street.
	3G-2 - Access, entries and pathways are accessible and easy to identify.	Complies.
	3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations	N/A.
Vehicle Access	3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Complies.
Bicycle and Car Parking	3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas *Design criteria:* *For development in the following locations:* *on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or* *on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre* *the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.* *The car parking needs for a development must be provided off street.*	Car parking has been provided in accordance with Council's Development Control Plan 2012. **Refer to Appendix D of this SEE**.
	3J-2 – Parking and facilities are provided for other modes of transport	Bicycle spaces have been provided in accordance with Council's Development Control Plan 2012. **Refer to Appendix D of this SEE**.
	3J-3 – Car park design and access is safe and secure.	Complies.
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	Complies.
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	N/A.
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	N/A.

STANDARD	OBJECTIVE	COMPLIANCE
Solar and Daylight Access	4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. *Design criteria:* *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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas* *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter* *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter*	Complies. 19/26 units or 73% achieve 2 hours of solar access at mid-winter.
	4A-2 – Daylight access is maximised where sunlight is limited.	Complies.
	4A-3 – Design incorporates shading and glare control, particularly for warmer months.	Complies.
Natural Ventilation	4B-1 – All habitable rooms are naturally ventilated.	Complies.
	4B-2 – The layout and design of single aspect apartments maximises natural ventilation.	Complies.
	4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents *Design criteria:* *At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments 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* *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.*	Complies. 65.3% cross ventilation is achieved, being 17/26 units.

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="2">Ceiling Heights</td><td>4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access

Design criteria:
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table>
<tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr>
<tr><td>Habitable rooms</td><td>2.7m</td></tr>
<tr><td>Non-habitable</td><td>2.4m</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr>
<tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr>
<tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr>
</table>
These minimums do not preclude higher ceilings if desired.</td><td>Complies.

Minimum 3.9m ceiling height proposed to ground floor.

Minimum 2.7m ceiling heights proposed to residential levels.</td></tr>
<tr><td>4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</td><td>Complies.</td></tr>
<tr><td>Apartment Size and Layout</td><td>4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>Complies.</td></tr>
<tr><td colspan="2">4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

Design criteria:
Apartments are required to have the following minimum internal areas:
<table>
<tr><th>Apartment type</th><th>Minimum internal area</th></tr>
<tr><td>Studio</td><td>35m²</td></tr>
<tr><td>1 bedroom</td><td>50m²</td></tr>
<tr><td>2 bedroom</td><td>70m²</td></tr>
<tr><td>3 bedroom</td><td>90m²</td></tr>
</table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each.</td><td>Complies.

Minimum 1-bedroom size:
50m².

Minimum 2-bedroom, 2-bathroom size:
75m².

Minimum 3-bedroom, 2-bathroom:
95m².</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>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</td><td></td></tr>
<tr><td></td><td>4D-2 – Environmental performance of the apartment is maximised.
Design criteria:
Habitable room depths are limited to a maximum of 2.5 x the ceiling height
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>Complies.</td></tr>
<tr><td></td><td>4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs

Design criteria:
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)
Living rooms or combined living/dining rooms have a minimum width of:
3.6m for studio and 1 bedroom apartments
4m for 2 and 3 bedroom apartments
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>Complies.
Refer to submitted plans.</td></tr>
<tr><td>Private Open Space and Balconies</td><td>4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.
Design criteria:
All apartments are required to have primary balconies as follows:
<table>
<tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr>
<tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr>
<tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr>
<tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr>
<tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr>
</table>
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 15m² and a minimum depth of 3m.</td><td>Complies.

All balconies are of the required size and depth.</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.</td><td>Complies - The proposed balconies have been orientated to maximise solar access to the balcony and internal living area.</td></tr>
<tr><td></td><td>4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td><td>Complies.</td></tr>
<tr><td></td><td>4E-4 - Private open space and balcony design maximises safety</td><td>Complies.</td></tr>
<tr><td>Common Circulation and Spaces</td><td>4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments

Design criteria:
The maximum number of apartments off a circulation core on a single level is eight.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>Complies.
Maximum 3 units are located off a single circulation core.</td></tr>
<tr><td></td><td>4F-2 - Common circulation spaces promote safety and provide for social interaction between residents</td><td>Complies.</td></tr>
<tr><td>Storage</td><td>4G-1 - Adequate, well designed storage is provided in each apartment

Design criteria:
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>At least 50% of the required storage is to be located within the apartment.</td><td>All units comply with the overall volume required.
Additional storage is provided in basement level 02 adjacent to the fire stairs.</td></tr>
<tr><td></td><td>4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.</td><td>Complies. Additional storage provided within the basement in a secured location.</td></tr>
<tr><td>Acoustic Privacy</td><td>4H-1 - Noise transfer is minimised through the siting of buildings and building layout</td><td>Where possible like uses adjoin each other.</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
	4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.	Complies. The layout of the residential units have been designed to ensure rooms with similar noise generation are grouped together.
Noise and Pollution	4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	N/A – The site is not within a noisy or hostile environment.
	4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Refer to comments above.
Apartment Mix	4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies. Mix of 1, 2 and 3 bedroom units are provided.
	4K-2 - The apartment mix is distributed to suitable locations within the building.	Complies.
Ground Floor Apartments	4L-1 - Street frontage activity is maximised where ground floor apartments are located	The proposed ground floor apartments are located at the rear of the site and are raised above the natural ground level.
	4L-2 - Design of ground floor apartments deliver amenity and safety for residents	Complies. The proposed ground floor apartments are appropriately sized and incorporate private open space and private facilities to cater for the amenity needs for residents.
Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	Complies. A modern façade with varied materials and colours is proposed and is considered to fit in the desired future character of the locality.

STANDARD	OBJECTIVE	COMPLIANCE
	4M-2 - Building functions are expressed by the façade.	Complies. The façades are well articulated and express their function.
Roof Design	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	Complies. A flat roof is proposed and is consistent with contemporary buildings within the Council area. This also allows for the provision of rooftop communal open space that receives good solar access.
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	Complies.
	4N-3 – Roof design incorporates sustainability features.	Complies. Planting is proposed.
Landscape Design	4O-1 – Landscape design is viable and sustainable	Refer to Landscape Plan prepared by Isthmus Landscape Design.
	4O-2 – Landscape design contributes to the streetscape and amenity.	Complies. Refer to Landscape Plan prepared by Isthmus Landscape Design.
Planting On Structures	4P-1 – Appropriate soil profiles are provided.	Refer to Landscape Plan prepared by Isthmus Landscape Design.
	4P-2 – Plant growth is optimised with appropriate selection and maintenance.	Refer to Landscape Plan prepared by Isthmus Landscape Design.

STANDARD	OBJECTIVE	COMPLIANCE
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	Planting on structures is proposed within the rooftop communal open space.
Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. Six units (2.02, 2.04, 3.02, 3.04, 4.02, 4.04) have been designed as livable units while unit 1.02 has been designed as an adaptable/livable unit). The adaptable unit is are capable of complying with the spatial requirements of AS4299 for adaptable housing. Refer to Access Report prepared by Accessible Building Solutions.
	4Q-2 - A variety of apartments with adaptable designs are provided.	The adaptable and livable units comprise a mix of 1 and 3 bedroom designs over levels 1 to 4.
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	A mix of 1 bedroom, 2 bedroom, 3 bedroom and adaptable units are proposed.
Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A.
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A.
Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	Complies. The proposed ground floor commercial tenancy addresses

STANDARD	OBJECTIVE	COMPLIANCE
		Drummond Street and will encourage pedestrian movement in the area. The commercial tenancy also contributes to the local centre zoning which applies to the site.
	4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Complies.
Awnings and Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	N/A.
	4T-2 - Signage responds to the context and desired streetscape character.	N/A.
Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Complies. A BASIX certificate is submitted with this application.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies.
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	Complies.
Water Management and Conservation	4V-1 - Potable water use is minimised.	Water efficient fixtures are specified by the submitted BASIX certificate.
	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Refer to submitted Stormwater Plans prepared by John Romanous & Associates.
	4V-3 – Flood management systems are integrated into site design.	Refer to submitted Stormwater Plans prepared by John Romanous & Associates.
Waste Management	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Waste rooms are located at ground level, behind the street frontage.
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
Building Maintenance	4X-1 – Building design detail provides protection from weathering.	Complies.
	4X-2 – Systems and access enable ease of maintenance.	Complies.
	4X-3 – Material selection reduces ongoing maintenance costs.	Complies.

Appendix C Canterbury Local Environmental Plan 2012

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Zoning	• Zone B2 Local Centre ***Permitted without consent*** *Home occupations* ***Permitted with consent*** *Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4* ***Prohibited*** *Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities*	• Shop top housing is listed as permissible with consent. **Refer to Part 4.1.5.(a) of this SEE.**
Clause 2.6 Subdivision	• Development consent required.	• No subdivision is sought.
Clause 2.7 Demolition	• Development consent required.	• Consent is sought for demolition of all existing structures.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 4.3 Height of Buildings	• 18m.	• Variation sought. A 19.8m height is proposed to the top of the lift and communal living room which provides access to the rooftop communal open space. **Reference should be made to the Clause 4.6 variation submitted under Appendix E of this SEE.**
Clause 4.4 Floor Space Ratio	• N/A.	• N/A.
Clause 5.10 Heritage Conservation	• The objectives of this clause are as follows— (a) to conserve the environmental heritage of Canterbury, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	• N/A. Not an item of heritage, within a heritage conservation area, or adjoining any heritage items.
Clause 5.21 Flooding Planning	• Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	• N/A. Not identified on Council's maps as flood affected.
Clause 6.1 Acid Sulfate Soils	• The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	• N/A.
Clause 6.2 Earthworks	• Development consent is required for earthworks.	• Consent is sought for two basement levels.
Clause 6.4	• The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	• Refer to submitted Stormwater Plans prepared

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Stormwater Management		by John Romanous & Associates.
Clause 6.6 Essential Services	• Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: o the supply of water, o the supply of electricity, o the disposal and management of sewage, o stormwater drainage or on-site conservation, o suitable road and vehicular access, o telecommunication services, o the supply of natural gas.	• Essential services are currently available to the site or will be made available through this development.
Clause 6.7 Mixed Use Development in Business Zones	• This clause applies to land in the following zones: o Zone B1 Neighbourhood Centre, o Zone B2 Local Centre, o Zone B5 Business Development. • Despite any other provision of this Plan, development consent may be granted to a mixed use development, on land to which this clause applies, incorporating residential accommodation and a medical centre. • Development consent must not be granted to development under subclause (2) for mixed use development incorporating residential accommodation and a medical centre unless the consent authority is satisfied that the ground level of the building will not be used for the purpose of residential accommodation. • Note. This provision does not affect the grant of development consent to development under clause 1 of Schedule 1.	• N/A. The proposal seeks development consent for a shop top housing development and does not accommodate a medical centre.

Appendix D Canterbury Development Control Plan 2012

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Chapter B1 Transport and Parking		
General Parking Provisions	• Development must provide the number of car spaces, bicycle spaces and car wash bays as required by the rates in section B1.3.1 below. • If the parking calculation results in a fraction of a parking space, the number of spaces required is rounded up to the nearest whole number. • With a change of use of a building, the number of on-site parking spaces and facilities required may increase and Council will generally request the additional parking to be provided. Centres in the Parking Rates Table in section B1.3.1 are defined as follows: o Large Local Centres include: Belmore, Campsie and Lakemba; o Accessible Local Centres include: Earlwood, Hurlstone Park, Narwee, Punchbowl and Wiley Park; and o Other Local Centres include: Belfield, Croydon Park, and New Canterbury Road (Hurlstone Park). • Developments comprising more than one (1) land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the parking rates table (Table B1.2 of this DCP). • Minor alterations and additions to existing buildings which will result in an increase of up to 25m^2 in floor area will not attract a requirement to provide additional car parking • In identified circumstances, or where the specified parking rates in the Table in section B1.3.1 do not include a rate for a proposed land use, a parking assessment is required to determine the specific parking required for the development. The assessment must be undertaken by a suitably qualified transport consultant and analyse: o Parking needs of occupants, staff and visitors; o Bicycle parking, storage and secure facilities; o Service and delivery needs and facilities; o Needs of people with disabilities; and o Surveys of similar establishments in comparable locations (or demonstrate requirements by other appropriate means).	• Noted. Refer also to Section B1.3.1 below. • Noted. • Noted. • Complies. • N/A. • N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• Variations to the parking rates must be justified through a Parking Assessment, which demonstrates that the proposal will produce a better planning outcome and meet the relevant objectives of this DCP. • Refer to RTA Guide to Traffic Generating Developments 2002, particularly in relation to parking analysis and traffic study preparation. • Car parking (and associated space such as access aisles) in excess of the requirements under the parking rates table in section B1.3.1 will be counted as gross floor area.	• No variation proposed. • Noted. • Noted.
B1.2.3 Traffic Impact Assessment	• A traffic impact assessment report, prepared by appropriately qualified transport consultants, is required: o For the development listed in Table B1.1; **(Residential flat buildings; business and retail premises)** o For any development that would have a significant impact on the surrounding road, parking and/or the public transport system; and o For any development where the site work will interrupt or have a significant impact on road and footpath activities. • A Traffic Impact Assessment must assess the impacts the proposed development will have on traffic flow, cyclists, pedestrians, and local residents, businesses, parking facilities, schools, hospitals, public transport and emergency services. • Refer to the Guide to Traffic Generating Developments 2002 for issues to be covered by a Traffic Impact Assessment. Note: A traffic impact assessment report may be required for a proposed development that falls under *State Environmental Planning Policy (Infrastructure) 2007* requirements, which would be referred to the Regional Traffic Committee.	• Complies. A Traffic Impact Assessment has been prepared by Motion Traffic Engineers and is submitted under separate cover.
B1.3.1 General Parking Rates	**Car Parking – Shop Top Housing** **B2 Zones – Large Local Centres** • Studio: 0.25 spaces per dwelling • 1 bedroom: 0.8 spaces per dwelling • 2 bedroom: 1 space per dwelling • 3 bedroom or more: 1 space per dwelling • Visitor Parking: Not required • Servicing and delivery: Any development comprising 10 or more dwellings must provide a minimum of one (1) car wash bay.	• Complies. Refer to Traffic Impact Assessment prepared by Motion Traffic Engineers. • 1 car wash bay provided. Complies.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• Bicycle parking: Residents – minimum 1 space per 5 dwelling; Visitors – minimum 1 space per 10 dwellings **Car Parking – Commercial (Shops, Business and Retail Premises)** **B2 Zones – Large Local Centres** • 1 space per 33m^2 GFA (120m^2 - 1,000m^2) • 80% of total required parking shall be allocated for visitor use. **Bicycle parking – Commercial (Shops, Business and Retail Premises):** • Staff: Minimum 1 space per 300m^2 • Patrons: Minimum 1 space per 500m2 GFA over 1,000m2.	• Complies. Five (5) residential and two (2) visitor parking spaces are required. Proposed = 8 • Commercial: 200/33 = 6.06 required (rounded up to 7). 10 proposed. • 7 x 0.8 = 5.6 visitor spaces required. 6 proposed. • 200m^2/300 = 0.66 required. 1 bicycle space proposed in the basement. • N/A.
B1.3.2 Accessible Parking Rates	Residential • Provide 1 (one) accessible parking space per required adaptable dwelling designed and constructed in accordance with AS 2890.1.	• Complies. 3 accessible spaces are proposed. Refer to the Traffic Impact Assessment prepared by Motion Traffic Engineers submitted under separate cover.
B1.3.3 Loading & Service Bay Provision	• The number of service bays required will be determined based on the merits of individual proposals.	• Refer to the Traffic Impact Assessment prepared by Motion Traffic Engineers submitted under separate cover.
B1.4.3 Bicycle Parking	• Provide one (1) shower and change room per 10 staff bicycle parking spaces (over 5 spaces)	• N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
B1.4.4 Car Wash Bays	• Car wash bays are to be provided in addition to visitor parking as identified in section B1.4.2. • Car wash bays must be roofed and bunded to exclude rainwater. • All wastewater from car washing is to be discharged into the sewer (nonresidential development requires a Trade Waste Agreement with Sydney Water Corporation). • Alternative water management and disposal options may be considered where water is recycled, minimised or re-used on site, subject to Council's merit assessment.	• Complies. • Complies. • Noted. • Noted.
B1.4.6 Basement Parking Requirements	**General** • Provide basement parking and loading bays. • Provide ventilation to basement parking. Location and details of mechanical ventilation design must be outlined in applications to Council. • Design and integrate basement parking so as not to accentuate the scale or bulk of a building, or detract from the streetscape or front setback character. • Basement podiums shall protrude a maximum of 1m above existing ground level, except where it forms a barrier to 1:100 year flood events **Basement Access & Entrances** • New vehicle access to shop-top housing is not permitted from Canterbury Road, Beamish Street (Campsie) or Homer Street (Undercliffe Precinct) and is limited in other business centres. • Maximum 6m width for access driveways. • Vehicular access should be via secondary streets, rear lanes or internal driveways where possible. • Locate the entrance to basement parking below a terrace or balcony. Alternatively, setback the entrance at least 1m from the building line. • Recess car park entries from the main building façade alignment. • Integrate car parking, vehicle ramps, driveways and entries, ventilation grills and screens into the overall facade and landscape design. • Avoid black holes in the façade by providing security doors or decorative grills to car park entry. • Return façade material into the car park entry recess for the extent visible from the street. • Use materials similar to the façade on any interior of the car park that is visible from the street.	 • Complies. • Refer to submitted BASIX. • Complies. Basement ramp is integrated into façade. • Complies. • Complies. Access is from Drummond Lane. • The driveway has been designed to satisfy the relevant standards. • Complies. Vehicle access has been provided off Drummond Lane. • Complies. • Complies. • Complies. • No security door or grills proposed. • Complies. • Complies.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY

	• Provide directions to areas of car parking that are not readily visible from the street.
	• Provide signposting in accordance with AS 2890.1.
	• Maintain pedestrian safety by minimising the potential for vehicular and pedestrian conflict, and in particular limit the number of vehicular access points:
	  ○ Provide clear sight lines at pedestrian and vehicular crossings,
	  ○ Separate and clearly distinguishing between pedestrian and vehicular entries,
	  ○ Use traffic calming devices where appropriate.
		• Complies.
		• Can be conditioned.
		• Complies. Separate pedestrian and vehicle access to the building are proposed. Clear sight lines will be available from the vehicle crossing.

	• Basement car parking is not permitted for dual occupancy and semi-detached dwellings.	• N/A.
	Basement Layout & Design • Construct and line mark all parking areas to the correct size and standard in compliance with AS 2890.1. • Covered car parking is required to have a floor to ceiling height in accordance to Australian Standard AS 2890.1. • Provide secure bicycle parking at basement level which is easily accessible from ground level, from apartments and other uses within the development. • Provide shared multi-use parking and shared access driveways where possible. • Where lifts are proposed, ensure safe and efficient lift access from all parking to the rest of the building. • Keep all loading docks, parking areas and driveways clear of goods and do not use for storage, including garbage storage, so that free movement is available at all times. • Locate and design so that impacts such as noise, exhaust fumes and headlight glare, are minimised on adjoining residential uses or residential zoned land.	• Can be conditioned. • Complies. • Residential and commercial bicycles are within the basement near the lift. Both are easily accessible. • Complies. Dedicated residential and commercial parking spaces have been provided which share the same basement access to Drummond Lane. • Complies. Direct lift access to each basement level and the lobby. • Will be complied with. • The proposed vehicle entry to the basement has been orientated away from the adjoining shop-top

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td></td><td>• Optimise opportunities for deep soil, active street frontages, and good streetscape design, and minimise loss of street parking.</td><td>housing development to the west of the site. This will minimise the impacts of noise and headlight glare to the neighbouring residential developments.
• Complies.</td></tr>
<tr><td colspan="3">B2 Landscaping</td></tr>
<tr><td>B2.2 Landscape Plan</td><td>• A landscape plan is required for proposed development as identified in the following table:
<table>
<tr><th>Development Type</th><th>DA Lodgement Requirement</th></tr>
<tr><td>Dwelling Houses / Swimming Pools</td><td>No requirement</td></tr>
<tr><td>Dual occupancy / Semi-detached Dwellings / Attached Dwellings</td><td>Landscape Plan</td></tr>
<tr><td>Multi Dwelling Housing / Residential Flat Buildings / Shop Top housing</td><td>Landscape Plan</td></tr>
<tr><td>Industry</td><td>Landscape Plan</td></tr>
<tr><td>Business, Office and Retail Premises</td><td>Landscape Plan</td></tr>
<tr><td>Tourist and Visitor Accommodation</td><td>Landscape Plan</td></tr>
<tr><td>Seniors Housing</td><td>Landscape Plan</td></tr>
<tr><td>Child Care Centre</td><td>Landscape Plan</td></tr>
<tr><td>Heritage Items</td><td>Landscape Plan</td></tr>
<tr><td>Recreation Areas and Recreation Facilities</td><td>Landscape Plan</td></tr>
</table></td><td>• Refer to the landscape plan prepared by Isthmus Landscape Design and submitted under separate cover.</td></tr>
<tr><td>B2.4 Environment and Biodiversity</td><td>• Maximise the retention of existing trees, bushland and natural site features.</td><td>• The site is located within an established urban area with minimal landscaping or natural features. Four (4) minor trees are located at the front of the site. The proposed development seeks to remove the existing minor trees and include three (3) replacement trees within the front setback. Additionally tree planting is proposed at the rear of the site, within the central</td></tr>
</table>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
		courtyard and within the rooftop communal open space. The proposed landscape plan will afford an improvement over the current landscaping context.
B3 Tree Preservation		
B3.2.1 Tree Works Requiring Council Approval – General	• A person must not ring bark, lop, prune, remove, injure or deliberately destroy any trees 5m in height or greater and/or with a trunk diameter of 150mm or greater measured at 1.4m above ground level without a permit or development consent granted by the Council, except as otherwise stated in Clause 5.9 Preservation of Trees or Vegetation of the LEP or this chapter of the DCP. • If a tree or other vegetation is, or forms part of, a Heritage Item, or is within a heritage conservation area, then development consent for any tree works is required.	• Consent is sought for the removal of four (4) trees within the front setback.
B4 Accessible and Adaptable Design		
B4.2 General Controls	• All development must comply with the following: (a) All Australian Standards relevant to accessibility; (b) The Building Code of Australia access requirements; and (c) The Disability Discrimination Act 1992.	• Refer to the submitted Access Report prepared by Accessible Building Solutions submitted under separate covers.
B5 Stormwater and Flood Management		
B5.2 Submission Requirements	• A detailed stormwater drainage plan is to be lodged with all DA's (except change of use applications) to illustrate how stormwater runoff from the site will be managed.	• Complies. Refer to the stormwater drawing prepared by John Romanous & Associates and submitted under separate cover.
B6 Energy and Water Conservation		
B6.1 General Objectives	• To encourage a more sustainable urban environment where energy efficiency is incorporated into the design, construction and use of buildings. • To reduce consumption of energy from non-renewable sources, and reduced greenhouse gas emissions.	• A BASIX certificate has been issued for the development demonstrating compliance with the relevant Water, Thermal and Energy targets.
B7 Crime Prevention and Safety		
B7.1 General Objectives	• To reduce the potential for crime through creating safer urban environments.	• **Refer to Part 4.3.1.(a) of this SEE.**

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• To contribute to the safety and liveliness of the street by allowing for natural overlooking of the street. • To raise community awareness and promote design as a genuine crime prevention strategy and identify the community's role in the crime prevention process.	
B9 Waste Management		
B9.2 Waste Management Plan (Demolition and Construction Phases)	• Submit a waste management plan in relation to the waste that will be generated in the demolition and construction phase. The plan identifies how the generation of waste will be minimised, and how recycling and reuse of those wastes will be maximised.	• Refer to the submitted Waste Management Plan prepared by Loucas Architects.
B9.3 Waste Management Plan (Ongoing Use)	• Submit a waste management plan for the ongoing use of the development once completed.	• Refer to the submitted Waste Management Plan.
B9.5 Waste Storage for Non-Residential Development	• Service capacity required over and above Council's standard service is to be supplied by a private contractor. • Private commercial contractors are permitted to service commercial or industrial premises, where Council's standard bin allocation is insufficient for the volume of waste generated.	• A private contractor will be engaged to service the residential units and the commercial tenancy.
B9.6 Design and Access Waste Bin Storage Areas	• Waste bin storage areas and bin presentation areas are to be capable of accommodating the allocated number of standard waste containers for residential premises, or sufficient containers for commercial premises as provided in sections B9.4, B9.5 and Appendix 2 – Waste Requirements of this DCP.	• Complies.
Part C Residential Accommodation **C5 Shop Top Housing**		
C5.2.1.3 Balconies and Communal Open Space	**Communal Open Space** • Provide a minimum of 15% of the site area for the purposes of communal open space on redevelopment sites larger than 500m. • Communal open space may be provided on podiums terraces, or in any deep-soil setback or separation between buildings. Roof top terraces will only be permitted in circumstances where there will be no adverse impacts to adjoining properties in terms of visual and acoustic privacy.	• The proposal has been designed to comply with the requirements of ADG. Refer to Appendix B of this report.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• Each area of communal open space must have a minimum dimension of 6m and larger developments should consider greater dimensions. • Provide consolidated areas of communal open space with reasonable area, facilities and landscape for the uses it will accommodate and design to generate a variety of visible pedestrian activity. • Provide communal open space in locations that are sunny, and are adjacent to, as well as visible from, the main building lobby. • Provide windows that overlook communal open space and the approaches to the main building lobby to generate a variety of visible pedestrian activity. • Screen walls surrounding any communal area are to be no higher than 1.2m, although screens with 50% transparency may be up to 1.8m high. • Provision of child play areas within communal open space is encouraged. • Indoor recreation areas such as gyms are encouraged and will count towards communal open space requirements.	
C5.2.1.4 Layout and Orientation	• Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	• Complies. Where possible, units have been orientated to maximise direct solar access to private open space and internal living areas.
	• Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	• The proposed overshadowing will not impact the primary living area or private open space of adjoining residential developments. Development south of the subject site are commercial uses that contain limited north facing windows.
	• Coordinate design for natural ventilation with passive solar design techniques.	• Complies. Refer to Appendix B and the submitted BASIX.
	• Site new development and private open space to avoid existing shadows cast from nearby buildings. • Site a building to take maximum benefit from cross-breezes and prevailing winds.	• Complies. • Complies. 65.3% of units will be cross ventilated.
	• Do not compromise the creation of active street frontage or casual surveillance of the street, communal space and parking areas, through the required orientation.	

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
		• Complies. The commercial tenancy and residential lobby entrance will dominate the street.
C5.2.3.1 Built Form	• Provide accessible entries for all potential use such as the transporting of furniture. • Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to promote positive social interaction and community safety	• Complies. • Complies. Where possible, units have been orientated to face Drummond Street or the central courtyard.
C5.2.3.2 Roof Design and Features	• Roof terraces are permitted with consent in all business zones except the B1 Zone. • A management strategy is required, and must be approved by Council as part of the development application, for any proposed roof terrace. • Supplement open space on roof terraces by providing space and appropriate building systems to support the desired landscape design, incorporating shade structures and windscreens to encourage use of roof top open space. • Demonstrate that roof terrace has been designed so as to protect the privacy, solar access and amenity of adjoining buildings. Measures to minimise overlooking of adjoining properties include screening or planting between properties, and preventing rooftop users from standing at the edge of roof terraces that look into adjoining properties through planting and screens. • Allow for views and passive surveillance of streets and public open space from roof terraces.	• Complies. The proposal provides for a roof terrace and is located within the B2 zone. • Refer to Plan of Management submitted under separate cover. • Complies. Refer to submitted plans. • Complies. A landscaped border limits trafficable area to the centre of the roof while allowing passive surveillance of Drummond Lane. • Complies.
C5.2.3.3 Dwelling Mix and Layout	• 10% of dwellings in any development must be accessible or adaptable to suit current or future residents with special needs.	• Refer to Access Report prepared by Accessible Building Solutions.
C5.2.3.4 Building Services	• All letterboxes be installed to meet Australia Post standards. • Integrate systems, services and utility areas (such as plant rooms, hydrants, equipment and the like) with the design of the whole development – coordinate materials with those of the building and integrate with landscaping. • The location and design of substations must be shown on the plans.	• This may be conditioned. • Complies. • Complies.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	• N/A – Existing substation is located at ground level at the rear of the property.
	• Substations must not be located forward of the front building line.	• No change to existing substation location.
	• Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.	• Complies.
	• 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.	• This may be conditioned.
	• Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site: (a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface mounting them on exterior walls; and (c) Locate meters in service cabinets.	• This may be conditioned.
	• 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.	• This may be conditioned.
	• Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	• This may be conditioned.
	• Location and design of service areas should include: (a) Screening of clothes drying areas from public and semi-public places; and (b) Space for storage that is screened or integrated with the building design.	• This may be conditioned.
	• Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) 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).	• This may be conditioned.
C5.2.4.1 Solar Access and Overshadowing	• 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.	• The proposal has been designed to comply with the requirements

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• 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. • Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (c) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (d) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight. • Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	of ADG. Refer to Appendix B of this report. • Complies.
C5.2.4.2 Acoustic Privacy	• Locate sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas. • Above ground access to new dwellings must not include communal balconies that would be located immediately next to a bedroom window. • Bedroom windows in new dwellings that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway. • Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp. • On land adjoining railway or busy roads, address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline' which has been published by the NSW Department of Planning and Environment. • Design the layout of lower levels facing the road or rail to: (a) The position of windows facing the noise source and ensure that total unprotected window area is minimal so as to limit the amount of airborne noise entering the built fabric; (b) Ensure that the detailing of the window types addressing the corridors are designed and constructed to attenuate excessive noise - (double and triple glazing and insulated to manufacturers standards); and (c) Ensure that balcony parapet walls are constructed of solid masonry or materials of similar sound attenuating qualities. • When designing the public spaces fronting busy roads and the rail corridor at ground level, consider the use of elements such as moving water and screens to achieve sound attenuation.	• Complies. Where possible, bedrooms have been located away from the street. • Complies. • Complies. • No bedroom or living windows face the basement ramp. • N/A. • N/A. • N/A.
Part D Business Centres		

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Business Centres - General		
D1.2.2 Isolated Sites	• Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment. • Negotiations are to be undertaken with neighbouring owners to seek amalgamation and enable coordinated redevelopment. • If neighbouring landowners do not agree on terms for amalgamation, provide evidence of reasonable offers, including at least two recent independent valuations. • If the amalgamation of adjoining properties cannot be achieved, demonstrate that the remaining property has reasonable potential for redevelopment by preparing an indicative schematic design that demonstrates: o A building envelope; and o A general layout that complies with the current applicable planning controls.	• No site isolation will occur, as the northern and western neighbours are located on substantial sites that can redevelop independently to achieve the 18m frontage requirement.
D1.3.1 Floor Space Ratio	• Most land zoned for business purposes within the LGA does not have an FSR. An exception is land zoned B2 Local Centre under the LEP on Canterbury Road, Close Street, Broughton Street and Charles Street within the Canterbury Town Centre has an FSR. The location of this land and the maximum permissible FSR for any development is prescribed in the LEP.	• N/A. No prescribed FSR.
D1.3.2 Height	• The maximum permissible height of building is prescribed in the LEP and varies across zones.	• **Variation sought. Refer to Clause 4.6 submitted under Appendix E of this SEE.**
D1.3.3 Floor to Ceiling Height	• Floor to ceiling heights must: o Provide a minimum 3.3m floor to ceiling height for the ground floor. o Provide a minimum 3m floor to ceiling height per storey for development in the B6 Enterprise Corridor Zone. o Car parking is required to have a floor to ceiling height in accordance to Australian Standards AS 2890.1. o The floor to ceiling height may need to be increased to meet the requirements of the intended use, however, the maximum building height will still need to be complied with. *Note: Developments with shop top housing must comply with the objectives and controls outlined in Chapter C5 Shop Top Housing of this DCP for ceiling heights.*	• Complies – Commercial tenancy has a floor to ceiling height measuring 3.8m. • N/A. • Complies. • Noted.

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td>D1.3.4 Setbacks</td><td>
General
• Where a setback applies, buildings are to provide articulated and varied facades (Refer to D1.4.3 for façade design) that do not result in a ziggurat appearance (i.e. do not have the form of a terraced structure with successive receding storeys.

Front Setbacks
• Development must comply with the minimum front setbacks as follows:
<table>
<tr><th>Location</th><th>Number of Storeys at the Street and Setback</th><th>Upper Level (Podium) Setback</th></tr>
<tr><td>B1 Zone
(except Undercliffe Bridge Precinct)</td><td>1-2 storeys
Build to front boundary</td><td>3m</td></tr>
<tr><td>B2 Zone (except Campsie Civic Centre Precinct, Canterbury Town Centre and Roselands Shopping Centre and Roselands Shopping Centre and where existing facade is to be retained)</td><td>1-3 storeys
Build to front boundary</td><td>Fourth storey – 3m
Greater than four storeys – 5m (all storeys to be set back this distance including the fourth storey)</td></tr>
<tr><td>B2 Zone along Canterbury Road and any secondary frontage</td><td>1-4 storeys minimum setback of 3m from street boundary
Basements to be 3m from street boundary</td><td>Above 4 storeys an additional 5m</td></tr>
<tr><td>B5 Zone along Canterbury Road and any secondary frontage</td><td>1-4 storeys a minimum setback of 3m from street boundary.</td><td>Above 4 storeys – an additional 5m</td></tr>
<tr><td>B6 Zone along Canterbury Road and any secondary frontage</td><td>1-3 storeys minimum setback of 3m from street boundary
Basements to be 3m from street boundary</td><td>N/A</td></tr>
</table>
Table D1.1: Minimum Front Setbacks In Business Zones

Side Setbacks
• Except where a proposed development adjoins a residential zone boundary, setbacks are not required in the B1 or B2 zones when the desired character is for a continuous street frontage.

On boundary with residential zone – rear setback:
</td><td>
• Complies. The façade has been well articulated through indentations, materials changes and architectural features.

• Complies. A 3.8m setback is proposed for the first storey and a 5.1m setback is provided at Level 1 and above.

• Noted – The proposed development does not adjoin a residential zone. Nil side setbacks are proposed.
</td></tr>
</table>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY

	• Establish a 45 degree building height plane projected at 6m from the residential boundary.
	• Provide minimum 6 metre setback to the residential zone boundary.
	• A two storey limit on the boundary with residential zone applies.
	• A setback to a rear lane is not required.
	
	Exceptions
	• The following minor building elements may project into the minimum side setback are:
	  ○ Roof eaves, awnings, pergolas and patios;
	  ○ Stair or ramp access to the ground floor; and
	  ○ Rainwater tanks.
	Note. Developments with shop top housing must comply with the objectives and controls outlined on Chapter C5 Shop Top Housing of this DCP for building separation.
		• N/A. Not adjoining a residential zone.
		
		• N/A.

D1.3.5 Building Depth	• Building depth for commercial premises must be in accordance with the following requirements: (a) Minimum depth of 10m; and (b) Maximum street frontage wall length of 50m. • Street frontages greater than 50m in length may be considered if a 9m x 9m landscaped deep soil indent is provided. • Courtyards may be appropriate for deep blocks or blocks where basement or semi-basement parking is possible. • All façade treatments are to be in accordance to section D1.4.3 of the DCP.	• Complies. The commercial premises has a minimal depth of 12.2m and has an approximately 12.5m street frontage wall length. • N/A. • A central courtyard is proposed between the two (2) buildings. • Refer to comments under D1.4.3.
D1.4.1 Orientation and Layout	• Design and orient development to maximise solar access and natural light, without unduly increasing the building's heat load. • Design and site development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells. • Coordinate design for natural ventilation with passive solar design techniques.	• Complies. Given the east to west orientation of the site, the proposed development has carefully positioned balconies and windows to maximise direct solar access into internal living areas. • Complies. Refer to submitted shadow diagrams.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
		• Windows are provided to all habitable rooms to enable natural ventilation.
D1.4.2 Ground Level Interface	**Building Entries** • Locate entries so they relate to the existing street, subdivision pattern, street tree planting and pedestrian access network and are clearly visible. • Provide entries to upper levels from the street front façade to encourage activities on the ground floor. • Provide entries for service activities to the rear of the buildings. • Provide an awning over the entry to contribute to the legibility of the development and the public domain. **Ground Level Awnings** • The façade of the building shall be built to the front street boundary; • A cantilevered awning from the building façade shall overhang the footpath at a minimum width of 3m; • Cantilevered awning height is to be in the range of 3.2m – 4.2m from natural ground level. • Awnings must complement the height, depth and form of the desired character or existing pattern of awnings and should match adjoining awnings so as to provide continuous pedestrian cover and eliminate gaps where possible; • Awnings shall provide sufficient protection from sun and rain; and • Posted awnings or colonnades will not be support. **Shop Fronts** • Windows on the street frontage must not be mirrored to provide visibility between interior and exterior spaces, allow for surveillance of the street and provide interest for pedestrians. • Do not place external solid roller shutters or brick walls on shopfronts. • Transparent or open grille shutters behind the glass of shopfronts are acceptable. • Security grilles must be discreet, have minimal visual impact, and not dominate the shopfront.	• Complies. Entry is clearly visible. • Complies. • Complies – The rear of the site can be accessed from Drummond Lane. • Complies. • Complies – Building façade built to Drummond Lane boundary. • N/A – No footpath is located on Drummond Lane. • N/A. • N/A. • N/A. • N/A. • Noted. Mirrored windows are not proposed. • Not proposed. Can be conditioned. • No grilles proposed. • N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• Consideration of alternatives to security grilles must be made such as the installation of a security alarm and well-lit shopfronts. • Where shop use does not require a window shop display, incorporate expanding security doors or grilles behind the glass doors.	• Complies. Security systems and lighting proposed. Can be conditioned. • N/A. Street front glazing proposed.
D1.4.3 Façade Treatment	• Façade Design o New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design. o Avoid long spans of blank walls along street frontages and address both street frontages with façade treatment, and articulation of elevations on corner sites. o Incorporate contrasting elements in facades. o Emphasise corner sites by using treatments to make the sites visually prominent. Retention of traditional facades will be given precedence over emphasising corner sites. Treatments may include: i. Wrap around balconies; ii. Vertical elements; and iii. Changes in materials or colours. o Use a harmonious range of high quality materials, finishes and detailing: i. Define a base, middle and top related to the overall proportion of the building; ii. Express key datum lines using cornices, change in materials or change in setback; iii. Express the variation in floor to floor height, particularly at lower levels; iv. Articulate building entries with awnings, porticos, recesses, blade walls and projecting bays; v. Use a variety of window types to create a rhythm or express building uses and use recessed balconies and deep windows to create shadows, adding visual depth to the façade; vi. Detail balustrades to reflect the type and location of the balcony and its relationship to the façade;	• Complies. A contemporary façade is proposed. • Complies. No long spans of blank walls along the Drummond Street or Drummond Lane frontage. Both material and physical articulation are proposed. • Complies. Varying materials and finishes are proposed. • Complies. The proposed development has been designed with a variety of material changes and rounded corners to emphasise the development's location on a corner lot. • Complies. The front façade is to be treated with a range of high quality materials and finishes. There is a clearly defined ground level commercial base and delineation between it and the residential units above. A combination of measures are proposed to provide articulation and modulation to the façade, including a change in materials

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	vii. Incorporate architectural features which give human scale at street level, including entrances, awnings, colonnades, pergolas and fences; viii. Use colour, variation in the types of materials and arrangement of façade elements and materials to articulate different parts of a building façade - a material palette can include brickwork, rendered masonry, sheet materials, glazing, sandstone and treated metals and timbers; and ix. Incorporate horizontal and/or vertical elements, such as indentations in the façade plane, string courses and bandings, window openings and building entrances. ○ Consideration in the design of commercial premises is to be made for mechanical ventilation required by potential future food shops and restaurants. Mechanical ventilation is to be located behind the building facade. Alternatively, ventilation for future uses must be considered in the facade design. ○ Design facades to reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows. ○ Modulate the wall alignment with a step in of at least 1m. ○ Refer to existing datum lines for any new developments integrated to heritage and/or existing buildings, such as eave and parapet line, as a guide to aligning the height to levels of adjoining development. ○ Use a solid to void ratio of 50%, with each façade measured independently. Disharmony arises when the range of solid to void is extreme. Do not include shopfronts in the 50% solid to void ratio calculations. ○ Locate and proportion windows to minimise scale and bulk of new building. • Period Facades: ○ Traditional facades should be integrated into the overall design of new development. ○ Pre-1950 shop front facades are to be maintained in the parts of the B2 Zone where building height is five (5) storeys or less (infill development is permitted behind so that the traditional main street character of the centres is maintained). ○ Where the permitted height is greater than five (5) storeys, facades do not need to be retained. • Consent for demolition of pre-1950's shopfront facades will only be granted in exceptional circumstances and only if it can be demonstrated that: ○ The structural condition or size of the existing façade makes it unsuitable for maintaining; ○ The existing façade does not contribute positively to the character of the centre; ○ There will be improvement in the design outcome with a replacement façade.	and setback between the ground and first floor. The result will be a positive and attractive contribution to the Drummond Street streetscape. • Not applicable. Not a period façade.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY

	• Paint existing facades (where appropriate) in a colour scheme that is sympathetic to the period and style of the building. Original unpainted surfaces, particularly face brick, are to remain unpainted.
	• Design additional storeys (above the building base) so they do not compete with the aesthetic character and dominance of the existing façade. The preferred design approach is for additions to be contemporary in style and distinct in form and character from the façade to be retained. Vertical elements should be used to break up the mass of the additions.
	• Where existing facades are retained, remove any uncharacteristic or intrusive additions and reconstruct, restore or repair with existing building fabric. If sufficient historical material is not available, use new fabric sympathetic to the period and style of the building and façade.
	• Additions to retained facades should incorporate the following in the composition of the new upper façade:
	  ○ Traditional external finishes for walls, such as exposed dark brickwork and render, or painted concrete;
	  ○ Vertical window and door opening, columns, and colour to create vertical elements;
	  ○ Parapets and window hoods;
	  ○ Recessed balconies and deep windows to create shadow lines;
	  ○ High solid to void ratio; and
	  ○ Individual smaller shop front, or articulation to reflect the fine grain pattern of the traditional shopping streets.
	• Design upper levels so they do not compete with the aesthetic character and dominance of the street level façade.
	• On land adjoining railway or busy roads, address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline' (NSW Department of Planning and Environment).
	• Balconies:
	  ○ Do not allow balconies and voids to dominate publicly visible facades (excluding glass shop fronts and colonnades in business centres).
	  ○ Use balconies in moderation and integrate them into the overall composition of the façade - do not use a monotonous or repetitive configuration of balconies.
		• Complies. The upper levels are complimentary rather than competitive to the ground level commercial façade.
		• N/A.
		• Balconies are to be constructed of lightweight materials.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	○ Where possible place balconies facing an internal courtyard and do not place all balconies on an external façade. ○ Use balcony types that respond to the street context, building orientation and residential amenity. ○ Use lightweight materials and construction for balconies. ○ Support verandas and balconies with slender metal or timber frames, rather than concrete columns or masonry piers. ○ Construct balcony balustrades with glass panels, open metal framing, board or sheet cladding, rather than entirely of masonry, or break up significantly blank walls of masonry with panels.	
D1.4.4 Roof Design	• Roofs must not exceed a pitch of 10 degrees. • Maintain the existing parapet line where it contributes to the early to mid-twentieth century character of the traditional main streets. • Emphasise building articulation with the shape and alignment of the roof. • Relate to the size and scale of the building, the building elevations and three dimensional building forms – including the design of any parapet or terminating elements, and the selection of roof materials. • Respond to the orientation of the site, for example, by using eaves and skillion roofs to maximise solar access. • Relate roof design to the desired built form and context. • Integrate service elements into the design of the roof - including lift over-runs, service plant, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes and signage. • The location of ventilation that may be required for potential future food shops and restaurants in commercial premises must be considered in the roof design. • Facilitate the use or future use of the roof for sustainable functions, for example: (a) Provide rainwater tanks for water conservation; (b) Orient and angle roof surfaces suitable for solar applications; and (c) Allow for future innovative design solutions, such as water features or green roofs. • Do not use dormer windows.	• Complies. Flat roof proposed. • N/A. • Complies. • Complies. • Complies. The proposed roof size and design responds to the east-west orientation of the site. • Complies. • Complies. • Noted. • Complies. • None proposed.
D1.4.5 Parking and Access	• Refer to Part B1 – Transport and Parking of this DCP for objectives and controls relating to transport, parking and access.	• Refer to comments on Part B1 above.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
D1.4.6 Laneways	• New laneways are identified for some town centres. Refer to relevant Chapter in Part D for controls relating to specific centres. Where sites are to be redeveloped and a new lane is identified over private land, creation of the laneway is required even if the laneway cannot be immediately utilised. • Where creation of a laneway is identified an area of land 6m wide is required for the laneway. This land can be taken into account for the purposes of calculating setbacks. • On sites were a laneway is identified, they are to be amalgamated and developed to create the lane to get full development potential. • Sites with no connection to the laneway system (see Figure D1.3) will need to provide temporary access from street 3m wide. This can be converted to a pedestrian accessway once the lane is connected to the street. • The land forming the laneway must be subdivided and dedicated to Council prior to release of any Occupation Certificate (including an interim certificate). • The developer will be responsible for either construction of the laneway to Council's specifications or paying a Developer Contribution for its construction. If the laneway is not immediately required then the land must be suitably paved. If not immediately required the land can also be leased from Council for a nominal amount and used for car parking or other suitable purposes.	• N/A – The DCP does not specify any new laneways to be constructed on the site.
D1.4.7 Building Services	• Integrate systems, service and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping. • Facilities should not be visually obtrusive. • The location of substations is to be shown on plans. • Substations should be provided underground where possible. Where not possible, substations are to be concealed and incorporated into the overall building design. • Substations located at ground level must be setback as far as from the street frontage as possible, not be located in between the building form and the street frontage, and must be screened with landscaping. • Appliances that are fitted to the exterior of a building, and enclosures for service metres, do not detract from the desired architectural quality of new building, or the desired character of streetscapes. • Unscreened appliances and metres should not be attached to any façade that would be visible from a street or driveway within the site: (a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface - mounting them on exterior walls; and	• Complies. • Complies. • Complies. • No change is proposed to existing substation location. • No change is proposed to existing substation location. • Noted. • Noted.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	(c) Locate meters in service cabinets. • 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. • Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) 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).	• Noted. • Noted. • Noted.

Appendix E Clause 4.6 Variation

GAT & Associates Pty Ltd

CLAUSE 4.6 VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDINGS OF THE CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

1. Introduction

This letter seeks to address the proposed variation to Clause 4.3 of the Canterbury Local Environmental Plan 2012, which relates to the height of buildings development standard.

This submission has been prepared in relation to a development application for the demolition of all existing structures and erection of a five (5) storey shop top housing development including two (2) levels of basement car parking, ground floor commercial tenancy, twenty-six (26) residential units and associated landscaping and site works at 51 Drummond Street, Belmore.

As detailed in this written request for a variation to the height of buildings development standard under the Canterbury LEP 2012, the proposed development meets the requirements prescribed under Clause 4.6 of the Canterbury LEP 2012.

2. Site Background

The subject site is commonly known as 51 Drummond Street, Belmore, and is legally defined as Lot 200 in Deposited Plan 1062028. The site is located on the western side of Drummond Street and bounded to the south by Drummond Lane.

The site is irregular in shape with a frontage to Drummond Street measuring 16.14m in width. The southern secondary street boundary to Drummond Lane measures 55.885m and the northern side boundary measures 55.455m. The rear boundary measures 23.025m. The overall site area is 1,086m^2. Refer to Figure 1 – Site Location Map.

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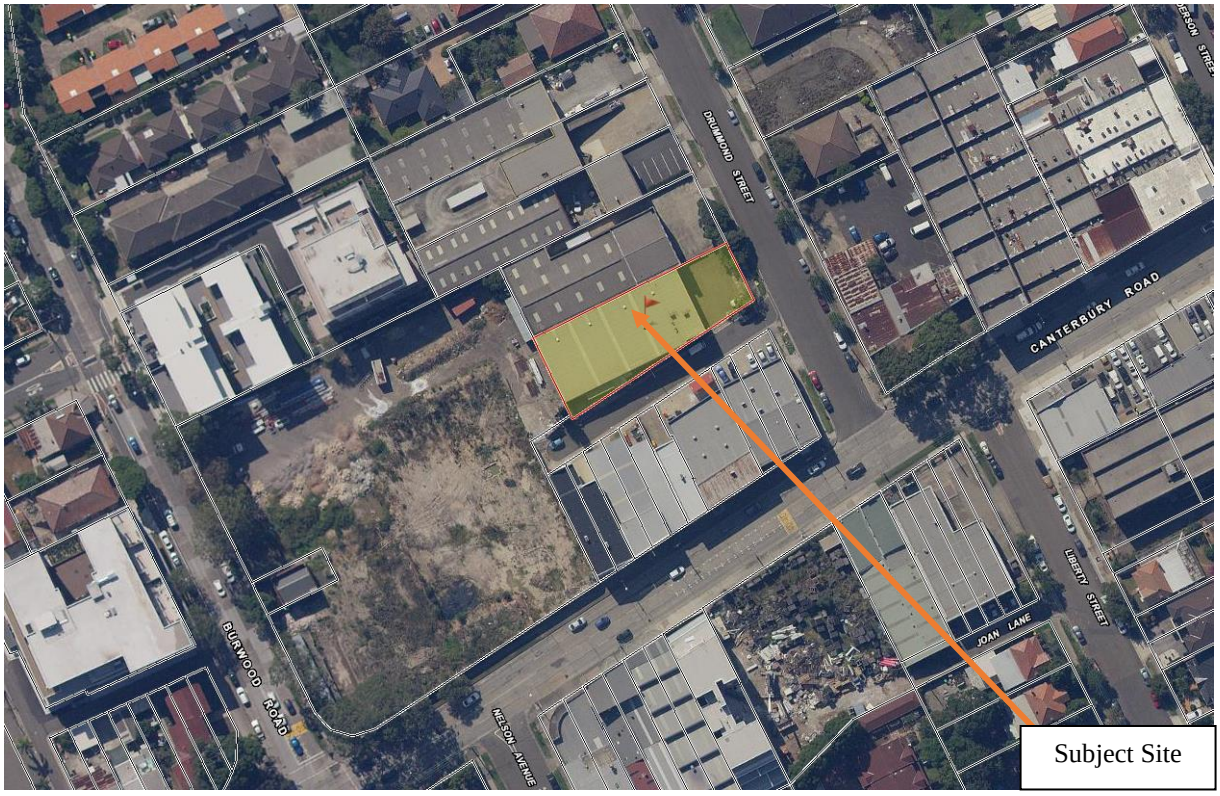
Figure 1: Site Location Map



Source: SIX MAPS

Currently located on the site is a two (2) storey brick and concrete warehouse with associated hardstand at grade carparking at the front of the site.

The site is located within a local centre and the development in the area reflects this. Properties to the north and south of the site are commercial in nature predominantly varying between two and three storeys. Adjoining the site to the west are a number of recently built, five-six storey shop top housing developments. Immediately opposite the subject site to the east is a vacant block.

The subject site is within 700m walking distance to Terry Lamb reserve which provides opportunity for open-space recreation activities. The site is also within 900m walking distance to Canterbury Hospital.

Being within a local centre, the site is well located to shops, services and amenities. The site is also 750m walking distance from the Belmore Train Station and 75m from numerous bus services along Canterbury Road.

In view of the above, it is considered that the subject site is conducive to a development of this nature.

3. Clause 4.6

This submission is made under Clause 4.6 of the Canterbury Local Environmental Plan 2012 – Exceptions to development standards. Clause 4.6 states the following:

> ***"4.6 Exceptions to development standards***

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

***Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot*

Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4
(caa) clause 5.5"

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

"4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard."

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

(a) "the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and"

This submission has been prepared having regard to the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3)*

- *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7; and*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

The Environmental Planning Instrument to which these variations relate to is the Canterbury Local Environmental Plan 2012.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

(1) The objectives of this clause are as follows:
(a) to establish and maintain the desirable attributes and character of an area,
(b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,
(c) to support building design that contributes positively to the streetscape and visual amenity of an area,
(d) to reinforce important road frontages in specific localities
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
(2A) Despite subclause (2), the height of a dwelling house or dual occupancy must not exceed 8.5 metres if the dwelling house or dual occupancy is to be located on land in Zone R4 High Density Residential.

Council's maps identify a maximum building height on the site of 18 metres. Refer to Figure 2 below.

Figure 2: Height of Buildings Map

Source: NSW Legislation, CLEP 2012

The maximum height proposed is 19.8 metres.

A written justification is therefore required for the proposed variation to the height of buildings development standard, in accordance with Clause 4.6 of the Canterbury Local Environmental Plan 2012.

4. Extent of Non-Compliance

Clause 4.3 of the Canterbury Local Environmental Plan 2012 states that the subject site has a maximum building height of 18 metres.

As demonstrated on the submitted architectural plans, the maximum proposed height at the greatest extent is 19.88m. This represents a variation of 10.4%.

The greatest variation occurs along the southern elevation (Drummond Lane) where a variation of 1.88m (to the top of the lift overrun) is sought.

The maximum building height noted above has been measured to the highest point of the building. Refer to Figures 4 – 5 on the following page.

Figure 3 Height Plane Diagram – View from corner of Drummond Street and Drummond Lane

Source: Loucas Architects

While a variation is sought, it is considered that the built form proposed is suitable for the site, given what has been approved along Canterbury Road and Burwood Road within the same 18 metre height of buildings control.

The additional height is not significant in its nature and will not be read within the context of the overall development, given the character of the approved developments, adjoining the subject site. A degree of flexibility is considered reasonable in this instance.

5. Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

> *"…the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."*

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827,* Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	*The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.* *The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.* ***(applicable)***
Second	*A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)*
Third	*A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)*
Fourth	*A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.* ***(applicable)***
Fifth	*A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)*

In respect of the height of buildings standard, the first and fourth methods are invoked.

The objectives supporting the maximum height of buildings identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

> *(1) The objectives of this clause are as follows:*
> *(a) to establish and maintain the desirable attributes and character of an area,*

(b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,
(c) to support building design that contributes positively to the streetscape and visual amenity of an area,
(d) to reinforce important road frontages in specific localities

First Method
While a variation is sought, it is considered that the proposed built form maintains the desirable attributes and character of the local area.

The subject site is located in an area characterised by five-six storey shop top housing developments. The proposed breach in height is limited to the top most portion of the lift-over run and communal living room which are essential for access to the rooftop communal open space. All residential units are located below the maximum building height plane of 18m.

As will be addressed in this statement, there are numerous examples of recent developments which have been approved by Council and the Land and Environment Court that have breached the maximum permissible CLEP2012 building height control of 18m. Thus, the proposed development is considered sympathetic with the bulk and scale of nearby shop top housing developments. Noting the site's proximity to recently constructed shop top housing developments, the proposed development is considered consistent with the desired future character of the area.

The proposal satisfies objective (a).

In terms of solar access within the proposed development, reference is made to the submitted Shadow Diagrams and Solar Access & Cross Ventilation Plan prepared by Loucas Architects. The proposal has sought to maximise solar access to the development with 19 of the proposed 26 units (73%) able to achieve a minimum of 2 hours of solar access between 9am and 3pm during the winter solstice.

To further ensure a high level of amenity is provided to all residents, rooftop communal open space is proposed that ensures all future residents are afforded with a quality area of outdoor recreation which achieves good solar access.

The proposed development is adequately setback from the adjoining residential development, ensuring the impact of overshadowing to neighbouring private open space and internal living areas is minimised. The submitted shadow diagrams demonstrate the adjoining residential units will continue to receive adequate solar access during the winter solstice. Hence, the proposed breach in height proposed does not compromise the solar amenity of adjoining properties.

While additional overshadowing is proposed to properties south of Drummond Lane, these properties are commercial in nature and contain a limited number of north facing windows. As these properties address Canterbury Road rather than Drummond Lane, the functionality and operation of these commercial properties will not be impacted by the proposed overshadowing.

It is important to acknowledge that given the orientation of the site and its location to other high-density developments, a degree of overshadowing is inevitable. Nevertheless, the proposed development has been carefully designed to ensure the site and adjoining

properties receive adequate direct solar access to internal living areas and private open space during the winter solstice.

The proposal therefore meets objective (b).

Careful consideration has been given to the proposed articulation of the development to ensure the proposed development has no significant amenity impacts, in terms of overshadowing, view loss or privacy onto neighbouring properties. The proposed breach in height is located within the centre of each building proposed and adequately setback from all boundaries. All residential units proposed are below the maximum 18m building height control. The variation sought to the CLEP12 maximum building height will not impact the amenity of adjoining developments.

The proposed development incorporates new plantings throughout the site and within the rooftop communal open space to offset the visual impact of the development. The landscaping proposed creates a balance between the natural and built environments.

The proposal is considered to responds to the desired future character of the area and the constraints of the site. Where possible, the proposal has made considerable effort to achieve the objectives and controls of the Apartment Design Guide.

The proposal satisfies objective (c).

With respect to objective (d), the development has been designed to address the Drummond Street and Drummond Lane frontages. The façades are strongly expressed to engage the primary and secondary street frontages.

The proposed breach in height is limited to the topmost portion of the lift over-run and communal living room, essential for access to the rooftop communal open space. The proposed breach in height is significantly setback from the primary and secondary street boundaries and will not detract from the streetscape presentation of the building.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard.

Fourth Method

Additionally, the fourth method is also invoked to justify variation to the maximum building height standard.

The following table displays the approved building height variation of the neighbouring properties of the subject site. Figure 4 shows the location of the below mentioned sites.

Address	**DA No.**	**Approval date**	**Building Height**	**Variation**
510-514 Burwood Road	DA-65/2015	03/12/2015	20.4m	13.3%
680-682 Canterbury Road	DA-258/2015	30/03/2017	18.55m	3.05%
684-700 Canterbury Road	DA-422/2018	25/08/2021	18.31m	1.7%
717-727 Canterbury Road	DA-566/2014	05/06/2017	21.1m	17.22%
749-757 Canterbury Road	DA-506/2016	01/07/2017	19.9m	10.5%

Figure 4: Building height variations in the vicinity of the subject site.

As evident above, Council have approved developments throughout the Canterbury Road and Burwood Road locality which have breached the maximum building height prescribed for the area under the CLEP2012. Therefore, the development standard has been abandoned by Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

6. Are there Sufficient Environmental Planning Grounds?

The assessment above and shown throughout the supporting documentation demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

As demonstrated on the submitted architectural plans, the maximum proposed height as measured in metres, is 19.88m with the proposed variation of 1.88m.

The greatest variation occurs along the southern elevation (Drummond Lane) where a variation of 1.88m (to the top of the lift overrun) is sought.

The extent of the variation is limited to the lift over-run and communal living room located within the centre of each rooftop communal area proposed. The communal living room is essential for access to the rooftop communal open space. All residential units are located below the CLEP12 maximum 12m building height control.

The only building elements which breach the maximum permissible building height are the topmost portions of the lift over-run and communal living room. These building elements are adequately setback from the fifth storey of the development and as such present as recessive elements. This design choice not only allows reduces perceived building bulk but also protects the solar access and privacy amenity of adjoining developments.

The proposed development is in keeping with the character of other shop top housing developments in the vicinity of the site, which are generally five-six storeys in scale. The

proposed building height variation sought is consistent with other building height variations approved in the area. Hence, the proposed deviation from the development standard is not considered unreasonable in this instance.

The proposed deviation from the Canterbury maximum building height control allows for the inclusion of rooftop communal open space which provides for adequate landscaping and recreational activities that could not be located elsewhere on the subject site. Thus, the proposed variation to building height allows for a better planning outcome for the site.

In this case, strict compliance with the development standard for height of buildings in the Canterbury Local Environmental Plan 2012 is unnecessary and unreasonable.

7. Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

Furthermore, it is important to also consider the objectives of the B2 Local Centre zone in relation to the development, which are as follows:

Zone B2 Local Centre

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

The following comments are made in relation to the zone objectives:

- Under the proposed works, the site will be redeveloped for the purposes of shop top housing including a generously sized 200m^2 commercial tenancy at ground floor. The use of the tenancy will be subject to future development applications but is capable of providing for a variety of retail or business uses to support the Belmore locality.
- As detailed above, a commercial tenancy is proposed which will encourage employment opportunities. Being within a local centre, the site is well located to shops, services and amenities. The site is also 750m walking distance from the Belmore Train Station and 75m from numerous bus services along Canterbury Road.
- It is considered that the design will support the economic growth of the locality with the proposal representing the highest and best use of the site. The proposal will transform the existing commercial warehouse located on the site into a five-storey

shop top housing development comprising of a commercial tenancy fronting Drummond Street and twenty-six (26) new dwellings.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

8. Public Benefit of Maintaining the Standard

It is considered that the public benefit will not be undermined by varying the standard. The proposal provides for the orderly and economic development of the site. Given the site's orientation, location and context it is considered that the site is well suited for the development, given its proximity to local infrastructure and other amenities.

The built form, bulk and scale is considered suitable within the context of the site and its surrounds.

The development is generally consistent with the current planning controls applicable to the site and proposed development.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control within the Canterbury Local Environmental Plan 2012 allows for the orderly and economic development of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the Canterbury Local Environmental Plan 2012 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standards;
- The development meets the objectives of the standard to be varied (height of buildings) and objectives of the B2 Local Centre zoning of the land;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State of Regional Significance; and
- The development submitted aligns with the predominantly mixed use/residential nature of the neighbourhood.

Based on the above, the variation is considered to be well founded.

10. General

Clause 4.6 also states that:

> *"(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
>
> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
>
> *(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
>
> ***Note.** When this plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.*
>
> *(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
>
> *(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
>
> *(a) a development standard for complying development,*
>
> *(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
>
> *(c) clause 5.4*
>
> *(caa) clause 5.5"*

This variation does not relate to the subdivision of land in the stated land use zones. The variation sought is not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission. The development proposed is not complying development.

A BASIX Certificate has been provided for the development.

The development is not affected by clause 5.4 or clause 5.5.

11. Conclusion

The proposal does not strictly comply with the height of buildings control as prescribed by Clause 4.3 of the Canterbury Local Environmental Plan 2012. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the Canterbury Local Environmental Plan 2012 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the Canterbury Local Environmental Plan 2012 to vary this development controls is appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the height of buildings control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions, please do not hesitate to contact me.

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