

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2011SYE029
DA Number	DA-54/2011
Local Government Area	City of Canterbury
Proposed Development	Demolition of existing structures and construction of an in-fill affordable housing development consisting of 89 residential units and two health consulting rooms with basement car parking and associated landscaping
Street Address	5-7, 7A & 9 Croydon Street, Lakemba (Lot 1 DP 974686, Lot 2 DP 971844, Lot B DP 365853, Lots A & B DP 357959 & Lot A1 DP 372287)
Applicant/Owner	Samstone Pty Ltd
Number of Submissions	Eleven submissions from seven objectors, and one submission from one supporter
Recommendation	Approval with Conditions
Report by	Rita Nakhle Acting Team Leader – Development Assessment

Assessment Report and Recommendation

EXECUTIVE SUMMARY

- Council has received Development Application (DA-54/2011) for the demolition of existing structures and construction of an in-fill affordable housing development consisting of 89 residential units and two health consulting rooms with basement car parking and associated landscaping at the subject site.
- The development application has a capital investment value in excess of \$10 million and in accordance with Clause 13B(1) of State Environmental Planning Policy (Major Development) 2005, the application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- It is proposed that at least 50% of the gross floor area of the development is used for affordable housing which will be managed by a registered community housing provider and used as affordable housing for a period of 10 years as per the provisions of Part 2 Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP 2009), allowing the development to be of a higher density than what is typically permitted in the subject zone, under local planning controls.
- The subject site is zoned Residential 2(c) under Canterbury Local Environmental Plan 178 – Belmore/Lakemba Precinct (CLEP 178). A 'multiple unit housing' and 'health consulting rooms' are permissible development in this subject zone.

- The development application has been assessed against the provisions contained in State Environmental Planning Policy (Major Development) 2005, State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011, State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy No.55 – Remediation of Land and relevant Canterbury Development Control Plans and policies. The proposal is found to generally be in compliance with the requirements of these policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Council's Development Control Plan No.32 – Notification Policy on two separate occasions due to varying changes in the proposed development design throughout the assessment process. We received six submissions (four of which are pro forma letters) objecting to the proposal in response to the first notification period of the original development design, and in response to the second notification period of the amended and final development design, we received one submission supporting the proposal, and five submissions (four of which are pro forma letters objecting to the proposal). The issues raised in the submissions and our responses to those issues are provided in the body of this report.
- The development application is recommended for approval subject to conditions.

BACKGROUND

On 21 May 2010, Council received a pre-lodgment application to develop the subject site into an 'in fill affordable housing development consisting of 118 units under the provisions of State Environmental Planning Policy (Affordable Rental Housing)' 2009. The plans and documentation of the preliminary design of the development show that the Floor Space Ratio (FSR) to be 1.9:1.

We responded to the applicant in an advice letter dated 30 August 2010, stating that the FSR of any development design on the subject site must be no more than 1.25:1, namely 0.75:1 plus an additional bonus FSR of 0.5:1 having regard to Clause 13(a)(i) of ARH SEPP 2009 which allows for this type of development on the subject site to acquire a bonus FSR of 0.5:1, above the general maximum FSR allowed.

On 10 December 2010, Council received a pre-lodgment application proposing the 'demolition of existing structures, and construction of an in-fill affordable housing development consisting of 114 units, and 2 non-residential units under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

We responded to the applicant in an advice letter dated 10 December 2010, stating that the formal submission of a Development Application must address and comply with the FSR requirement of 1.25:1, as well as having regard to a range of applicable plans and policies as relevant to the subject development design and site.

Development Application (DA-54/2011) was submitted on 11 February 2011, proposing the demolition of existing structures, and construction of an in-fill affordable housing development consisting of 114 residential units, and two non-residential units with basement car parking and associated landscaping, at 5, 7, 7a & 9 Croydon Street (North) in Lakemba.

Following our preliminary assessment of the development application, we wrote to the applicant on 4 May and 11 May 2011 outlining outstanding issues relating to the proposed development, and requesting that additional and amended information be submitted to adequately address issues of density, overshadowing impacts, clarification on the future uses of the two non-residential units, car parking design matters, Building Code of Australia considerations, concerns with proposed tree removals and provision of amended Landscape Plan, drainage proposal, provision of adequate waste storage, handling and collection facilities, changes to address comments from Council's Disability Access Committee, and crime prevention and community safety considerations.

On 25 May 2011, we wrote to the applicant to advise of the State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011 which came into effect on 20 May 2011, and requesting that they address the relevant provisions of the new amendments and provide us with the required additional and amended information.

In response, the applicant provided amended and additional information on 15 June and 24 June 2011 addressing all issues raised in our letters and most significantly modifying the proposal by reducing the overall development density and height. The revised and final development, as currently proposed, involves 'demolition of existing structures and construction of an in-fill affordable housing development consisting of 89 residential units and two health consulting rooms with basement car parking and associated landscaping'.

SITE DETAILS

The subject site incorporates No.'s 5-7, 7 & 9 Croydon Street, Lakemba, with the primary frontage being along Croydon Street which is 44.64 metres in length, and the secondary frontage along Railway Parade, is 7.34 metres in length. The total site area is 6377.7m².

The site is currently occupied by eight detached single storey residential buildings containing in total 20 dwellings, some outbuildings, hardstand areas, associated landscaping and trees.

The site is surrounded by a mix of land uses including single storey residences, two to three storey residential flat buildings, health consulting rooms, community and commercial premises, and public open space. The site is located within approximately 200 metres walking distance of Lakemba Railway Station. The site is in very close proximity to the Lakemba Town Centre which provides a range of services and facilities.



Subject Site

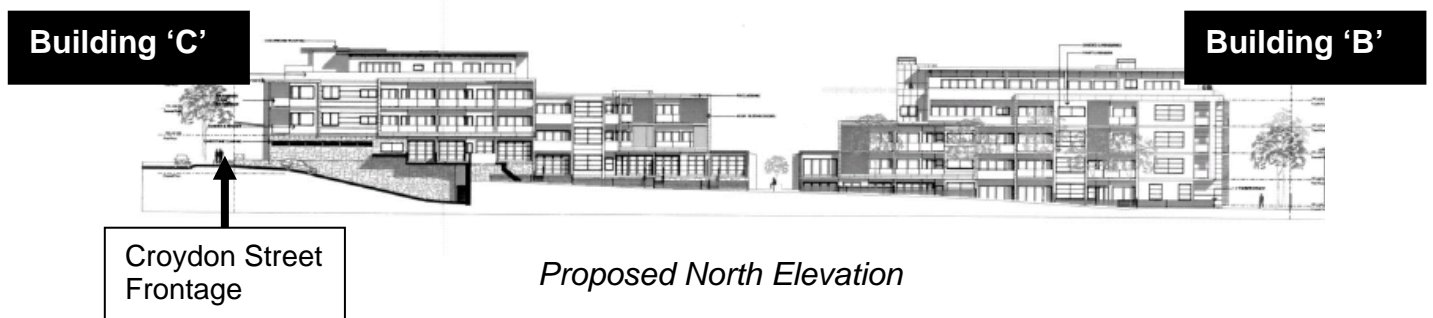
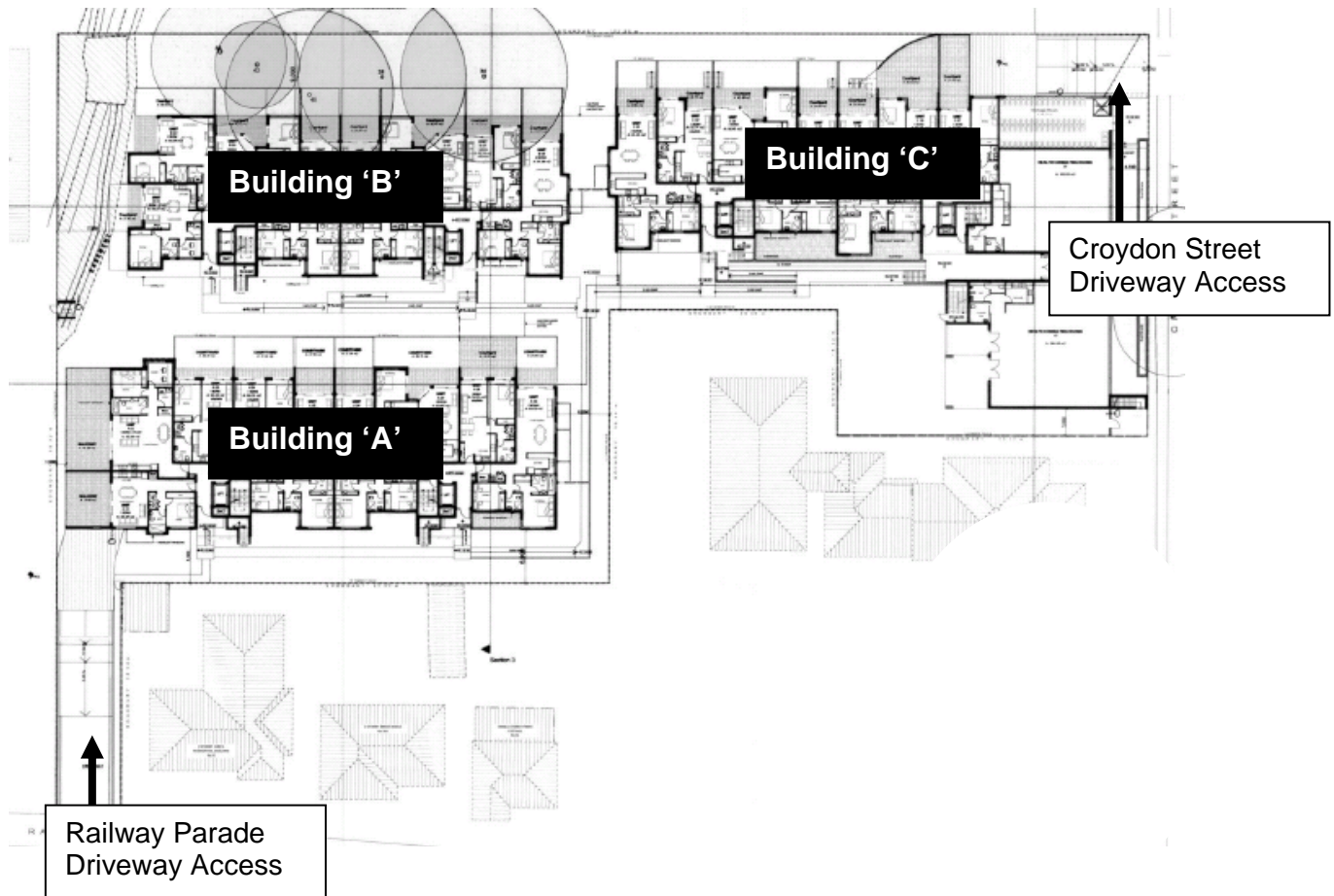


Existing Buildings on the Subject Site (facing Croydon Street)

PROPOSAL

The proposed development involves the demolition of existing structures and construction of an in-fill affordable housing development consisting of 89 residential units and two health consulting rooms with basement car parking and associated landscaping at the subject site.

In detail, the development involves the construction of three buildings with Building A being four storeys in height and containing 30 units, Building B being three - five storeys in height and containing 30 units, and Building C being three - four storeys in height and containing 29 units, with two non-residential units on the ground floor facing Croydon Street to be used as 'health consulting rooms'. Of the total 89 residential units, 26 of them are proposed to be of an 'adaptable' design, and 51 of them are proposed to be allocated as 'affordable rental housing'. A two level basement car park is proposed which is accessed via driveways on both Croydon Street and Railway Parade. This car park contains 152 spaces (including 21 disabled spaces), bicycle parking, a courier loading space, storage spaces associated with the residential units, and garbage rooms.



STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans (DCPs), codes and policies are relevant:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011
- State Environmental Planning Policy No.65 – Design Quality of Residential

- Flat Development
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Canterbury Local Environmental Plan 178 – Belmore/Lakemba Precinct
- Development Control Plan 13 – Multiple Unit Development Code (DCP 13)
- Development Control Plan 20 – Car Parking Code (DCP 20)
- Development Control Plan 29 – Crime Prevention Through Environmental Design (DCP 29)
- Development Control Plan 37 – Energy Smart Homes (DCP 37)
- Development Control Plan 45 – Landscaping (DCP 45)
- Development Control Plan 48 – Waste Management (DCP 48)
- Section 94 Contributions Plan
- Stormwater Management Manual Specification 9 – A Guide to Stormwater Drainage Design

Any demolition works requires specific consideration of the Australian Standards 2601 – 1991 Demolition of Structures as required by Clause 92 of the Environmental Planning and Assessment Regulation 2000.

ASSESSMENT

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act 1979 and the following key issues emerge:

- **State Environmental Planning Policy (Major Development) 2005**
The development application has a capital investment value in excess of \$10 million and in accordance with Clause 13B(1) of State Environmental Planning Policy (Major Development) 2005, the application will be considered and determined by the Joint Regional Planning Panel (Sydney East Region).
- **State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011**
The application is for an in-fill affordable housing development lodged pursuant to the provisions of ARH SEPP. The ARH SEPP aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, the policy provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and minimum development standards. The proposed development compares to the relevant provisions of the ARH SEPP as follows:

Clause 10(1) of the ARH SEPP states that in-fill affordable housing development applies within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of dwelling houses, multi-dwelling housing or residential flat buildings is permissible within the zone:

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential

The subject site is zoned Residential 2(c) under the Canterbury Local Environmental Plan 178 – Belmore/Lakemba Precinct (CLEP 178) which would be an equivalent residential zone, and therefore permissible in the zone pursuant to the ARH SEPP.

Clause 10(2) of the ARH SEPP requires that in-fill affordable housing developments in the Sydney Region be located within proximity of certain transport nodes, including 800 metres walking distance to the public entrance to a railway station. In this regard, the subject site is located approximately 200 metres from the entrance of the Lakemba Railway Station and complies with this control.

Clause 13(2)(a)(i) of the ARH SEPP (as amended) states that the maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus (if the existing maximum floor space ratio is 2.5:1 or less) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher.

It is proposed that at least 50% of the gross floor area of the development will be used for affordable housing (3848.35m² of a total of 7688.54m² in gross floor area, representing 50%, which is provided across a total of 51 dwellings)

In this regard, the proposed development benefits from the bonus floor space ratio of 0.5:1, which is added to the base required floor space ratio of 0.8:1 (revised figure following a detailed density/FSR study of developments in the area), totalling to a required maximum floor space ratio of 1.3:1 for the development. The proposal involves a floor space ratio of 1.2:1, which complies with this part of the ARH SEPP.

Clause 14 prescribes minimum standards which cannot be used to refuse consent. The following table is an assessment of the proposal against the ARH SEPP standards:

Control	Requirement	Proposal	Complies
Site Area	Min. 450 square metres	6377.72 square metres	Yes
Landscaped Area	Min 30% of the site area	Approximately 41% of landscaped area provided	Yes
Deep Soil Zone	15% of the site area. Deep soil zone has a minimum dimension of 3 metres. If practical, at least two-thirds of the deep soil zone is to be	Min 15% of the site area provided as deep soil zone	Yes

Control	Requirement	Proposal	Complies
	located at the rear of the site		
Solar Access	Living rooms and private open space areas for a minimum of 70% of the dwellings are to receive a minimum of three hours sunlight between 9.00am and 3.00pm at the Winter Solstice	Living rooms and private open space areas for 86.52% of the dwellings receive adequate sunlight access	Yes
Car Parking	At least 0.5 spaces are to be provided for each dwelling – Total 45 spaces	Basement carpark provides for a total of 152 spaces	Yes
Dwelling Size	Gross Floor Area: Studio – 35m ² 1 bedroom – 50m ² 2 bedrooms – 70m ² 3+ bedrooms – 95m ²	All dwellings are sized according to the minimum required areas	Yes

As the table above demonstrates, the proposed development has been found to be consistent with the Clause 14 provisions.

Clause 16 of the ARH SEPP states that nothing in ARH SEPP affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) to any development to which this Division applies. Accordingly, SEPP 65 is addressed later in this report.

Clause 16A of the ARH SEPP (as amended) states that a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The applicant was provided with the opportunity to address this clause, and in response, provided us with a statement prepared by Chapman Planning Pty Ltd dated 9 June, which makes the following points:

- *The subject site is surrounded by residential flat buildings being 3-4 storeys in height and large scale commercial buildings on the northern boundary...(the proposal) presents a 3 storey building to the Croydon Street frontage, with the upper level (4th storey) setback. This is consistent with the height of the building at 8-10 Croydon Street (opposite the subject site) and the building adjoining the southern boundary at 11 Croydon Street.*
- *Building B at the north west of the site is 3-5 storeys. This building is consistent with the maximum building height of 5 storeys applied to the north of the subject site contained in Part 4.7.3 of Council's Development Control Plan 54 – Town Centres.*
- *A permissible FSR of 1.3:1 on the subject site correlates to the proposed building heights to ensure adequate landscaped area and deep soil planting is achieved, there is adequate separation between buildings on*

the subject site and adjoining properties, the form and scale of the in-fill development is broken into well articulated separate buildings and suitable residential amenity is achieved meeting SEPP 65 (an FSR of 1.3:1 contained within a 3 storey building element would cover the majority of the site potentially with greater impacts to adjoining properties and reduced residential amenity.

- *The maximum height of the building is RL 41.81 – RL 38.19. This is consistent with the maximum height of the building at 11 Croydon Street being RL 40.24 and 55 Railway Parade being 33.63.*
- *The massing and height of the in-fill residential development will not result in unreasonable overshadowing of the adjoining properties with a minimum of 3 hours of solar access to north facing windows of adjoining residential flat building retained at mid winter.*
- *The three building elements have a consistent footprint with the surrounding residential flat buildings in the locality presenting a compatible visual built form.*

The points made above by the applicant's planner represent a reasonable argument that the proposed development is compatible with the character of the local area.

The design of the proposed development positively contributes to the Croydon Street streetscape and indeed the local built environment, and will activate a large area that is currently underutilised and somewhat neglected. The development has been carefully designed to optimise internal amenity and minimise impacts to neighbours.

Having regard to the existing and evolving built form of the locality, the location of the site being on the fringe of the Lakemba Town Centre with some adjoining properties permitted to develop up to five storeys, the increased setbacks provided which aim to reduce amenity impacts onto neighbours, and the quality design of the development which has adequately addressed the relevant design requirements of SEPP 65, the proposed development is compatible with the existing and future character of the local area.

Clause 17 of the ARH SEPP states the affordable housing dwellings within the development will be used for affordable housing for a period of ten years, managed by a registered community housing provider. Relevant conditions can be imposed to ensure that the proposed development satisfies this clause.

Clause 18 of the ARH SEPP states that such development may be subdivided with development consent. The application seeks to subdivide the land under strata title. The proposed subdivision of the building by strata title is acceptable subject to the imposition of conditions on any development consent issued.

- **State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development**

This policy aims to improve the design quality of residential flat buildings. The proposed development falls within the definition of a residential flat building

under this SEPP. From 1 December 2003, the SEPP requires that registered architects carry out the design of residential flat buildings. The proposed development has been designed by a registered architect and a design verification statement has been submitted with the application.

The applicant has submitted a statement which details the proposed development's compliance with the design principles of the SEPP. A copy of the statement is attached to the file. It is considered that the proposal is consistent with the design principles of SEPP 65. The proposal is also considered to be consistent with the Residential Flat Code prepared by the Department of Planning.

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

BASIX Certificate 349736M_02 and BASIX Certificate 349745M_02, 15 June 2011 accompany this application. The commitments to be shown at DA stage include the provision of low water use vegetation, a central rainwater tank, a 5 star instantaneous gas hot water system, insulation, and natural lighting commitments. The project scores a pass for water, energy and thermal comfort commitments.

The DA plans submitted illustrate the above mentioned commitments made in the BASIX Certificates, with other commitments being able to be conditioned to ensure compliance.

As such, the design of the proposed development is consistent with the commitments made in the submitted BASIX Certificate. In this regard, it is considered that the proposed development satisfies the requirements of SEPP 2004.

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

Should the land be contaminated, we must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, we must be satisfied that the land will be remediated before the land is used for that purpose.

The applicant has submitted a "Preliminary Site Environmental Assessment" prepared by Aargus Australia (December 2010) which concludes that the subject site is suitable for the proposed development provided that:

- any soils proposed for removal from the site should be initially classified;
- a Hazardous Materials Assessment be carried out prior to redevelopment of the site; and

- site works to cease and the environmental consultant be notified to set up a response to unexpected occurrences during site works (i.e. significant odours, evidence of gross contamination).

Appropriate conditions of consent to the above effect are to be imposed should development consent be issued.

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

The proposed development falls within the provisions of SEPP 2007 as it involves the erection of a residential flat building with 75 or more dwellings, and a car park area that accommodates for more than 50 vehicles, and the subject site is located within 90 metres from a classified road, being Lakemba Street.

As such, the application was referred to the Roads and Traffic Authority (RTA) for comment and concurrence. The RTA has advised that it raises no objection to the proposed development and provided comments for our consideration. These comments will form part of the conditions of consent being attached to any consent granted and include:

- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
 - A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
 - All vehicles are to enter and exit the site in a forward direction.
 - All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.
- **Canterbury Local Environmental Plan 178 – Belmore/Lakemba Precinct**
The site is zoned Residential 2(c) under Canterbury Local Environmental Plan No. 178 – Belmore/Lakemba Precinct (CLEP 178) and the proposed development is permissible with the consent of Council. The objective of this zone is to achieve:

- (a) residential development allowed in the Residential “A” zone and multiple unit housing; and
- (b) development which will not detrimentally affect the residential character or amenity of the area.

The proposed development meets the objectives of the zone in that it proposes a multiple unit housing development for 89 new dwellings, and two health consulting rooms which will complement the existing nature of land uses in the locality. It is considered that the development will contribute positively to the residential character and amenity of the area.

Further, Clause 14(1) of CLEP 178 relates to floor space ratios for non-residential development in a residential zone. It states that the maximum floor space ratio for non-residential buildings in Zone 2(c) is 0.75:1.

The two proposed health consulting rooms have a total floor area of 347.63m², and as such represent a floor space ratio of 0.05:1, on the subject site which has a total area of 6377.72m².

- **Development Control Plan 13 – Multiple Unit Development Code (DCP 13)**

The proposed development has been assessed against the provisions of our Development Control Plan 13 – Multiple Unit Development Code. The subject application has been lodged under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (as amended) which contains certain controls which override our DCP requirements. However, the ARH SEPP does not provide for certain controls that are contained in our DCP which are relevant to the assessment of the application. The proposal compares to these matters as follows:

Control	Requirement	Proposal	Complies
Minimum Frontage	20 metres	Frontage to Croydon Street of 44.64 metres	Yes
Building Height	Up to 3 storeys – 9 metres	3-5 storeys in height (8.2m-16m)	No – refer to comments below
Private Open Space	Small dwellings (<60m ²) → 5m ² Medium dwellings (60-90m ²) → 7m ² Large dwellings (>90m ²) → 9m ²	All 89 dwellings are provided with courtyard and/or balconies with areas of at least 10m ²	Yes
Front Boundary Setback	7.5 metres for two storey development, 8.5 metres for over two storey	Along the Croydon Street Frontage, the development is setback: Ground Floor – 4.1 metres Level 1 – 4.1 metres Level 2 – 4.1 metres Level 3 – 9 metres	No – refer to comments below
Side & Rear Boundary Setback	Based on height of building at any point, using the formula of 3 + (height -3), divided by 4 → required setbacks range between 5.45m to 6.17m	The proposal provides generous setbacks throughout the perimeter of the development site, in compliance with our setback requirement, with the exception of three small parts which are in minor breach	No – refer to comments below
Domestic Storage	Min 5m ² for each unit, attached to the parking area or in the basement	Basement Carpark contains 97 storage spaces ranging in areas between 4.16m ² -8.78m ²	No – refer to comments below

As noted in the above table, the proposed development does not comply with

the building height, front boundary setback, side boundary setback, and domestic storage requirements of our DCP 13.

Building Height

Part 7.1.1(a) of DCP 13 requires the maximum height of buildings to be three storeys, and/or 9 metres. The proposed development is 3-5 storeys in height, measuring 8.2 to 16 metres.

As states previously, the proposal is made pursuant to the provisions of Part 2 Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP 2009), allowing the development to be of a higher density than what is typically permitted in the subject zone, under local planning controls.

The applicant has provided a well considered design for the development which involves height of between three to five storeys, but which is balanced by a reduced building footprint and greater setbacks so as to improve solar access and privacy impacts for future residents of the subject development, and neighbouring residents.

Front Boundary Setback

Part 6.1.2 of DCP 13 states that the minimum front boundary setback for multiple unit development shall be 8.5 metres for two storey. The proposed development is setback 4.1 metres on the ground floor and 6.5 metres on the first and second floors with balconies setback at 4.6 metres, the second floor is setback at 9 metres, with balconies setback at 5.9 metres.

The front part of the development on the ground floor involves health consulting rooms and hence the reduced setback improves activation of Croydon Street. The balconies on the first, second and third floor provide some visual relief from the main building line which is setback deeper at 6.5-9 metres.

Further, the development as it presents to Croydon Street is adjoined on one side by a corner building at 194-198 Lakemba Street which has a setback of approximately 1 metre to Croydon Street, and on the other side by a residential flat building at 11 Croydon Street which has a front boundary setback of approximately 7.7 metres. The provided setback of the proposed development is considered acceptable as it provides a transition between these two adjoining buildings.

Side & Rear Boundary Setback

Rear (West) Elevation of Building 'A' has a maximum building height of 13.7 metres, and as such requires a setback of 5.67 metres. This elevation is mostly setback at least 6 metres, with two balconies on the first floor and two balconies on the second floor setback 3.98 metres from the western boundary. However, this reduced setback is considered satisfactory given that the adjoining property is a park - 'Jubilee Reserve', and to some extent would benefit from the surveillance that these balconies would provide.

South Elevation of Building 'A' has a maximum building height of 13.2 metres, and as such requires a setback of 5.55 metres. This elevation is mostly setback at least 6 metres, with a small part (on the ground, first, and second floors) having a reduced setback of 5.3 metres. This part of the building contains a window which is associated with a dwelling's bathroom, and as such the window would be translucent. In this regard, given the minor nature of the breach and the negligible privacy impact, it is considered acceptable.

The South Elevation of Building 'C' is single storey (where the health consulting rooms are located) with a building height of 3.8 metres, and as such requires a setback of metres of 3.2 metres. This elevation is setback at 3 metres. This part of the elevation is single storey in appearance and contains no windows, and as such has minimal impact onto the neighbouring property.

Domestic Storage

Part 15.7.1 of DCP 13 requires that storage space of at least 5m² for each dwelling is to be provided attached to the parking area or in the basement. The proposal involves a total of 89 dwellings. The basement carpark provides 97 storage spaces ranging in areas between 4.16m²-8.78m². It is considered that a development of this scale should make provision for adequate storage space for use by future residents, in compliance with the minimum 5m² requirement. In this regard, a condition should be imposed requiring the provision of at least 89 storage spaces, with each having a minimum area of 5m², to comply with Part 15.7.1 of DCP 13.

- **Development Control Plan 20 – Car Parking Code (DCP 20)**

The minimum requirements contained in Clause 14(2)(a)(ii) of the ARH SEPP override our controls for the residential component of the development.

Under the ARH SEPP, the development is required to provide a minimum of 0.5 spaces per dwelling. A total of 89 dwellings are proposed therefore requiring a minimum of 45 off-street car parking spaces to be provided. A total of 128 spaces are provided in the proposed basement carparking area of the development for the residential component, which meets this requirement.

The proposal compares to the additional relevant requirements of DCP 20 as follows:

Standard	Requirement	Proposal	Complies
Parking - Health Consulting Room	2 spaces per Health Consulting Room → 4 spaces	24 spaces provided	Yes
Bicycle Spaces – Residential	Residents – 1 space per 5 units Visitors – 1 space per 10 units Total – 27 spaces	A total of 34 bicycle spaces are accommodated for in the basement carpark – 27 of which can be	Yes

Health Consulting Room	1 space per 2 employees (unknown number of employees)	allocated to the residential use and the remaining 7 can be allocated for the health consulting rooms (which is considered to be sufficient for up to 14 employees)	
Layout of car parking area	Driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions should be in accordance with AS 2890.1 – 2004.	Appropriate condition to be imposed requiring full compliance with AS 2890.1 – 2004.	Yes
Loading Area	Loading/unloading bay required	Courier/Service Bay provided in the carpark	Yes
Access and Driveway Width	6-9 metres combined driveway entry-exit	6.9m Croydon Street driveway, 7.2m Railway Parade driveway	Yes

The proposed development complies with the requirements of DCP 20. The proposed development provides car parking for the residential and health consulting room uses, of the development in excess of the requirements.

It is considered appropriate that a condition be imposed requiring the developer/applicant to prepare a car parking and bicycle spaces allocation plan for the development, and submit it to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The allocation plan must ensure car parking and bicycle spaces are correctly allocated to the dwellings within the residential component of the development, and to the two health consulting rooms.

- Development Control Plan 29 – Crime Prevention Through Environmental Design (DCP 29)**

The proposed development will not contribute to creating opportunities for additional criminal activity and is consistent with the objectives and principles in DCP 29 relating to natural surveillance, access control and ownership. The applicant has provided us details of the following measures which have been included in the design:

- The access points from Croydon Street, Railway Parade and the park will be controlled by security intercom. Further, there is a security gate in the

basement car park restricting access to residential parking spaces and the lifts from the basement will include security access;

- The development proposal will include the installation of CCTV at the Croydon Street frontage of the building and at access to the basement carpark; and
- The proposal has been design with courtyard fencing setback forward of the buildings with glass balustrades at the upper level eliminating natural ladders between floor levels.

Further, the proposal has been assessed by our Community Safety Committee who has advised that no objection is raised to the proposed development provided that the applicant/developer allocates the 'affordable rental' dwellings strategically throughout the whole development, and not in only one of the three buildings and on certain floor levels. In response, the applicant has provided information showing that the 51 'affordable rental' dwellings will strategically be split across the three buildings, and across all levels, so as to avoid the creation of a strong concentration in a small part of the development, which is considered satisfactory from our perspective.

Appropriate conditions of consent have been attached to the recommendation which address the above raised crime prevention and community safety matters.

- **Development Control Plan 37 – Energy Smart Homes (DCP 37)**
This DCP applies insofar as it aims to protect and maintain the solar access of immediately adjoining residential properties by ensuring it receives 2 hours sunlight between 9am and 3pm on June 21 to the various scenarios tabled below:

Solar Access Requirement	Proposed	Complies
To at least 50% or 35m ² (which includes a minimum dimension of 2.5m) of the adjoining property's principal area of ground level private open space (POS), whichever is lesser.	Sunlight is available to at least 50% of the adjoining properties ground level private open space (or 35m whichever is lesser) between 9.00am and 3.00pm on 21 June.	It is noted that most dwellings within the adjoining affected properties (being residential flat buildings) have their own balconies as their 'private open space', or no 'private open space'
One living room window (of the adjoining property) is to receive 2 hours sunlight between 9am and 3pm on June 21.	One living room window of most of the adjoining properties will receive at least two hours sunlight between 9.00am and 3.00pm on 21 June, with some impact on the northern elevation of the property at 55 Railway Parade	Refer to comments below
Outdoor clothes drying	The outdoor clothes drying	Refer to comments

Solar Access Requirement	Proposed	Complies
area of the adjoining property is to receive 2 hours sunlight between 9am and 3pm on June 21.	area of most of the adjoining properties will receive at least two hours sunlight between 9.00am and 3.00pm on 21 June,	below

The applicant has provided shadow diagrams and solar modelling at hourly intervals between 9am and 3pm on June 21 showing the shadowing impacts of the proposed development onto mainly the southern adjoining properties with most impact affecting a residential flat building at 55 Railway Parade and a residential flat building at 11 Croydon Street.

The applicant has provided generous setbacks for the development along the southern boundary of at least 6-9 metres from the first floor and above. However, given the scale and height of the development, this has not eliminated all shadowing impacts onto adjoining properties, with one window on the northern elevation of the building at 55 Railway Parade not receiving a minimum of 2 hours of sunlight access between 9am and 3pm on 21 June. It is unclear whether this subject window is associated with a living area.

Further, the communal outdoor clothes drying areas of the residential flat building at 11 Croydon Street and 55 Railway Parade, do not receive a minimum of 2 hours of sunlight access between 9am and 3pm on 21 June. However, it is noted that residents typically use their balconies or internal dryers for clothes drying purposes.

Given the above considerations, on balance the shadowing impacts of the proposed development are considered satisfactory.

- **Development Control Plan 45 – Landscaping (DCP 45)**

The subject site contains a significant amount of vegetation with up to 48 trees being documented to be existing on the site. The construction of the subject development necessitates the removal of 30 trees. In this regard, the DA has been accompanied by an Arboricultural Impact Assessment and a Landscape Plan.

Our Landscape Architect has carried out a detailed site inspection and has reviewed all the submitted information provided by the applicant, and has advised no objection is raised from a landscaping perspective under DCP 45, subject to appropriate conditions, including providing adequate Tree Protection Zones for those trees proposed to be retained on the developed site, being imposed on any consent issued.

A further condition is to be imposed requiring that a project arborist be nominated for this development to complete the following tasks:

- Set out the tree protection zones (TPZ) and associated fencing for the trees (street trees and property trees) marked to be retained and protected as listed in the table above,
 - To monitor and advise in regard to all issues relating to the existing trees to be retained for all phases of construction,
 - Directly supervise any works that need to occur within any of the required Tree Protection Zones.
 - On completion of construction/works, a report should be submitted to council from the project arborist detailing their attendance on site and any work they completed, including any required root pruning of the tree.
- **Development Control Plan 48 – Waste Management (DCP 48)**
In reference to the requirements of DCP 48, the residential component of the proposed development is required to be allocated a total of 93 bins (45 rubbish bins, 30 recycling bins and 18 vegetation bins) and the health consulting rooms are required to be allocated a total of four bins (two rubbish bins and two recycling bins).

The basement car (Car Park 01) provides a garbage room under Building A, a garbage room under Building B and two garbage rooms under Building C, with all having a total holding capacity for 107 bins, which is considered adequate for the storage of bins throughout all days of the week. It is noted that the garbage room under Building A has a holding capacity for only 22 bins which is considered inadequate for the 30 dwellings in that building. In this regard, a condition of consent should be imposed to have this garbage room slightly enlarged so that it is able to accommodate the storage of at least 31 bins.

DCP 48 further requires that if the bins are not stored in a location within 15 metres from the street kerb, then a bin presentation area within that 15 metre distance is required to be provided to facilitate servicing. A bin presentation is proposed to be provided along the Croydon Street frontage of the proposed development. However, it is shown to be able to accommodate only 69 bins. In this regard, a condition of consent should be imposed to have this area enlarged so that it is able to accommodate the storage of at least 97 bins for both the residential use and health consulting room use.

- **Section 94 Contributions Plan**
The proposed development which introduces 19 x large, 45 x medium and 25 x small dwellings to the site attracts a contribution of \$781,190.91. A credit of 3 x large, 3 x medium and 14 x small dwellings has been applied for the existing 20 residential dwellings on the subject site. This contribution is subject to indexing.
- **Stormwater Management Manual Specification 9 – A Guide to Stormwater Drainage Design**
The application has been referred to our Development Engineer who has raised no objections to the proposed hydraulic details provided with the application subject to appropriate stormwater and public improvement conditions being imposed.

ADDITIONAL CONSIDERATIONS

- **Disability Access**

The Disability Access Committee has provided their comments in relation to the development. The Committee raised no objection to the development proceeding subject to the imposition of conditions of consent, requiring that the development must be designed and constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.

- **Acoustics**

Given the location of the site being in close proximity to a railway line, busy road and a mix of land uses, the applicant provided an Acoustic DA Report (prepared by Acoustic Logic, dated 13 December 2010) for our consideration.

This report was reviewed by our Environmental Health Officer, who raised no objections to the proposal from an acoustic perspective based on the findings and recommendations of the submitted report, subject to appropriate conditions being imposed.

- **Building Code of Australia**

The development application has been reviewed and assessed by our Building Officer who has raised no objection to the proposal subject to appropriate conditions being imposed, including that full compliance with the Building Code of Australia is to be achieved.

- **Traffic & Access Arrangements**

The development application has been reviewed and assessed by our Team Leader – Traffic who has raised no objection to the proposal subject to the following appropriate conditions being imposed:

- Parking is to be provided in accordance with AS 2890.1-2004.
- Parking restrictions (1 hour) are to be installed on the western side of Croydon Street in front of the proposed development to provide short term parking, to conform to existing signage in the vicinity of the Lakemba Town Centre. The applicant is required to meet the costs of the signage installation.
- The proposed access in Railway Parade must be designed and constructed in accordance with AS 2890.1-2004, Section 3.2.4 (sight distance for pedestrians when egressing from the proposed driveway).
- The existing blister island in Railway Parade between the proposed driveway and the adjacent property on the eastern side be removed, pavement reinstated and a continuous layback is to be constructed to prevent illegal parking. All costs associated with the works are to be met by the applicant.
- The proposed driveway in Croydon Street be co-joined with the driveway to the adjacent property (at 194-198 Lakemba St) to prevent illegal parking.

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has

been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties at 194-198 Lakemba Street, 206-210 Lakemba Street, 212, 212A & 214 Lakemba Street, 216 Lakemba Street, 53 Railway Parade, 54 Railway Parade, 54A Railway Parade, 55 Railway Parade and 11 Croydon Street, to withstand the excavation works proposed.

Further an additional condition requiring the applicant to provide a dilapidation report for the adjoining properties, prior to the issue of the Construction Certificate is also recommended. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant will be required to rectify all damages.

- **Sediment and Erosion Control**

The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

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

EXTERNAL REFERRALS

Roads & Traffic Authority

As stated previously in the report, as per the provisions of SEPP 2007, the application was referred to the Roads and Traffic Authority (RTA) for their comment and concurrence. The RTA has advised that it raises no objection to the proposed development and provided comments for our consideration. These comments will form part of the conditions of consent being attached to any consent granted.

NOTIFICATION

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Council's Development Control Plan No.32 – Notification Policy on two separate occasions due to varying changes in the proposed development design throughout the assessment process. We received six submissions (four of which are pro forma letters) objecting to the proposal in response to the first notification period of the original development design, and in response to the second notification period of the amended and final development design, we received one submission supporting the proposal, and five submissions (four of which are pro forma letters objecting to the proposal). The submissions raised the following issues of concern, which are discussed below:

- **Concern that the proposed development is an overdevelopment of this site and involves an excessive floor space ratio**

Comment

As stated in the report above, Clause 13(2)(a)(i) of the ARH SEPP (as amended) states that the maximum floor space ratio for this type of in fill affordable rental housing development is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur (i.e. 0.8:1), plus 0.5:1, which gives a total maximum floor space ratio of 1.3:1. The proposal involves a floor space ratio of 1.2:1, which complies with this part of the ARH SEPP.

The applicant has provided a well considered design for the development which involves height of between three to five storeys, but which is balanced by a reduced building footprint and greater setbacks so as to improve solar access and privacy impacts for future residents of the subject development, and neighbouring residents.

- **Concern that the proposed development will lead to adverse shadowing impacts onto residents of adjoining and surrounding properties**

Comment

The issue of shadowing impacts has been addressed in the report above under DCP 37 – Energy Smart Homes.

- **Concern that the proposed development will lead to increased traffic movement, traffic congestion, demand on on-street parking beyond what is capable of being accommodated for in the Croydon Street locality**

Comment

The minimum requirements contained in Clause 14(2)(a)(ii) of the ARH SEPP override our car parking controls. Under the ARH SEPP, the residential component of the development is required to provide a minimum of 0.5 spaces per dwelling. A total of 89 dwellings are proposed therefore requiring a minimum of 45 off-street car parking spaces to be provided. A total of 128 spaces are provided in the proposed basement carparking area of the development, which meets this requirement. A further 24 spaces are also provided in the car park to accommodate the parking needs of the two ground floor health consulting rooms. This complies with Council's requirements under Development Control Plan 20 – Car Parking Code.

As such, the proposal meets the minimum car parking standard specified in the ARH SEPP and DCP 20.

In regard to traffic generation, it is acknowledged that a development of this scale will result in increased traffic movements in and around Croydon Street, Railway Parade and further onto Lakemba Street. However, the increase is not considered to be beyond what is capable of being accommodated in the local road network.

- **Concern that the proposed development will lead to adverse privacy and acoustic impacts onto residents of adjoining and surrounding properties, particularly onto the property at 55 Railway Parade**

Comment

The visual and acoustic privacy of residents in the immediate locality (particularly 55 Railway Parade) are maintained by virtue of ample boundary setbacks of the proposed Building 'A', together with proposed landscaping within the setback area. It is also noted that the most living rooms and balconies of the dwellings within Building 'A' are oriented to the north (and not south towards 55 Railway Parade) and overlook internally within the development.

- **Concern regarding the method of bin storage and waste collection for the proposed development**

Comment

The issue of waste bin storage and methods of disposal has been addressed above under DCP 48 – Waste Management (DCP 48).

- **Concern regarding the impacts of noise and vibration from the basement carpark entry along Railway Parade, being so close to the residential flat building at 55 Railway Parade**

Comment

The Acoustic Report submitted in support of the proposed development fails to identify this issue of concern which may cause some adverse impact onto the residents of 55 Railway Parade. In this regard, it is recommended that a condition be imposed requiring the applicant/developer to engage an acoustic consultant to investigate the noise and vibration impacts of the Railway Parade driveway onto 55 Railway Parade, and if necessary develop appropriate mitigation measures to address and minimise the likely effects. This investigation report is to be prepared and provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

- **Concern regarding the traffic and noise disruption that will be experienced by local residents during the construction phase of this proposed development**

Comment

Traffic and noise disruption is likely to be experienced by local residents during any periodic construction work of a nearby property. Any consent issued is to be conditional on 'all building operations being restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays'.

- **Concern regarding increased crime and incidence of anti-social behaviour from this low cost housing development**

Comment

The proposed development is proposed by a private developer under the provisions of ARH SEPP in that 50 per cent of the dwellings in the proposed development will be used for affordable rental housing for 10 years from the date of the issue of the Occupation Certificate. All accommodation that is used for affordable rental housing will be managed by a registered community housing provider.

The proposed development, if approved, would add slightly to the existing population of the local area. It is not considered that this increase in population is likely to lead to incidences of crime and/or anti-social behaviour.

- **Concern regarding lack of landscaping on the design of the proposed development**

Comment

Clause 14 of ARH SEPP prescribes minimum standards for 'landscaped area' which cannot be used by Council to refuse consent. In this regard, it is required that at least 30% of the site area to be landscaped. The subject proposal involves a landscaped area of approximately 41% of the site area, therefore complying with the ARH SEPP standard.

- **Concern regarding impacts of lighting onto neighboring properties**

Comment

Any approval issued, is to be conditional that any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

- **Concern regarding the cost of fencing which should be replaced/constructed at the cost of the developer**

Comment

Any approval issued, is to be conditional that the renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.

- **Any approval should impose conditions relating to the submission of dilapidation report to address any potential damage of neighboring properties, with any damage being rectified at the developer's expense**

Comment

This matter has been addressed above under 'Proposed excavation works'.

- **General support for the proposal**

Comment

One resident has indicated general support for the proposal stating that the development will accommodate population growth in the area, and is well positioned close to public transport and facilities. It is further stated that the development will stimulate a revitalisation of the locality with an appropriate density and a contemporary design.

CONCLUSION

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies and has been found to be satisfactory and not worthy of support. The proposed development is well designed in providing good amenity for future occupants of the subject dwellings, and minimising impacts onto neighbouring residents. The design of the proposed development is compatible with the local character of the area and represents a quality development that will positively contribute to the Croydon Street streetscape and indeed the local built environment. As such, it is recommended that the development application be approved subject to conditions.

RECOMMENDATION

THAT the Joint Regional Planning Panel approve Development Application DA-54/2011 for the demolition of existing structures and construction of an in-fill affordable housing development consisting of 89 residential units and two health consulting rooms with basement car parking and associated landscaping, subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Protection from termites
- Structural Engineering Plan
- Building Specifications
- Fire Safety Schedule
- Amended Landscape Plan
- Hydraulic Plan
- Sydney Water Notice of Requirements
- Fire Separation between each Strata Lot
- Noise & Vibration Separation Between Units (Bathrooms to Habitable Rooms)
- Soil and Waste Management Plan
- Consolidation of Six Lots into One Lot
- Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
- BASIX Certification
- Compliance with Part D2.4 of BCA (Separation of Fire Stair Ascending & Descending Risers)
- Acoustic Report relating to the noise and vibration impacts of the Railway Parade driveway onto the adjoining property at 55 Railway Parade
- Car parking Allocation Plan

- 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$11712.00
Section 94 Contributions	\$783190.91
Certificate Registration Fee	\$30.00
Long Service Levy	\$49839.80
- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$28231.00
Inspection Fee	\$7771.00
Occupation Certificate Fee	\$2780.00

Note 1: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 4: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$12,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and

- 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
- 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:

- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
- (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
- (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
- (f) Burning of demolished building materials is prohibited.
- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact

the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au

- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the following specific conditions and the conditions contained in this Notice:

Drawing No.	Drawing Title	Prepared by	Received by Council on
SK-01 A	Plans – Roof/Site Plan	MACKENZIE Architects	16 June 2011
SK-02 A	Plans – Car Park 02	MACKENZIE Architects	16 June 2011
SK-031 A	Plans – Car Park 01	MACKENZIE Architects	16 June 2011
SK-04 A	Plans – Ground Floor	MACKENZIE Architects	16 June 2011
SK-05 A	Plans – First Floor	MACKENZIE Architects	16 June 2011
SK-06 A	Plans – Second Floor	MACKENZIE Architects	16 June 2011
SK-07 A	Plans – Third Floor	MACKENZIE Architects	16 June 2011
SK-08 A	Plans – Fourth Floor	MACKENZIE Architects	16 June 2011
SK-10 A	Sections – Sections	MACKENZIE Architects	16 June 2011
SK-11 A	Elevations – Elevations 01	MACKENZIE Architects	16 June 2011
SK-12 A	Elevations – Elevations 02	MACKENZIE Architects	16 June 2011
Co11097.00-C20 Issue A	Erosion & Sediment Control Plan & Details	Costin Roe Consulting	11 February 2011

7. Finishes and materials including the treatment of external walls, roofing, windows, balustrades and privacy screens being in accordance with the 'External Building Materials and Finishes' received by Council on 11 February 2011. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
8. At least 89 storage spaces, with each having a minimum area of 5m², to be provided attached to the respective parking areas of the 89 dwellings, to comply with Part 15.7.1 of DCP 13.

9. The developer/applicant is to prepare a car parking and bicycle spaces allocation plan for the development, and submit it to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The allocation plan must ensure car parking and bicycle spaces are correctly allocated to the dwellings within the residential component of the development, and to the two health consulting rooms.
10. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
11. The bathroom and ensuite window(s) being translucent glass.
12. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The monetary contribution of \$783190.91 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$377389.33	711
• Recreation Facilities	\$63335.20	712
• Community Services	\$200818.35	713
• Environmental Amenity Improvements	\$78212.91	714
• Traffic Control and Management	\$13322.78	715
• Monitoring, research and administration	\$50112.34	717

Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined.

Council's Section 94 Contributions Plan 2005 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

13. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
14. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
15. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
16. All building construction work must comply with the Building Code of Australia.
17. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at all the floor slab levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
18. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.

19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
21. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.
22. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
23. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
24. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
25. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
26. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
27. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
28. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
29. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
30. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
31. Payment of an additional garbage levy for each new dwelling upon completion of work.
32. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

- b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

EXCAVATION

33. A photographic survey of the adjoining properties at 194-198 Lakemba Street, 206-210 Lakemba Street, 212, 212A & 214 Lakemba Street, 216 Lakemba Street, 53 Railway Parade, 54 Railway Parade, 54A Railway Parade, 55 Railway Parade and 11 Croydon Street, Lakemba detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
34. A report prepared by an Accredited Engineer, detailing the structural adequacy of the adjoining properties at 194-198 Lakemba Street, 206-210 Lakemba Street, 212, 212A & 214 Lakemba Street, 216 Lakemba Street, 53 Railway Parade, 54 Railway Parade, 54A Railway Parade, 55 Railway Parade and 11 Croydon Street, Lakemba and their ability to withstand the proposed excavation, and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works, shall be submitted to Council, or the Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

LANDSCAPING

35. The submitted landscape plan (drawn by Conzept Landscape Architects, drawing No. LPDA 11 -234/1 Issue C and submitted to council on 15th June 2011) must be amended to address the following items:
- o Considering the size and complexity of the development and its associated landscape proposal, a detailed maintenance schedule for the landscaping should be submitted to council for approval. At minimum this schedule should include the following information:
 - replacement strategy for failures in plant materials and built works,
 - maintenance schedule for watering, weeding and fertilizing during the establishment period
- This amendment must be submitted to Council or certifier prior to the issue of the Construction Certificate.
36. The existing street tree, *Callistemon viminalis* (common name Bottlebrush), marked as T1 in the submitted Aboricultural Impact Assessment Report, growing on the nature strip along Croydon Street, has been marked to be retained and protected. Given the position of the proposed carpark ramp, this will not be possible. Therefore the removal of this tree is acceptable to accommodate construction. This removal is conditional on their replacement with 2 x 75ltr (container size) *Tristanopsis laurina* (common name Water Gum) to be provided on the nature strip adjoining the property. The planting of this tree is to be carried

out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council.

37. The existing street trees, 2 x *Eucalyptus scoparia* (common name Wallangarra White Gum), marked as T3 and T4 in the submitted Aboricultural Impact Assessment Report, growing on the nature strip along Croydon Street, must be retained and protected during construction. A tree protection barrier of 6m radius is to be erected around the perimeter of the Tree Protection Zone (TPZ) prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ. Any trenching or works that needs to occur within this tree protection zone needs to be undertaken under the strict supervision of the project arborist and is to be completed by hand with no roots greater than 25mm to be cut or damaged. These treatments are put in place in order to minimise the damage occurring to the tree in order to ensure its survival as well as to ensure the stability of the tree in the future.

38. The existing property vegetation is to be retained or removed as follows:

Tree No.	Botanical Name	Common Name	Action	Details/ Tree Protection Zone (TPZ)
T2	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove	Not significant in size Poor structure
T5	<i>Nerium oleander</i>	Oleander	Remove	Insignificant
T6	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T7	<i>Acacia decurrens</i>	Black Wattle	Retain and Protect	3m radius Located on neighbouring property
T8	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T9	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T10	<i>Quercus rubra</i>	Oak	Remove	Shows evidence of disease Not suitable candidate for retention during

				construction
T11	<i>Magnolia grandiflora</i>	Magnolia	Remove	Insignificant Not suitable candidate for retention during construction
T12	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T13	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T14	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T15	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T16	<i>Washingtonia robusta</i>	Fan palm	Transplant	As per details included in the Arboricultural Impact Assessment Report and the Landscape plan
T17	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Retain and Protect	3m radius
T18	<i>Ligustrum sp.</i>	Privet	Remove	Noxious weed- See condition below regarding removal of this species
T19	<i>Ligustrum sp.</i>	Privet	Remove	Noxious weed- See condition below regarding removal of this species
T20	<i>Liquidambar styraciflua</i>	Liquidambar	Retain and Protect	7m radius
T21	<i>Morus alba</i>	Mulberry	Remove	Insignificant Not suitable candidate for retention during construction
T22	<i>Eucalyptus sp.</i>	Gum	Remove	Decay evident at base of trunk Not suitable candidate for retention during

				construction
T23	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T24	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T25	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T26	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T27	<i>Phoenix canariensis</i>	Canary Island Date Palm	Remove	Insignificant Not suitable candidate for retention during construction
T28	<i>Melaleuca decora</i>	Paperbark	Remove	Insignificant Not suitable candidate for retention during construction
T29	<i>Cupressus sempervirens</i>	Pencil Pine	Remove	Insignificant Not suitable candidate for retention during construction
T30	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Semi mature Suppressed growth form due to proximity to adjacent trees
T31	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Tree exhibits lean Not suitable candidate for retention during construction
T32	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Tree exhibits lean Not suitable candidate for retention during construction
T33	<i>Eucalyptus piperita</i>	Sydney Peppermint	Remove	Tree exhibits lean Not suitable candidate for retention during construction
T34	<i>Eucalyptus piperita</i>	Sydney Peppermint	Retain and Protect	4m TPZ
T35	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove	Not significant Not suitable candidate for retention during construction

T36	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Excellent specimen of species Unable to be retained due to site constraints
T37	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T38	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Retain and Protect	4m TPZ
T39	<i>Phoenix canariensis</i>	Canary Island Date Palm	Remove	Insignificant Not suitable candidate for retention during construction
T40	<i>Erythrina sykesii</i>	Coral Tree	Remove	Exempt from protection under council Tree Preservation Order
T41	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Retain and Protect	4m TPZ
T42	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Retain and Protect	4m TPZ
T43	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Remove	Suppressed growth form due to proximity to adjacent trees Decay evident at trunk
T44	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Remove	Suppressed canopy. Trunk Lean. Not suitable candidate for retention during construction
T45	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Retain and Protect	4m TPZ
T46	<i>Bauhinia sp.</i>	Bauhinia	Retain and Protect	5m radius
T47	<i>Araucaria heterophylla</i>	Norfolk Island Pine	Retain and Protect	4m radius
T48	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Retain and Protect	3m radius

38.1. The existing vegetation as listed in the table above must be retained and protected during construction. A tree protection barrier is to be erected around the perimeter of each of the TPZ (as listed in the table above) prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and

stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ. Any trenching or works that needs to occur within this tree protection zone needs to be undertaken under the strict supervision of the project arborist and is to be completed by hand with no roots greater than 25mm to be cut or damaged. These treatments are put in place in order to minimise the damage occurring to the tree in order to ensure its survival as well as to ensure the stability of the tree in the future.

- 38.2. In addition to these requirements, all recommendations provided in Section 4.2 of the submitted arborist report relating to Tree Protection Requirements are to be adhered to.
- 38.3. Tree No. 16 - *Washingtonia robusta* (common name Fan Palm) has been marked to be transplanted to a new location as shown on the submitted landscape plan. This transplant is to be done under the supervision of the project arborist in line with Section 4.3 of the submitted Arboricultural Impact Assessment Report.
39. A project arborist must be nominated for this development. This appointed project arborist is to be holding a minimum AQF Level 4 or greater. They are to complete the following tasks:
- Having the arborist set out the tree protection zones (TPZ) and associated fencing for the trees (street trees and property trees) marked to be retained and protected as listed in the table above,
 - to monitor and advise in regard to all issues relating to the existing trees to be retained for all phases of construction,
 - directly supervise any works that need to occur within any of the required Tree Protection Zones.
 - On completion of construction/works, a report should be submitted to council from the project arborist detailing their attendance on site and any work they completed, including any required root pruning of the tree. The report must also include the following items:
 - Full name, business address, telephone numbers, evidence of qualifications and experience of consulting arborist.
 - Full address of the site
 - Full name and details of the person/company the report is being prepared for.
- Contact details for the project arborist are to be provided to council or PCA prior to the issue of the Construction Certificate.

STORMWATER ENGINEERING

40. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 15 June, 2011; drawing numbers Co11097.00-C41 issue D dated 14/6/2011, Co11097.00-C42 issue D dated 14/6/2011, Co11097.00-C43 issue D dated 14/6/2011 and Co11097.00-C46 issue C dated 03/6/2011 by Costin Roe Consulting
41. Detailed plans and calculations for the site stormwater system must be submitted to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA, prior to the issue of Construction Certificate. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire

stormwater drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.

42. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council's Stormwater Management Manual – Specification 9.
43. A full width heavy duty vehicular crossing shall be provided at each vehicular entrance to the site, with a maximum width of 6.0 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
44. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
45. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, car parks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
46. A qualified practicing Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
47. Stormwater being disposed to Council's inter-allotment drainage system in the north-western corner of the property, in accordance with Clause 4.8 of Council's Stormwater Management Manual - Specification 9, "A Guide for Stormwater Drainage Design".
48. An easement to drain water variable width, with an eastern boundary 3.0m from the centre line of the existing 1.35m diameter pipeline, located in the north-western corner of the site being created in favour of Council. Documents relative to the creation of the easement to be lodged with the Land and Property Information NSW prior to lodgement of the Construction Certificate, with Registration being effected prior to issue of the Occupation Certificate. All costs associated with piping, relocation and creation of easements being borne by the applicant. A sample document is included in Council's Stormwater Management

Manual - Specification 9, "A Guide to Stormwater Drainage Design", setting out the terms of the instrument to be registered.

49. An easement to drain water being created in favour of 11 Croydon Street over the property to be developed, to permit the disposal of stormwater to Council's inter-allotment drainage system in accordance with Clause 4.7 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design". Documents relative to the creation of the easement are to be lodged with the Land and Property Information NSW prior to the lodgement of the application for the Construction Certificate and include a requirement that the easement created shall not be released marked or modified without Council's consent. Registration of the easement is to be effected prior to occupation. A sample document is included in Council's Stormwater Management Manual - Specification 9 "A Guide to Stormwater Drainage Design", setting out the terms of the instrument to be registered. All costs associated with piping, relocation and creation of easements are to be paid by the applicant.
50. The proposed structure/s to be located clear of the existing easement for drainage. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured, and before the construction of any walls.
51. Special footings will be required where the proposed/existing structure is adjacent to an easement for drainage. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. The special footings referred to above shall be designed by a practising Structural Engineer and shall be located clear of the easement. Details to be submitted prior to lodgement of the Construction Certificate.

PUBLIC IMPROVEMENTS

52. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
53. The reconstruction of the kerb and gutter along all areas of the site fronting Croydon Street and Railway Parade is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
54. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Croydon Street and Railway Parade is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

CONTAMINATION & REMEDIATION

55. Submit details with the Construction Certificate application of the classification of soils proposed for removal from the site. Any soils for removal from the site should initially be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009), in accordance with

Part 10: Conclusions and Recommendations of the Preliminary Environmental Site Assessment prepared by Aargus Australia dated December 2010.

56. Submit details with the Construction Certificate application, of the Hazardous Materials Assessment (HAZMAT) of the premises prior to redevelopment of the site in accordance with Part 10: Conclusions and Recommendations of the Preliminary Environmental Site Assessment prepared by Aargus Australia dated December 2010.
57. If during potential site works, significant odours and /or evidence of gross contamination not previously detected are encountered, or any other significant unexpected occurrence, site works should cease in that area, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence, in accordance with Part 10: Conclusions and Recommendations of the Preliminary Environmental Site Assessment prepared by Aargus Australia dated December 2010 .

WASTE MANAGEMENT

58. The garbage room under Building A is to be enlarged so that it is able to accommodate the storage of at least 31 bins.
59. The bin presentation area at the Croydon Street frontage is to be enlarged so that it is able to accommodate the storage of at least 97 bins for both the residential use and health consulting room use.
60. The bin presentation area is to be designed and constructed in accordance with the Design Considerations in Appendix 4 of Council's Development Control Plan – Waste Management.
61. The owner of the development must indemnify Council's waste collection contractor against damage that may result from their entry onto the property to collect waste bins. Council's standard indemnity form shall be completed and returned to Council prior to the site being occupied.
62. Bins shall not be placed on the site where they obstruct access to any on-site car parking spaces or affect access to or from the loading dock.
63. Bins are not to be stored on any landscaping areas or on any car parking spaces.

CRIME PREVENTION & COMMUNITY SAFETY

64. Entry to the residential component of the building is to be restricted through an appropriate intercom and security system whereby only residents and authorised visitors gain entry to the building and the residential floors.
65. The installation of CCTV at the Croydon Street frontage of the building and at access to the basement carpark.
66. A security grill door is to be installed at the entrance of the basement carpark. Security access such as a security card or keyed access should be provided to residents to reduce the likelihood of the area being used by unauthorised persons and for illegitimate purposes.
67. An intercom system being provided at an appropriate location to allow access to the visitor parking spaces and health consulting room spaces which are located behind the basement security grille.
68. Fire safety exist should be fitted with a one way opening door to reduce access from outside of the premises and allow for one way use only.
69. The finishes of all structures and buildings are to be maintained at all times, with any graffiti or vandalism immediately removed/repaired.
70. Signage is to be installed at all driveways, entry and access points.
71. All storerooms in the basement level are to be locked at all times.

72. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
73. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

DISABILITY ACCESS

74. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.

ACOUSTICS

75. Submit details upon submission of the Construction Certificate concerning glazing and the design of window mullions, perimeter seals and the installation of the windows/doors in the building, in accordance with the recommendations of Part 4- Traffic Noise Assessment, of the Acoustic Report, prepared by Acoustic Logic, document reference 20101149.1/1312A/RO/GC.
76. Submit details upon submission of the Construction Certificate concerning the attenuation of noise emissions and the location of all external plant and equipment (eg: air conditioners) in accordance with the recommendations of Part 5- Noise Emission Assessment, of the Acoustic Report prepared by Acoustic Logic, document reference 20101149.1/1312A/RO/GC. These details are required to comply with the provisions of the Protection of the Environment Operations Act 1997 and the Industrial Noise Policy and Noise Control Manual of the Department of Climate Change & Water of New South Wales. All plant is to be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and if necessary by standard acoustic treatment such as noise screens, enclosures, in-duct treatment (silencers/lined ducting) or similar.
77. An acoustic consultant is to be engaged to investigate the noise and vibration impacts of the Railway Parade driveway onto 55 Railway Parade, and if necessary develop appropriate mitigation measures to address and minimise the likely effects. This investigation report is to be prepared and provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

RTA CONDITIONS

78. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
79. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
80. All vehicles are to enter and exit the site in a forward direction.
81. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

TRAFFIC & ACCESS

82. Parking restrictions (1 hour) are to be installed on the western side of Croydon Street in front of the proposed development to provide short term parking, to conform to existing signage in the vicinity of the Lakemba Town Centre. The applicant is required to meet the costs of the signage installation.
83. The proposed access in Railway Parade must be designed and constructed in accordance with AS 2890.1-2004, Section 3.2.4 (sight distance for pedestrians when egressing from the proposed driveway).

84. The existing blister island in Railway Parade between the proposed driveway and the adjacent property on the eastern side be removed, pavement reinstated and a continuous layback is to be constructed to prevent illegal parking. All costs associated with the works are to be met by the applicant.
85. The proposed driveway in Croydon Street be co-joined with the driveway to the adjacent property (at 194-198 Lakemba St) to prevent illegal parking.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

86. For 10 years from the date of the issue of the Occupation Certificate:
- 86.1. the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - 86.2. all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
87. A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

SUBDIVISION

88. When the conditions have been complied with, the applicant should lodge the strata subdivision plans with Principal Certifying Authority so that the final inspections/checks can be carried out by. Should the requirements be met, the plans will be signed and given to the applicant so that the subdivision can be registered with the Land and Property Information NSW.

CRITICAL INSPECTIONS

89. The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

Class 2, 3 or 4 Buildings

- 1.1. at the commencement of the building work, and
- 1.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 1.3. prior to covering any stormwater drainage connections, and
- 1.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 1.5. at the commencement of the building work, and
- 1.6. prior to covering any stormwater drainage connections, and
- 1.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

ADDITIONAL INSPECTIONS

90. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent. To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

91. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

92. This application has been assessed in accordance with the Building Code of Australia.
93. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Survey on Completion
 - Structural engineering work
 - Air Handling Systems
 - Protection from Termites
 - Fire Safety Services Schedule
 - Glazing
 - BASIX completion
 - Fire separation between Strata lots
94. That the applicant be advised that any works to be carried out by Council at the applicant's cost need to be applied for in advance.
95. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
96. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
97. The relevant Council Manuals and AUS-SPEC specifications referred to are available from Council for a fee.
98. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
99. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
100. Compliance with the Building Code of Australia does not guarantee protection from prosecution under "The Disability Discrimination Act" and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
101. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
102. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
103. If you are not satisfied with this determination, you may:
- 103.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 12 months of the date of receipt of this Notice of Determination; or
 - 103.2. Appeal to the Land and Environment Court within 12 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

If you should require any further information, please do not hesitate to contact Rita Nakhle in City Planning, on 9789 9449 Monday to Friday.

