

DEVELOPMENT APPLICATION FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND THE CONSTRUCTION OF A THREE TO SIX STOREY MIXED USE DEVELOPMENT CONTAINING 102 RESIDENTIAL APARTMENTS, COMMERCIAL TENANCY AND BASEMENT CAR PARKING

JRPP Ref. No.	2012SYE031
D/A No.	DA-69/2012
Property	Nos. 359-365 Beamish Street and 33-35 Unara Street, Campsie
Proposal	Demolition of the existing structures and the construction of a three to six storey mixed use development containing 102 residential apartments, commercial tenancy and basement car parking
Zoning	Part Business Office 3(e) and Part Residential 2(c) under the provisions of the Canterbury Planning Scheme Ordinance
Applicant	365 Beamish Pty Ltd
Report By:	Stephen Pratt – Team Leader Development Assessment

EXECUTIVE SUMMARY

- Council has received a development application for the demolition of the existing structures and the construction of a three to six storey mixed use development containing 102 residential apartments, commercial tenancy and basement level car parking for 144 vehicles.
- The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the Environmental Planning and Assessment Act, 1979, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- The subject site is zoned Part Business Office 3(e) and Part Residential 2(c) under the provisions of the Canterbury Planning Scheme Ordinance. The proposed development is permissible with development consent.
- The development application has been assessed against the provisions contained within relevant State Environmental Planning Policies, Canterbury Local Environmental Plan No. 148 – Campsie Precinct, the Draft Canterbury Local Environmental Plan 2012 and relevant Canterbury Development Control Plans and policies. The proposed development is generally compliant with the requirements of these environmental planning instruments, development control plans and policies. Issues of non-compliance have been addressed in the body of this report.
- 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. During this period, Council has received five (5) letters of objection and a petition signed by thirty-nine (39) persons raising various concerns that are discussed in the body of this report.
- The development application is recommended for approval subject to conditions.

BACKGROUND

Council, on 2 June 2005, approved a development application (DA-1266/2003) for the demolition of existing structures and the construction of a mixed use development containing ten (10) commercial/retail tenancies, fifty-two residential apartments and

basement car parking for 132 vehicles at the subject site. This development consent was not activated and has subsequently lapsed.

Since this time, the planning controls for part of the site have been altered to permit increased density on the site. It is also noted that the residentially zoned portion of this site is proposed to be rezoned for commercial purposes as part of Council's Draft Local Environmental Plan 2012. This plan has been through the formal public exhibition process, has been adopted by Council but has not yet been gazetted by the Department of Planning and Infrastructure.

Prior to the lodgement of the development application, representatives of the applicant had a number of pre-lodgement discussions with Council's Planning staff. The main purpose of these discussions was to allow the applicant the opportunity to seek the views of Council staff on the scheme prior to formal lodgement of the application. The applicant was advised that staff were generally supportive of the scheme, however there were several design matters that were highlighted which were required to be addressed.

SITE DETAILS

The subject site is located on the north-eastern corner of Beamish Street and Unara Street at Campsie. The site is known as Lots 110, 111 and 112 in DP 3995, with a frontage of 36.6 metres to Beamish Street, a frontage of 68.02 metres to Unara Street and a total site area of 3012 square metres.

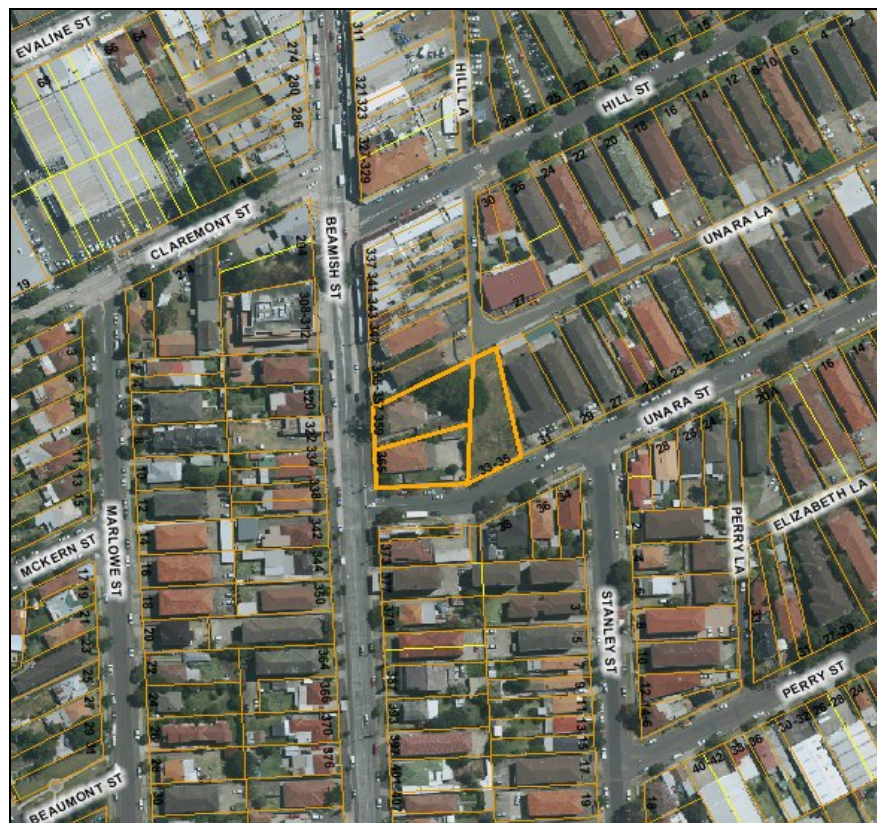


Figure No. 1 – Aerial photograph showing the development site and surrounds

The subject site is relatively level with a slight fall from RL 34.51AHD at the north-western corner (Beamish Street) of the property to RL 32.42 AHD at the south-eastern corner (Unara Street) of the property. This fall of marginally greater than 2 metres over a distance of approximately 70 metres represents a fall of 1 in 35. The subject site is

located at the southern edge of the Campsie Town Centre.

The development site consists of three allotments which each contains a single storey dwelling and associated outbuildings. Each of these structures will be demolished to accommodate the proposed development. The property also contains a variety of existing vegetation most of which is situated on Lot 112 in the northern portion of the property and which will be removed as part of this application.

To the immediate north of the property is a three storey residential flat building with a single storey building located towards the front of the property containing a medical centre. A further three storey residential flat building is located further to the north with ground level retail/commercial tenancies.

To the immediate south of the property, on the southern corner of Beamish Street and Unara Street is a two storey commercial building, while further south heading towards Canterbury Road is a variety of both single dwellings and three storey residential flat buildings.

To the immediate east of the property is a three storey residential flat building with further similar developments extending in an easterly direction along Unara Street. To the immediate west of the property, on the opposite side of Beamish Street is a mix of both single dwellings and a variety of three storey residential flat buildings extending to the north and to the south.

PROPOSAL

Council has received a development application for the demolition of existing structures and the construction of a three to six storey mixed use development containing 102 residential apartments, commercial tenancy and basement car parking for 144 vehicles. The proposed development provides a commercial floor space of approximately 250 square metres located ground floor level along Beamish Street, with 48, one bedroom units, 53, two bedroom units and 1, three bedroom unit over between four and six levels. Basement car parking is provided over two levels for a total of 144 vehicles. More specific details of the proposed development are provided as follows:

Basement Level 2 –	Provision for 76 off-street car parking spaces for residents, bicycle parking area and associated storage spaces.
Basement Level 1 –	Provision for 68 off-street car parking spaces for residents, resident visitors and the commercial tenancy, with associated storage areas, together with car wash bay, plant rooms and the like. The basement car parking levels are accessed via a 7.0 metre (separated) ingress and egress driveway from Unara Street.
Ground Level	Commercial tenancy with a gross floor area of approximately 250 square metres, together with fourteen (14) residential apartments, comprising 10 (ten), 1 bedroom and four (4), 2 bedroom apartments. An off-street loading and unloading facility is also provided accessed off Unara Street capable of servicing a small rigid vehicle.

Upper Ground Level	Three (3) 1 bedroom and one (1), 2 bedroom residential apartments located centrally along the Unara Street frontage of the site.
Level 1	A total of twenty-two (22) residential apartments comprising nine (9), 1 bedroom units and thirteen (13), 2 bedroom apartments.
Level 2	A total of twenty-one (21) residential apartments comprising eight (8), 1 bedroom units and thirteen (13), 2 bedroom apartments.
Level 3	A total of nineteen (19) residential apartments comprising eight (8), 1 bedroom units and ten (10), 2 bedroom units and one (1), 3 bedroom apartments.
Level 4	A total of fifteen (15) residential apartments comprising seven (7), 1 bedroom units and eight (8), 2 bedroom apartments.
Level 5	A total of seven (7) residential apartments comprising three (3), 1 bedroom units and four (4), 2 bedroom apartments.



Figure No. 2 – Beamish Street Elevation

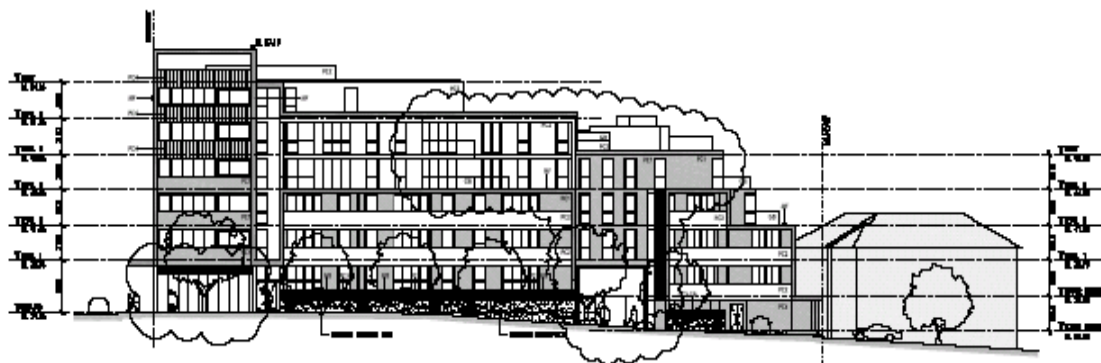


Figure No. 3 – Unara Street Elevation

It should be noted that the dwelling mix details quoted above do not strictly correlate with those nominated by the applicant and this matter will be addressed in a later section of this report.

INTERNAL REFERRALS

The development application was referred to a number of internal sections of Council for comment and the advice received is summarised below:

- **Fire Safety and Building Related Comments**

The development application was accompanied by a Building Assessment Report prepared by AE&D Consulting. The report concludes that the proposal will generally comply with the deemed to satisfy requirements of the National Construction Code, however identifies aspects of the design that will need to be addressed by an alternative solution that will be evaluated by an accredited fire engineer as part of the documentation forwarded with the Construction Certificate.

The development application and accompanying report were referred to Council's Fire Safety Officer for comment who has raised no objections to the proposal subject to certain conditions being included as part of any consent issued.

- **Environmental Health and Compliance Comments**

The development application was referred to Council's Regulatory Services section for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

STATUTORY CONSIDERATIONS

The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the Environmental Planning and Assessment Act, 1979, the application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

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

- (a) State Environmental Planning Policy (Infrastructure) 2005
- (b) State Environmental Planning Policy No. 55 – Remediation of Land
- (c) State Environmental Planning Policy (BASIX) 2004
- (d) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- (e) Canterbury Local Environmental Plan No. 148 – Campsie Precinct
- (f) Draft Canterbury Local Environmental Plan 2012
- (g) Canterbury Development Control Plan No. 13 – Multiple Unit Housing
- (h) Canterbury Development Control Plan No. 20 – Car Parking
- (i) Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design
- (j) Canterbury Development Control Plan No. 32 – Notification Policy
- (k) Canterbury Development Control Plan No. 37 – Energy Smart Homes
- (l) Canterbury Development Control Plan No. 45 – Landscaping
- (m) Canterbury Development Control Plan No. 48 – Waste Management
- (n) Canterbury Development Control Plan No. 51 – Access and Mobility
- (o) Canterbury Development Control Plan No. 54 – Town Centres
- (p) Stormwater Management Manual – Specification 9 'A Guide to Stormwater Drainage Design'
- (q) Section 94 Contributions Plan 2005

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:

(a) State Environmental Planning Policy (Infrastructure) 2005

State Environmental Planning Policy (Infrastructure) 2007 aims to facilitate the effective delivery of infrastructure, including by providing appropriate consultation with relevant public authorities about certain development during the assessment process.

The subject site is located approximately 300 metres north of Canterbury Road which is a classified road for the purposes of the SEPP. In accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007, the proposed development falls under the requirements of Schedule 3 of the SEPP and requires referred to Roads and Maritime Services.

The development application was referred to Roads and Maritime Services in accordance with Clause 104 of the SEPP who raised no objections to the proposed development subject to conditions being imposed on any development consent issued.

(b) State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment.

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

The subject site has a long history of residential use and there is no known history of previous use of the land for other commercial or industrial activities. Given that the proposal involves excavation works to accommodate the proposed basement car parking levels, a geotechnical investigation was carried out to obtain geotechnical information on sub-surface conditions to provide recommendations on excavation, and the design of the foundations and retaining walls in the development. These reports conclude that there is no evidence of contamination of the land.

Having regard to the above, Council is satisfied that the land is suitable for proposed end use. Suitable conditions will be applied on any development consent issued to address any contamination finds during excavation and construction works.

(c) State Environmental Planning Policy 2004 (BASIX)

A BASIX Certificate (Certificate No. 414567M) accompanies the development application and lists a variety of commitments that are to be incorporated into the overall design of the project.

The necessary commitments have been included on the architectural drawings where required, meet the water, energy and thermal comfort targets and satisfy the requirements of the SEPP.

(d) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The proposed development falls within the definition of a residential flat building under SEPP 65 and therefore requires assessment under the provisions of the SEPP. The policy aims to improve the design quality of new residential flat buildings in New South Wales by addressing specific design criteria.

The development application has been accompanied by a detailed Design Verification Statement prepared by the registered architect for the project which addresses the proposal against the ten design principals and an assessment of the proposal against those matters contained within the 'Better Design Practice' provisions and suggested 'Rules of Thumb'. The following provides a discussion of the proposal against the SEPP 65 Principles together with commentary on those matters where strict compliance with the 'Rules of Thumb' is not achieved.

SEPP 65 Principles

Context

The site is located at the southern edge of the Campsie Town Centre. The locality, namely those areas to the north of the site along Beamish Street, is expected to undergo change into the future having regard to the revised planning controls that now apply to the locality. As such, the proposed development, while contemporary in design, is expected to complement and positively contribute with existing and likely future development in the locality.

Scale

The scale of the proposed development is clearly determined by the building envelope controls contained within Council's Development Control Plan No. 54. The proposal for the most part satisfies the various height controls applying to the land. The proposal will provide a street wall or base for three levels addressing Beamish and Unara Streets punctuated by pedestrian entries and the commercial shopfront. Upper levels of the building are 'lighter' in terms of material, colour and solidity, and are setback as required by the building footprint controls. The development is consistent with the scale of development identified for the future character of the locality.

Built Form

The proposed development varies from three to six levels in height generally in compliance with the building envelope controls applying to the land. The development will provide a corner architectural element to mark the entry to the town centre as permitted by the relevant DCP control, with more moderate heights as the building transitions down to the adjoining residential development to the east in Unara Street. An active ground floor commercial tenancy is provided to Beamish Street which also provides a modest activation of the Unara Street frontage. Ground floor units facing Unara Street also assist to activate this frontage of the site. The proposal will provide a street wall for three levels addressing Beamish and Unara Streets, with change at the upper levels in terms of materials and colours, and a setback to break down the mass of the building.

Density

As noted above, the scale of the proposed development is clearly determined by the building envelope controls contained within Council's Development Control Plan No. 54. The proposed development for the most part complies with those various requirements. No specific floor space ratio or density controls apply to

the proposed development. The form and scale of proposed development is consistent with the type of development contemplated by the DCP controls in a locality that is expected to undergo transition.

Resource, Energy and Water Efficiency

Beyond the requirements of the BASIX commitments which accompany the development application, the Residential Flat Design Code requires specific additional energy efficiency commitments addressing issues including cross ventilation and solar access.

The Residential Flat Design Code requires that 60 per cent of the apartments be cross ventilated. Plans forwarded with the application demonstrate that 61 apartments or 60 per cent of the apartments will be cross ventilated. Further, the Residential Flat Design Code requires that 70 per cent of the units receive direct solar access to their living spaces. A total of 81 per cent of apartments will receive a minimum of two hours of sunlight between 9.00am and 3.00pm at the Winter Solstice, of which 67 per cent will receive a minimum of three hours of sunlight between 9.00am and 3.00pm at the Winter Solstice.

Landscape

The proposed development provides a good area of communal open space in excess of the minimum requirements of Council's Development Control Plan No. 54 and the relevant 'Rule of Thumb' contained in Residential Flat Design Code. Ground floor units also contain areas of private open space in the form of courtyards accessed from major living spaces within the apartments. While no deep soil planting is provided as a result of the basement level car parking area which occupies the entire site, landscape treatments for the site will add to the general amenity offered to future residents and satisfy the requirements of Council's Development Control Plan No. 45.

Amenity

The proposed development will provide good levels of amenity for future occupants of the development, with good solar access, natural ventilation and privacy. In this regard, the proposal is generally consistent with the requirements of the Residential Flat Design Code. The proposed apartments contain reasonable living spaces with direct access to areas of private open space in the form of courtyards, balconies or loggias.

Safety and Security

Appropriate security and safety measures have been adopted throughout the development to maximise the safety and security of future residents. Suitable conditions will be imposed on any development consent requiring appropriate lighting to be installed throughout the communal open space, pedestrian entry and basement car parking areas.

Access to the site will be restricted by installation of security gating to both Beamish and Unara Street entries to limit unauthorised persons entering the property. Access to the basement car parking area shall be limited to tenants and residents only with visitors to the property gaining access to the car parking area via an intercom system.

The proposal has been assessed by our Crime Prevention Officer against the requirements of Council's Development Control Plan No. 29 - Crime Prevention Through Environmental Design where the proposal, subject to a number of conditions, is consistent with the objectives of the DCP.

Social Dimensions and Housing Affordability

The proposal will provide a variety of apartment layouts and an appropriate housing mix to complement the housing available within the locality and meet the anticipated future demands. Affordability has been one of the key issues in the design of the proposal with the housing mix providing a high number of one and two bedroom apartments which is a direct response to the underlying existing demand in the locality and anticipated housing demands into the future.

Aesthetics

The application is accompanied by a Design Verification Statement confirming that the proposed development will satisfy the general design principles contained in the SEPP. The proposed development is clearly different in composition (including form, material and colour) to development in the locality, but is expected to positively contribute to the desired future character of the locality.

Residential Flat Design Code Rules of Thumb

Open Space – Private

The recommended area of private open space for each apartment at ground level is 25 square metres with a minimum dimension in one direction of 4 metres. Apartments G-04, G-05 and G-08 have private open space areas of 22, 22 and 16 square metres respectively, with minimum dimensions of 3 metres. The apartments in question are located along the Unara Street frontage of the site. While not complying with the 'Rule of Thumb' contained within the Residential Flat Design Code, it is considered that the private courtyards will provide reasonable amenity for future occupants of the apartment and are acceptable under the circumstances.

Building Separation

The Residential Flat Design Code 'Rule of Thumb' regarding building separation distances suggests that for buildings over three storeys that separation be increased in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. For buildings of between five and eight storeys, suggested dimensions within a development for internal courtyards are 18 metres between habitable rooms/balconies, 13 metres between habitable rooms/balconies and non-habitable rooms and 9 metres between non-habitable rooms. The proposed development provides an internal separation of twelve metres between habitable rooms and balconies. The applicant has provided the following advice with respect to this issue:

'The guidelines set out in the RFDC and DCP 54 have informed the principles of the relationship of the new buildings on the site. The lower building is proposed with a dimension of 13.9m from the courtyard to the roof of this building. The higher portion is proposed with a dimension of 20.1m from the courtyard to the roof of this building. The separation distance between external walls varies from 13.7m to 24m (21.8m at point of section).

The proposals sit in between the two guideline illustrations. The lower portion is within the 14m height where for two buildings of equal height a 12m separation distance is suggested; and the higher portion is within the 14-27m zone where for two buildings of equal height an 18m separation distance is suggested.

The proposals provide a minimum separation distance of 13.7m between buildings up to 14m. Above this height, the proposed higher block does not have an opposing building. We therefore consider the proposed scheme to be fully in accordance with the DCP and the RFDC.'

Developments that provide less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. In this regard, the proposal is designed allowing for more than 80 per cent of the apartments within the complex to receive in excess of two hours of sunlight between 9.00am and 3.00pm at the Winter Solstice, of which more than two-thirds will receive more than three hours solar access between 9.00am and 3.00pm at the Winter Solstice. With respect to privacy, the applicant has been able to demonstrate that privacy impacts are mitigated by separation between balconies and living spaces, balcony design and placement or through the use of operable privacy screening. Having regard to these factors, the reduced building separation across the internal courtyard is considered acceptable.

Having regard to the previous comments, the proposal is considered to meet the objectives of the SEPP by providing a positive contribution to the locality in terms of design quality and amenity for future occupants without creating significant adverse impacts on adjoining residential development.

(e) Canterbury Local Environmental Plan No. 148 – Campsie Precinct

The subject site is zoned Part Business Office 3(e) and Part Residential 2(c) under the provisions of the Canterbury Planning Scheme Ordinance (CPSO). The properties fronting Beamish Street are zoned Business Office 3(e), while the land fronting Unara Street is Residential 2(c).



Figure No. 4 – Extract of zoning plan under the Canterbury Planning Scheme Ordinance

The proposed development is defined as 'multiple unit housing' and a 'shop' under the provisions of the CPSO. 'Multiple unit housing' is permitted with consent in the Residential 2(c) zone, while such development in association with 'office premises', 'specialised business' or 'shops' are permitted with consent in the Business Office 3(e). The business component of the proposed development is contained on that part of the site zoned Business Office 3(e).

On this basis, the proposed development is a permissible use of the land with development consent. It should be noted that part of the development site will be rezoned as part of the new Draft Canterbury Local Environmental Plan 2012 which is discussed below.

(f) Draft Canterbury Local Environmental Plan 2012

On 26 July 2012, Canterbury Local Environmental Plan (DCLEP) 2012 was adopted by Council and is an instrument to consider under Section 79C (1)(a)(ii) of the Environmental Planning and Assessment Act. The broad controls applicable to this application are:

Standard	Requirement	Proposal	Comments
Zoning	B2 – Local Centre	The proposed development is defined as 'shop top housing' and 'commercial premises' under the Draft LEP 2012.	The proposed development is permissible with consent under the Draft LEP 2012.
FSR	No FSR applies.	No FSR controls apply to the B2 zone under the Draft LEP 2012.	N/A
Building Height	The subject site is identified as being within an area where a height limit of 18 metres applies.	The subject development has a maximum height of 22.9 metres.	The proposed development does not strictly comply with the height controls contained with Draft LEP 2012 were they to apply to the proposal. The non-compliance with the height control is primarily caused by additional height permitted under the DCP for a major development site with corner architectural treatment in a town centre area.

However, the draft LEP has not yet been gazetted and no determinative weighting can be afforded to its provisions in respect to this application. Nevertheless, given that Council has adopted the Draft LEP which involves the rezoning and increased height limit of the Unara Street property that forms part of this development site, this provides a clear direction about the future character of the development in this locality.

(g) Canterbury Development Control Plan No. 13 – Multiple Unit Development Code

That part of the property known as No. 33-35 Unara Street, Campsie is currently zoned Residential 2(c) under the provisions of Canterbury Local Environmental Plan No. 148. As noted, this proposal has been lodged in anticipation of a future rezoning of part of the site from Residential 2(c) to B2 - Local Centre with an increased height limit.

Nevertheless, having regard to the existing zoning of the land, DCP 13 applies and the proposal has therefore been assessed against the relevant aspects of the DCP 13.

That part of the site proposed over the currently residentially zoned land is integrated with the remainder of the development site which fronts Beamish Street, and as such, it is difficult to dissect the development and provide a fair and accurate assessment against the DCP 13 controls.

However, an assessment against the key criteria has been carried out as shown in the table below, and with the following additional discussion regarding matters of non-compliance.

Standard	Requirement	Proposed	Complies
Private Open Space	The minimum area of private open space in the form of a balcony or courtyard shall be 5 square metres per small dwelling, 7 square metres per medium dwelling and 9 square metres per large dwelling.	The proposed development provides private open space areas of varying area, with a minimum of 7 square metres for upper floor balconies, minimum 10 square metres for upper floor loggia spaces to 35 square metres for private ground floor courtyards.	Yes
Side Boundary Setback (east)	A minimum side and rear boundary setback of 3.0 metres applies for wall heights up to 3.0 metres in height. Where the wall height exceeds three metres, the required setback shall be in accordance with a particular formula shown in Clause 6.2.2 of the DCP. Using the formula, the building is required to be setback at each level as follows: Ground Level – 3.15 metres Level 1 – 3.9 metre Level 2 – 4.7 metres Level 3 – 5.45 metre Level 4 – 6.5 metres	Ground Level – 3.4 metres	Yes
		Level 1 – 3.4 metres	No – See comment below
		Level 2 – Between 3.4 and 6.5 metres	No – See comment below
		Level 3 – Between 5.6 and 9.5 metres	Yes
		Level 4 – Between 6.5 metres and 14.0 metres	Yes
Side Boundary Setback (north)	A minimum side and rear boundary setback of 3.0 metres applies for wall heights up to 3.0 metres in height. Where the wall height exceeds three metres, the required setback shall be in accordance with a particular formula shown in Clause 6.2.2 of the DCP. A setback of up to 6.25 metres is required to meet this control.	The building is setback a minimum of 1.5 metres to the balcony edges and 3.5 metres to main building facade	No – see comment below

Height of Building	A maximum height of three storeys and 9 metres	That part of the proposed development located on land currently zoned Residential 2(c) has a maximum height of 5 storeys and 16 metres.	No – see comment below
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Side Boundary Setbacks

Being a corner allotment, the subject site has a common side property boundary with the adjoining property to the north facing Beamish Street and the adjoining property to the east facing Unara Street.

The side setback controls in the DCP refer to a formula that increases the boundary setback as the respective wall height increases as shown in the table above. For the most part, the proposed development would actually comply with the minimum rear boundary setback controls, but for small sections of the apartment building at Levels 1 and 2 in the southern portion of the development where the proposal partially encroaches on the minimum requirements. In the case of Level 2, there are some sections of the building where compliance is achieved.

Notwithstanding this encroachment, it is considered that the rear setback as proposed meet the various objectives of the DCP control by:

- Maintaining reasonable privacy for the adjoining residential flat development as there is no direct views between windows and balconies, or there is generous separation;
- Providing adequate solar access for the adjoining residential flat development to comply with the requirements of Council's DCP 37; and,
- Provides opportunities for landscape planting along the common boundary to soften the appearance of the building when viewed from the property to the east

Given the minor nature of the encroachment and having regard to the above comment, a variation to these controls is considered acceptable in this instance.

The property to the immediate north, and properties further north, are commercially zoned rather than residentially zoned and are capable of future redevelopment in accordance with the requirements of DCP 54. In the context of Council's decision to adopt the Draft LEP and rezone the site to commercial, the proposal fits within the desired future character and is considered acceptable under the circumstances.

Building Height

The proposed development does not comply with the minimum 3 storeys and 9 metre height control contained within DCP 13. The building is a three to five storeys and approximately 15.5 metres in height within that section of the property currently zoned Residential 2(c).

Notwithstanding the non-compliance, in the context of Council's decision to adopt the Draft LEP and rezone the site to commercial, the proposal fits within the desired future character and is considered acceptable under the circumstances.

It should be noted that the proposed development provides for a transition down from a maximum of six storeys at the Beamish/Unara intersection for the corner

architectural element to three storeys adjacent to the existing residential flat building to the immediate east of the site. Such a transition is an acceptable design outcome particularly given the anticipated future zoning of that part of the site from Residential 2(c) to B2 - Local Centre, with the increased height limit.

(h) Canterbury Development Control Plan No. 20 – Car Parking

Development Control Plan No. 20 aims to ensure that development is provided with adequate off-street car parking for occupants and visitors by providing guidance on the parking requirements and design criteria. Table 3(a) of the DCP specifies the car parking rates for a range of development types which vary according to the type and scale of the proposal. The proposal compares to the requirements of DCP 20 as follows:

Standard	Requirement	Proposed	Complies
Residential Car Parking	- 1 space per one bedroom unit or 48 spaces - 1.2 spaces per two bedroom unit or 63.6 spaces 2 spaces per three bedroom unit or 2 spaces Total – 113.6 spaces or 114 spaces	114 resident spaces	Yes
Residential Visitor Parking	1 space per five units, or 20.4 spaces or 21	21 spaces	Yes
Car Wash Bay	1 car wash bay	A car wash bay is provided within the basement level car park	Yes
Commercial	One space per 30 square metres of gross commercial floor area, 8.4 spaces or 8 spaces	8 spaces	Yes
Total	144 spaces	144 spaces	Yes
Bicycles	A total of 20 resident and 10 visitor bicycles spaces	A bicycle parking area is provided with Level 2 of the basement, however, the capacity of the space available has not been confirmed	Yes – to be conditioned. See comment below

As demonstrated in the above table, the total number of car parking spaces provided within the development satisfies the requirements of Council's Development Control Plan No. 20, however the following additional discussion is required on the proposed car parking numbers bicycle parking arrangements.

The applicant indicates that the proposed development consists of 55, one bedroom units, 46, two bedroom units and 1, three bedroom apartments. Review of the layouts of the various apartments indicates that there are a number which have certain spaces, having regard to their dimensions, which are capable of being used as bedrooms.

For the purposes of this discussion, areas that are clearly extensions of living spaces (such as Apartment G-03) or rooms that by their dimension are not capable of accommodating bedroom furniture (such as Apartment G-14) have not been included, but those apartments referred to in Condition 5.3 below, are considered capable of being used as a separate bedroom and adjustments to

the internal layouts of these apartments is required to ensure compliance with the provisions of DCP 20.

With respect to the bicycle parking, provision has been made on the lower level of the basement car park for a bicycle parking area. It is unclear from the drawings about the number of bicycles capable of being contained within the space, although there are adequate opportunities to provide spaces on each level of the basement to accommodate the required number of bicycles spaces. It is therefore appropriate that a condition be imposed on any consent issued requiring the applicant to provide such details with the application for the Construction Certificate to confirm compliance with this section of the DCP.

Subject to the above matters being resolved by way of conditions, the proposal complies with the requirements of DCP 20.

(i) Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design

The proposed development has also been assessed against the relevant provisions of Council's Development Control Plan No. 29 – Crime Prevention Through Environmental Design, which aims to promote design as a genuine crime prevention strategy through three main principles, namely natural surveillance, access control and ownership.

Standard	Requirements	Proposal	Complies
Natural Surveillance	Avoid blind corners. Provide natural surveillance for public/communal areas and clearly visible entries. Entrances, exits and service areas and car parking spaces should be well lit.	Main entry doors to the development from Unara Street clearly visible. Suitable conditions to be imposed on any development requiring appropriate lighting to be installed throughout the communal open space, pedestrian entry and basement car parking areas.	Yes – and includes specific conditions of consent
Access Control	Clear entry points	Entry points for pedestrian access off both Beamish Street and Unara Street are clearly defined.	Yes
	Landscaping not to obstruct surveillance opportunities	Proposed landscaping will not obstruct or restrict surveillance opportunities from within the development	Yes
Ownership	Create a 'cared for' image. Use of materials which reduce opportunity for vandalism. Express a sense of ownership and reduce illegitimate use/entry	The proposal will be constructed of suitable materials to reduce the opportunities for vandalism. Access to the site will be restricted by the installation of security gating to both Beamish and Unara Street entries to limit unauthorised persons entering the property. Access to the basement car parking area shall be limited to tenants and residents only with visitors to the property gaining access to the car parking area via an intercom system.	Yes – and includes specific conditions of consent

As demonstrated in the above table, and reinforced by way of the appropriate conditions, the proposed development will satisfy the crime prevention objectives of the DCP. It is also noted that the development application was referred to Council's Crime Prevention Officer, who in association with the NSW Police, Campsie Local Area Command has advised that no objections are raised to the proposed development from a crime prevention perspective. A number of conditions have been recommended to be imposed on any consent issued.

- (j) **Canterbury Development Control Plan No. 37 – Energy Smart Homes**
While properties to the north are commercially zoned, the adjoining properties to the east are zoned Residential and as such the provisions of Development Control Plan No. 37 – Energy Smart Homes need to be considered. The relevant sections of the DCP are noted in the table below:

Standard	Requirement	Proposed	Complies
Solar access to ground level private open space	Two hours solar access to 50% of the adjoining private open space area of adjoining development between 9.00am and 3.00pm at the Winter Solstice	The applicant has demonstrated, by the submission of shadow diagrams that the adjoining private open space areas will continue to receive in excess of two hours of sunlight between 9.00am and 3.00pm at the Winter Solstice.	Yes
Solar access to living room windows	Two hours solar access to at least one living room window of adjoining development between 9.00am and 3.00pm at the Winter Solstice	The applicant has demonstrated, by the submission of shadow diagrams that living rooms within the adjoining residential development will continue to receive in excess of two hours of sunlight between 9.00am and 3.00pm at the Winter Solstice.	Yes
Solar access to clothes drying areas	Two hours solar access to the clothes drying area of the adjoining development between 9.00am and 3.00pm at the Winter Solstice	The applicant has demonstrated, by the submission of shadow diagrams that the clothes drying area in the adjoining residential development will continue to receive in excess of two hours of sunlight between 9.00am and 3.00pm at the Winter Solstice.	Yes

As shown in the above table, the proposed development will not result in any unreasonable overshadowing impacts on adjoining residential development and satisfies the requirements of the DCP.

- (k) **Canterbury Development Control Plan No. 45 – Landscaping**
The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 45 – Landscaping. The development application was referred to Council's Landscape Architect for comment who has advised that who raised no objections to the proposed development subject to the imposition of a number of related conditions, and the proposal complies with

the requirements of the DCP.

(l) Canterbury Development Control Plan No. 48 – Waste Management

The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 48 – Waste Management. The DCP requires consideration of the design and location of waste management facilities on site, details being provided of the levels of waste likely to be generated by demolition and construction phases of development and the on-going use of the development. Amended details have been provided by the applicant to confirm the layout and the number of waste and recycling waste bins capable of being provided within the waste storage facility

(m) Canterbury Development Control Plan No. 51 – Access and Mobility

The proposed development has also been assessed against the provisions of Canterbury Development Control Plan No. 51 – Access and Mobility. The DCP requires that access be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 and 2. The DCP also states that in a car parking area containing more than ten spaces, one space designed in accordance with AS2890.1 is to be provided for every thirty-three spaces or part thereof.

The application was referred to Council's Disability Access Worker who has considered the proposal and raised no objections subject to the inclusion of a number of conditions of consent on any consent issued.

(n) Canterbury Development Control Plan No. 54 – Town Centres

Development Control Plan No. 54 aims to provide objectives, controls and guidelines for the future development of Council's various Town Centres throughout the Canterbury Local Government Area. The proposed development compares to the relevant requirements of the DCP as shown in the table below:

Standard	Requirement	Proposed	Complies
Orientation	Position and orientate buildings to maximise north facing walls	The building design is U-shaped providing a central communal courtyard area, which allows, where possible, apartments to be provided with a north or north-east aspect	Yes
	Optimise solar access to living spaces and associated public, communal and private open spaces by orientating to the north where possible	As noted above, the building footprint is U-shaped which opens up onto a north-facing communal open space courtyard. Living spaces are attached to balcony or courtyard spaces which are generally orientated to maximise solar access for the benefit of future residents	Yes
Building Entry and Pedestrian Access	Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network	Entries located to minimise the loss of street trees in Unara Street. Two street trees will be removed along Unara Street, but replaced with an identical species	Yes

Standard	Requirement	Proposed	Complies
	Design the entry as a clearly identifiable element of the building in the street	Entries to the building are clearly identifiable for future residents and visitors to the site	Yes
	Provide safe and secure access that includes clear sight lines.	Safe and secure access is provided to the development as discussed in previous sections of this report.	Yes
	Entries to upper levels should be provided from front façade.	Entry to the upper levels of the development is provided from the Unara Street frontage of the site	Yes
	Separate the entry points for pedestrians and vehicles. Within mixed developments it is necessary to separate the entry for residential and commercial entrances.	Pedestrian entrance is provided from Beamish Street and Unara Street, with separate vehicular access also provided via Unara Street	Yes
	Ground floor apartments to be accessible from the street and have clearly articulated private open space areas.	All ground floor units along Unara Street have direct access from the street with clearly defined private open space areas	Yes
	Provide well designed accessible routes to public and semi public areas, including entries, lobbies, communal open space, site facilities and car parks	All public and semi-public areas are accessible, while a lift provides access to the upper levels of the residential component of the development from basement level and ground floor areas.	Yes
Vehicle Access	To be located to have minimal impact on pedestrians and be harmoniously integrated into design of building	Vehicular access into the site is via a combined entry/exit driveway off Unara Street, 7.0 metres in width. The design is integrated into the design of the development and as such ensures that pedestrian safety is maximised	Yes
	Pedestrian safety to be maintained by minimising vehicular access points and ensuring clear sight lines	One vehicular access point is provided into the basement off Unara Street to ensure pedestrian safety. While the proposal does also incorporate a loading area within a shared area,	Yes
	Adequate separation must be provided between vehicle entrance and street intersections	The vehicular access point into the basement car park and the off-street loading facility off Unara Street are located a minimum of X metres from the intersection of Beamish Street	Yes
	Vehicle entry to be maximum 6 metres wide	The vehicular access driveway to the basement level in Unara Street is approximately 7 metres	No – see comment below

Standard	Requirement	Proposed	Complies
	Locate car park entry from secondary streets	Access to the basement car parking levels are via the secondary street, or Unara Street.	Yes
	Minimise the number of vehicular accesses	The number of vehicular entry points has been limited to two; one accessing the basement car parking level and a second access for the proposed off-street loading facility, both located off Unara Street.	Yes
Parking	The provision of non-residential visitor parking is encouraged via Section 94/Developer Contributions where possible	The applicant has provided all parking required to meet the requirements of DCP 20 without the need for the payment of a Section 94 contribution	Yes
On Site Parking Placement, Design & Servicing (Basement)	Retain and optimise deep soil zones where possible	The basement will occupy the entire development site to provide car parking to meet Council's requirements.	No –see comment below
	Provide ventilation to the basement level	Ventilation shall be provided to the basement	Yes
	Integrate ventilation grills or screening devices of car park openings into the façade design and landscape design	The basement levels do not project above natural ground level and therefore do not impact on the street wall or public façade	Yes
	Provide safe and secure access to all users	Access to the basement is to be secured via an intercom operated roller door	Yes – condition of consent to be imposed
	Secure bicycle parking to be provided	Resident and visitor bicycle parking shall be provided within the basement. Further details will be required as part of the application for the Construction Certificate	Yes – condition of consent will be imposed to confirm compliance
Communal Open Space	Communal open space may be provided on podiums or terraces	The proposed area of communal open space is provided on a podium	Yes
	Locating it in relation to buildings to optimise solar access to apartments	The design of the building footprint and the location of the communal open space optimises solar access to the majority of the residential apartments	Yes
	On redevelopment sites larger than 500m ² a minimum of 10% (301.2m ²) of the site area must be provided as communal open space, with a minimum dimension of 6m	The proposed development makes provision for a total of 795 square metres of communal open space, with a minimum dimension of 6.0 metres	Yes

Standard	Requirement	Proposed	Complies
Visual Privacy	Utilise the site layout to increase building separation.	A minimum building separation of 12 metres is provided internally. Balconies are orientated to ensure that there are no direct sightlines between balconies or living spaces. Where views are available, the impacts are mitigated by the use of operable privacy screens that enable active privacy control	Yes
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments.	As noted above, the layouts are designed to minimise direct overlooking of rooms and private open spaces adjacent to apartments.	Yes
Cross Ventilation	60% of residential units should be naturally cross ventilated	61 apartments or 60 per cent are naturally cross-ventilated.	Yes
	25% of kitchens should have access to natural ventilation	In excess of 25 per cent of kitchens have access to natural ventilation	Yes
Building Height	3 storeys – 11 metres 4 storeys – 14 metres 5 storeys – 18 metres 6 storeys – 21 metres Corner elements and associated architectural treatments may exceed the maximum height controls by 1.5 metres, or a maximum height of 22.5 metres	The proposed development is a maximum six storeys with a maximum height of 22.9 metres. It should be noted however that the non-compliance only occurs for the corner element treatment and all other sections of the building satisfy the various height requirements of the DCP.	No – see comment below
	Main Building (Base) up to 3 storeys (11 metres)	The base of the main building has a height of 10.7 metres	Yes
	Floor to ceiling height in commercial 3.3m minimum	The commercial tenancy has a floor to ceiling height of 4.5 metres.	Yes
	Floor to ceiling height in residential component to be a minimum of 2.7metres	The floor to ceiling height of the residential apartments is 3.1 metres.	Yes
	2.5m min height from underside of awning to footpath	The height from the underside of the awning to the footpath level is 4.2 metres.	Yes
Building Depth	Commercial component 10-24 metres	The proposed commercial tenancy has a building depth of 10 metres.	Yes
	In general, an apartment building depth of 10-18 metres is appropriate. The 18 metre guideline generally applies to street wall buildings, buildings with dual and opposite aspect and buildings with minimal side setbacks.	Building depths typically range from 8 to 18 metres. Single aspect apartments have a depth of 8 metres while the maximum distance from the back of the kitchen to a window is 8 metres. The maximum depth for a through apartment is 15 metres, while the double loaded apartments provide a maximum depth of 18 metres.	Yes

Standard	Requirement	Proposed	Complies
Building Setbacks	Ground, first and second floor may be built to street alignment	The ground, first and second floor levels of the development are built to the street alignment	Yes
	Floors 3, 4 and 5 to be setback 5 metres from the front property boundary	The upper levels of the development are setback between nil and 5.0 metres from the street alignment	No – see comment below
	Rear setback 1m (laneway)	The property has a small frontage to a laneway at the rear of the site, although vehicular access is not provided. A setback of 1.5 metres is provided from Unara Lane	Yes
	Minimum setback of 1.5 metres and in accordance with a 45 degree height plane projected from 6.0 metres above the residential zone boundary	The proposed development provides a minimum side boundary setback of 3.4 metres to the eastern (side) property boundary. The setback of the upper levels of the development satisfies the relevant height plane control.	Yes
Building Separation (as per SEPP 65)	18 metres - 5 to 7 storeys	The proposed development provides a building separation of 12 metres between habitable rooms and balconies within the common courtyard space.	No – see comment below
Building Configuration	At ground floor level viable shop fronts for business activities are to be created on the street frontages.	A viable commercial tenancy of approximately 250 square metres in gross floor area is provided with frontage to Beamish Street with a more modest frontage to Unara Street	Yes – see comment below
	Provide a variety of apartment types in mixed use development	The proposed development provides a mix of one, two and three bedroom units	Yes – see comment below
Facades – New 3-5 storey buildings	To be in accordance with Articulation controls of this DCP	The upper levels of the development are setback between zero and 5.0 metres from the street façade	No – see comment below
Cantilevered Awning	Height of between 3.2m and 4.2m from natural ground/footpath	The proposed awning has a height of 4.2 metres above the level of the immediate ground/footpath level	Yes
	Width of 3 metres	The width of the awning to the Beamish Street frontage is 3.0 metres	Yes
Articulation	Buildings should generally have a base and upper elements.	The proposal will provide a street wall or base for three levels addressing Beamish and Unara Streets. Upper levels of the building are 'lighter' in terms of material, colour and solidity, and are setback as required by the building footprint controls.	Yes

Standard	Requirement	Proposed	Complies
	The design of the street facade, including the quality and durability of its materials, should be emphasised.	As noted above, the proposal will provide a street wall for three levels, with change at the upper levels in terms of materials, colours and a setback. Horizontal slabs are emphasised with lightweight glazed balconies inset into the form to break down the mass of the building	Yes
	The setback from the street facade to the upper building component is to be between 3-5 metres	The upper levels of the development are setback between zero and 5.0 metres from the street façade	No – see comment below
	On public realm frontages, above the ground floor, balconies and voids should not dominate facades	The upper level balconies are designed so that they do not dominate the front façade of the building. Balconies are either recessed behind the main façade with the use of clear balustrading, provided with openable privacy screen treatments	Yes
	No blank walls are to face the public realm	There are no blank walls which face the public domain	Yes
Private Open Space, Balconies, terraces & Courtyards	Combined private open space area should be a minimum of 10% of dwelling floor space. Ten (10) per cent of the dwelling floor space represents approximately 700 square metres.	A total of approximately 1400 square metres of private open space is provided	Yes
	Primary balconies for 1 bedroom dwelling is to be 8m ²	With the exception of Apartment 3-12, which has private balcony of 7 square metres, all remaining one bedroom apartments have private balconies exceeding 8 square metres	No –see comment below
	Primary balconies for 2 & 3 bedroom dwellings are to be 10m ²	All two bedroom and three bedroom apartments are provided with private balconies which exceed 10 square metres in area	Yes
	Primary balconies to be located adjacent to main living areas.	The private balconies provided for each apartment are located adjacent to the main living spaces within each apartment	Yes
	Primary balconies to have minimum depth of 2 metres and be functional in dimensions	Private balconies provided for each apartment within the development have a minimum dimension in excess of 2 metres.	Yes

Standard	Requirement	Proposed	Complies
Streetscape Improvement Works	Where an existing centre and development site is programmed to be upgraded as part of the streetscape improvement program a development contribution will be levied to fund the future costs of these works where an applicable Section 94 Contribution Plan is in place. Alternatively the developer will be required to upgrade the development site street frontage in accordance with Council's specification	The applicant will be required to upgrade the development site street frontage in accordance with Council's specification. An appropriate condition of consent has been included which requests the applicant to liaise with Council's City Works Division prior to the preparation of an amended Landscape Plan for specific details and specifications on proposed treatments in the Campsie Town Centre.	Yes

The proposal complies with the design and numerical requirements of DCP 54, with the exception of the vehicular access driveway width, the deep soil planting control, building articulation and building separation requirements. These issues are addressed in further detail below.

Vehicular Access Driveway Width

The proposed access driveway servicing the basement car parking area is a combined entry/exit design with median separation, 7.0 metres in width. While greater in width than the maximum width suggested by the DCP, the driveway design maximises driver and pedestrian safety without adversely impacting on the immediate streetscape. The driveway design also complies with the relevant Australian Standard and on this basis, the proposed driveway design is acceptable.

Deep Soil Planting Areas

No deep soil planting is provided within the development given the need for the basement car parking levels to occupy the entire to accommodate the necessary off-street car parking numbers required by DCP 20. The DCP states that deep soil planting areas should be retained where possible. The applicant has indicated that deep soil planting is not achievable in this instance given that amending the basement design, such as reducing the extent of the basement excavation and providing a further level of basement parking, is not economically viable.

Building Articulation

Clause 3.3.5 of our Development Control Plan No. 54 states that the setback from the street façade to the upper building component is to be between 3 and 5 metres. More specific controls are provided in Clause 3.2.2 of the DCP which states that the upper setback for buildings of five storeys or more is 5.0 metres. The design as now proposed does not fully comply with this control.

This is an issue that has attracted much of the discussion between the parties through the course of the assessment of this application. In this regard, Council argued that a setback complying with this control would provide greater emphasis and reinforce the corner element of the building. Council was also of the view that there had been a very consistent approach with respect to this

control in the past, recognising that this is a relatively new planning control and significant variation to the control would undermine the entire the control which applies to all of our Town Centre areas.

The applicant's position was that the prescribed setback of 5 metres for the upper level of the development will detract from the ability of the built form to achieve an appropriate relationship between the various building elements. The applicant also argued that the design as initially proposed, having regard to the language and material treatments, is a considered response to Council's concerns.

Further liaison has since occurred with the applicant's representatives regarding this matter and a compromise position was adopted where part of the upper floor was setback 3.0 metres to provide an acceptable transition between the zero setback for the corner element and the 5.0 metre control elsewhere along the frontage.

This design outcome is considered acceptable as the proposal will satisfy the underlying intent of the control by providing a predominant setback of 5.0 metres for the upper levels, whilst also allowing some flexibility with the treatment of those parts of the building between the corner element and the site edges. The design as proposed will accentuate the site is an important and prominent corner at the southern entrance to the Campsie Town Centre and on this basis, the variation to the upper level setback control is reasonable in this instance.

Building Separation

The proposal does not comply with the requirements of Clause 3.2.5 of DCP 54 with respect to building separation. A building separation of 12 metres is provided between habitable rooms and balconies, while the DCP requires a minimum separation of 18 metres for buildings between 5 and 7 storeys in height. In this regard, developments that provide less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. This issue has been previously discussed in a previous section of this report under the heading 'State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development'.

Building Height

As depicted in Figure 4.3-B of DCP 54, the subject site is identified as a site that may accommodate development up to five storeys in height. However, Clause 3.1.2 of the DCP states that on 'Major Development Sites' (land with an area greater than 2000 square metres) increased height up to a maximum of one-third of the total building footprint is permitted. The subject site has an area of 3012 square metres which therefore permits the site to accommodate a building of six storeys in height (in part) up to a maximum height of 21.0 metres. Clause 3.3.6 of the DCP also states that for sites on corner allotments additional vertical elements may be permitted that exceed the maximum height controls by no more than 1.5 metres.

Having regard to the above requirements, the subject site may contain a building of five storeys, with a sixth storey over one-third of the total footprint of the building together with a corner element treatment up to a maximum height of 22.5 metres. The proposed development provides a corner element up to a height of 22.9 metres which does not comply with the DCP. It should be noted however that the non-compliance only occurs for the corner element treatment

and all other sections of the building satisfy the various height requirements of the DCP.

The applicant has argued that the site is a 'gateway site' which under the DCP allows architectural corner treatments to extend by no more than 2.0 metres above the maximum height of the building. However, Figure 4.3-A of the DCP does not reference the subject site as a 'gateway site'. If the site was considered to be a 'gateway site', the proposal would comply with the requirements of the DCP.

While not referencing the subject site as a 'gateway site' may be seen as a lost opportunity, given the above circumstances it is appropriate to impose a condition on any consent issued requiring the corner architectural treatment on the building to be reduced in height by 400mm to satisfy the numerical requirements of the DCP.

Dwelling Mix

Clause 3.3 of DCP 54 requires a variety of dwelling types in a mixed use development. It is noted that the proposed development incorporates predominantly single bedroom units (approximately 60 per cent) while only one, three bedroom unit is provided within the complex.

Following Council's request, the applicant has forwarded a further justification, in the form of a market assessment prepared by Savills (Aust) Pty Ltd which states that the apartment mix is in response to the underlying demand in the locality and in relation to parameters of amenity and affordability as experienced in sales results of comparable projects.

The market assessment also states that the proposed development is tailored to satisfy the expected market having regard to the socio-demographic and socio-economic profile of the locality. These facts have determined the need for a greater number of smaller units. Specifically, the applicant's submission also states that on the question of the number of three bedroom apartments proposed within the development, such configurations are usually sort by purchasers aiming to purchase a dwelling house rather than an apartment and for this reason, there is no evidence of demand for three bedroom apartments.

Having regard to the above, Council accepts the arguments of the applicant and is now satisfied with the proposed dwelling mix, and that the proposed development will satisfy the objective of the DCP which aims to provide some flexibility to cater for changing society needs.

Building Depth/Landuse

Clause 3.2.3 of DCP 54 requires the proposed commercial space to have a minimum depth of 10 metres. Amendments to the design of the commercial tenancy and the ground floor layout generally now achieve compliance with this control.

The DCP, as depicted in Figure 4.3-A, also requires the commercial space to wrap around the building and extend along the Unara Street frontage at ground level to activate the Unara Street frontage. No text is associated with this control and as such, the DCP provides no direction on the extent of activation along this frontage. Initially, the development provided merely a doorway entrance to the Unara Street frontage which was considered inadequate to meet the objectives of the control.

Changes brought about to increase the commercial tenancy depth and the associated relocation of plant and stairwells have allowed the commercial tenancy have a 10 metre frontage to Unara Street which is now considered to meet the intent of the control. Further continuation of the commercial activation along Unara Street may result in unreasonable amenity impact on development to the immediate south opposite the site which is the start of a residential precinct. On this basis, the proposal as submitted is now considered acceptable.

Size of Balconies

All balconies provided for the one bedroom apartments, with the exception of Apartment 3-12, have private balconies exceeding 8 square metres. The balcony for the above apartment is 7 square metres in area which does not comply with the minimum requirement under DCP 54 for a one bedroom apartment.

(o) Stormwater Management Manual – Specification 9

Council's Stormwater Management Manual is designed to assist applicants provide adequate and appropriate stormwater drainage as part of their development and to assist in compliance with conditions of development consent. The development application and accompanying hydraulic documents were referred to Council's Development Engineer for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.

(p) Section 94 Contributions Plan 2005

The provisions contained within Council's Section 94 Contributions Plan 2005 apply to development involving the construction of additional residential development that create further demands to improve and upgrade existing facilities, amenities or services.

Having regard to the provisions of the Plan and the apartment mix proposed by this development (taking into account the previous discussions about the apartment layouts and the capability of certain areas to be used as additional bedrooms) a Section 94 contribution is required to be paid prior to the issue of a Construction Certificate. A condition needs to be included in any development consent issued.

PUBLIC EXHIBITION/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. During this period, Council has received five (5) letters of objection and a petition signed by thirty-nine (39) persons raising the following concerns in relation to the proposed development:

- The proposed development does not comply with the building setback, building separation and height controls contained within DCP 54;
- Insufficient off-street car parking;
- Privacy Impacts;
- Inadequate open space provided for use by residents of the development;
- Increased traffic impacts;
- The proposal will result in the loss of a group of mature trees;
- Overshadowing Impacts;
- The proposal is an over-development of the site; and,
- The proposal is out of character with development in the locality;

Issues raised in the submissions are discussed as follows:

Non-Compliances with Provisions of Development Control Plan No. 54

Specific concerns have been raised regarding areas of non-compliance with the provisions of Council's Development Control Plan No. 54. All issues of non-compliance with the provisions of DCP 54 are discussed under the heading 'Canterbury Development Control Plan No. 54 – Town Centres' in a later section of this report.

Insufficient off-street car parking

Concerns have been raised regarding the proposal not providing adequate numbers of off-street car parking to meet the demands of the development. As discussed in a previous section of this report, the proposal will provide a total of 144 off-street car parking spaces located within two levels of basement accessed off Unara Street. As discussed previously, the proposal will provide sufficient car parking to meet the requirements of DCP 20 and on this basis is considered acceptable. The proposal provides sufficient car parking to meet the anticipated traffic and car parking demands of the proposed development.

Privacy Impacts

Concerns have been raised regarding potential privacy impacts generated by the proposed development. The proposed development has a direct relationship with the two immediately adjoining properties in Beamish and Unara Streets.

The property to the immediate east contains a three storey residential flat building. The proposed development has a minimum setback of 3.4 metres from the common boundary at ground and first floor level, with an increasing setback as the building increases in height. The property to the immediate north is also a three storey residential flat building with a single storey building towards the front of the site containing a medical centre. The proposed building is setback a minimum of 1.5 metres to the balcony edges and 3.5 metres to main building façade.

It is considered that reasonable privacy is maintained to adjoining development as there is generally no direct view from windows and balconies of the proposed development to windows in adjoining developments, or alternatively the impact is mitigated by reasonable separation or the use of operable privacy screen measures.

Inadequate open space for residents of the development

Concerns have been raised that the proposal does not contain sufficient open space for future residents of the development. In this regard, the proposal will provide private open space areas in the form of balconies or courtyards of between 7 and 31 square metres, together with a communal open space area of 795 square metres or, 25/% of the total site area. These areas of private and communal open space satisfy the minimum requirements contained within Council's Development Control Plan No. 13 and Development Control Plan No. 54 and are expected to provide reasonable amenity for future residents of the development.

Increased Traffic Impacts

Concerns have been raised by local residents that the proposed development will result in adverse impacts on the immediate locality with respect to the increased traffic generated by the proposal. To gauge the level of traffic generated by the proposed development, the Roads and Traffic Authority's (now Roads and Maritime Services) 'Guide to Traffic Generating Development' publication has been used to serve as a guide.

This publication states that for high density residential development (which is the major component of this development) within a metropolitan sub-regional centre, the proposal would generate a weekday peak of 0.29 vehicles trips per hour per unit. The same guidelines state that the premises will generate a minimum of 2 trips per 100 square metres of gross floor area, or 5 trips per peak hour period. Based on these guideline figures, the total development would generate 35 vehicular trips in the morning and afternoon peak.

The application has been accompanied by a detailed Traffic Assessment report prepared on behalf of the applicant by Traffix. The traffic report accompanying the application has also used the 'Guide to Traffic Generating Development' publication to determine expected traffic generation. Having regard to these figures and traffic modelling undertaken by the applicant's consultant, the report concludes that the proposed development will have negligible impact on the existing local road system, with little change to intersection delays or the level of service for the intersection of Beamish Street and Unara Street.

As noted previously, the proposed development was also referred to Roads and Maritime Services for comment, who raised no objections to the proposed development. Given these circumstances, the proposed development is considered acceptable from a traffic generation perspective and a refusal of the application on traffic grounds cannot be supported.

Loss of Mature Trees

Concerns have been raised by residents regarding the loss of a number of trees on the subject site to accommodate the proposed development. The trees are within the building footprint and any redevelopment of the subject site would require the removal of the trees in question. The proposed development is accompanied by a detailed landscape plan which provides a new landscape concept for the property. The landscape plan has been assessed by our Landscape Architect who raises no objections in principle to the new landscape design. The trees in question have not been specifically identified for retention and on this basis, the removal of the trees is acceptable in this instance.

Overshadowing Impacts

Concerns have been raised regarding potential overshadowing impacts caused by the proposed development. In this regard, the issue has been assessed against the requirements of Development Control Plan No. 37 and as noted previously, found to comply with the solar access requirements of the DCP.

Out of Character with development in the locality

Specific concerns have also been raised that the proposed development is out of character with existing development within the locality. It is clear that the proposed development, in terms of bulk and scale, is different to existing development in the locality. Nevertheless, Council has revised its planning controls and this proposal represents the form and scale of development envisaged by these new controls that apply throughout the local government area within our Town Centres. The proposed development in fact represents the future character contemplated by these controls and on this basis, the proposal is a suitable development for the site.

Overdevelopment of the site

Objections have been received that the proposed development is an overdevelopment of the site. It is noted that the proposed development generally meets the building envelope controls contained within Councils' Development Control Plan No. 54, particularly height and boundary setback controls. No specific density or floor space

ratio controls apply to the development of the site and as such, the development is of a form, bulk and scale which is contemplated by these planning controls. The development as proposed is clearly different to existing development in the locality but represents the future character anticipated and encouraged by these planning controls. The proposal is not considered to be an overdevelopment of the site.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are considered to be satisfactory. The proposal is not expected to have any detrimental impacts in terms of the natural or built environments, and the social and economic aspects, as discussed in the body of this assessment report.

SUITABILITY OF THE SITE

These matters have been considered in the assessment of the development application. The proposed redevelopment of the site is permissible and not expected to have any detrimental impacts on the amenity of the locality. The proposed development is considered to be a suitable development in the context of the locality and the future character of the area.

PUBLIC INTEREST

The proposed development satisfies the relevant requirements contained with various State Environmental Planning Policies, Council's planning instruments and development control plans. The proposal is generally consistent with the requirements of these policies as documented throughout this report. The proposal promotes the coordinated, orderly and economic use of the land and is not expected to have any significant adverse impacts on adjoining development. The proposed development has attracted some interest from the local community but the development will provide an important landmark building at the southern entrance to the Campsie Town Centre that is consistent with the future character envisaged by the planning controls for the locality. Approval of the applicant is therefore considered to be in the greater public interest.

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.

The subject site is zoned Part Business Office 3(e) and Part Residential 2(c) under the provisions of the Canterbury Planning Scheme Ordinance. The proposed development is permissible with development consent.

The development application has been assessed against the provisions contained within relevant State Environmental Planning Policies, Canterbury Local Environmental Plan No. 148 – Campsie Precinct, the Draft Canterbury Local Environmental Plan 2012 and relevant Canterbury Development Control Plans and policies. The proposed development is generally compliant with the requirements of these environmental planning instruments, development control plans and policies. Issues of non-compliance have been addressed in the body of this report.

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. During this period, Council has received five (5) letters of objection and a petition signed by thirty-nine (39) persons raising various concerns that are discussed in the body of this report.

Council has adopted the Canterbury Draft Local Environmental Plan 2012 which

involves the rezoning and increased height limit of the Unara Street property that forms part of this development site. The LEP is now awaiting gazettal by the Department of Planning and Infrastructure. The adoption of this LEP by the Council provides a clear direction about the future character of the development in this locality notwithstanding areas of non-compliances with Council policy controls.

The development application is recommended for approval subject to conditions.

RECOMMENDATION:

THAT the Joint Regional Planning Panel approve DA-69/2012 the demolition of the existing structures and the construction of a part five, part six storey mixed use development containing 104 residential apartments, commercial tenancy and basement car parking at Lots 110, 111 and 112 in DP 3995, known as No. 359-365 Beamish Street and 33-35 Unara Street, Campsie, 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:
 - Structural Engineering Plan including method of shoring during excavation
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Sydney Water Notice of Requirements
 - Firewall Separation
 - Soil and Waste Management Plan
 - Ventilation of basement area in accordance with Australian Standard 1668.2
 - Compliance with the Disability (Access to Premises – Buildings) Standards 2010
 - Compliance with Conditions 5, 8, 11, 14, 16, 33, 36 to 41 inclusive, 43, 61, 65 and 68 of this consent
 - 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	\$9,225.00
Section 94 Contributions	\$909,471.55
Certificate Registration Fee	\$36.00
Long Service Levy	\$93,023.00
 - 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$51,673.20
Inspection Fee	\$14,193.00
Occupation Certificate Fee	\$5,205.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: 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 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or

EFTPOS.

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).

SITE SIGNAGE

3. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 3.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 3.2. 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
 - 3.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

4. 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.
5. The development being carried out in accordance with the plans, specifications and details prepared by Kann Finch, dated 20 July 2012 and marked Project No. 6255, Drawing Plan No.: DA01 to 16 inclusive as received by Council on 20 July 2012 except where amended by the conditions specified in this Notice and the following specific conditions of consent:
- 5.1 In accordance with the provisions of Council's Development Control Plan No. 20 – Car Parking, a minimum of twenty (20) resident and ten (10) visitor bicycle parking spaces being provided within the basement car parking area. The bicycle parking spaces shall be appropriately apportioned to both levels of the basement having regard to the number of resident parking spaces in each level. Details shall be provided with the application for the Construction Certificate.
 - 5.2 Provision shall be made for a minimum of six (6) commercial waste bins. Adjustments to the layout of the ground floor required to accommodate the additional commercial waste bin provisions shall be provided with the application for the Construction Certificate.
 - 5.3 Amendments shall be carried out to the layouts of Apartments G-02, G-06, 1-07, 1-08, 1-12, 2-07, 2-08, 2-12, 3-07, 3-08, 4-07, 4-08, 5-07 and 5-08 by the removal of wall/s to ensure that those spaces (referred to as '+1' areas) are not capable of being used as separate bedrooms and become extensions to proposed living spaces to ensure compliance with the provisions of Council's Development Control Plan No. 20 – Car Parking. Details shall be provided with the application for the Construction Certificate.
 - 5.4 The corner architectural element on the proposed building shall be reduced by 400mm to RL 56.76 to satisfy the requirements of Clause 3.3.6 of Council's DCP 54. Details shall be provided with the application for the Construction Certificate.

6. One hundred and forty-four (144) off street car parking spaces being provided in accordance with approved DA plans. Car parking within the development shall be allocated as follows:
 - One hundred and fourteen (114) residential spaces, with ten (10) retained as common property.
 - Twenty-one (21) residential visitor spaces
 - Eight (8) commercial spaces
 - One (1) car wash bayIf the development is to be strata subdivided, the carpark layout must respect the above allocation.
7. Three (3) of the above carparking space(s) are to be for people with mobility impairment, in accordance with AS 2890.1. The car spaces being allocated and marked according to this requirement.
8. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
9. A loading area off Unara Street being provided in accordance with the requirements of the approved plans and Council's Car parking Code (DCP20). Details of the treatment, including measures to clearly delineate the space, paving materials, linemarking and the like shall be provided with the application for the Construction Certificate.
10. Vehicles making deliveries to the premises being limited to single unit trucks only.
11. A convex mirror shall be installed at the car park entry/exit point and for the loading bay facility on Unara Street to maximise pedestrian safety at this location.
12. Window glazing and external door treatments shall be constructed in accordance with the recommendations contained within the 'DA External Noise Intrusion Report' (Project No. 20111175.1) prepared by Acoustic Logic dated 15 February 2012 accompanying DA-69/2012. Details of compliance shall be provided with the application for the Construction Certificate.
13. 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 amount of the contribution (as at the date of this consent) has been assessed as \$909,471.55. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$438,238.81	711
• Recreation Facilities	\$73,547.30	712
• Community Services	\$233,197.71	713
• Environmental Amenity Improvements	\$90823.74	714
• Traffic Control and Management	\$15,470.90	715
• Monitoring, research and administration	\$58,193.09	717

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

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

14. Finishes and materials, including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the details accompanying DA-69/2012, dated March 2012 and prepared by Kann Finch. 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.
15. Full details of the proposed boundary and courtyard fencing being submitted to Council for approval prior to the issue of a Construction Certificate. All fencing shall be erected in materials which are compatible with the construction materials and colour scheme to be used in the development.
16. The specific use of the commercial tenancy being the subject of a separate development application to Council.
17. The applicant shall prepare and submit, as part of the documentation for a Construction Certificate, a Construction Management Plan. This plan shall include the following:
 - (a) details of proposed hours of work and contact details of the site manager;
 - (b) proposed method of access to and egress from the site for construction vehicles;
 - (c) proposed method of loading and unloading of excavation and construction machinery and building materials;
 - (d) proposed areas within the site to be used for the storage of excavated materials, construction materials, waste storage containers and construction vehicles during the construction period;
 - (e) proposed traffic management measures to ensure safe ingress and egress from the site;
 - (f) proposed method of support to any excavation adjacent to adjoining properties or the road reserve;
 - (g) proposed methods to remove loose material from all vehicles and machinery before entering the road reserve and any run-off from the washing of vehicles and associated sediment control measures.
18. 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. Full details must be submitted to the Principal Certifying Authority with the Construction Certificate application.
19. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
20. 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.
21. 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.
22. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
23. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
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. 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.
27. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
28. 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.
29. 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.
30. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at basement/ground/first/second/third/fourth and fifth floor slab level 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.
31. All building construction work must comply with the National Construction Code.
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.

ROADS AND MARITIME SERVICES

33. The layout of the car parking area, including driveways, grades, turn paths, sight distance requirements, aisle widths, parking bay dimensions and loading docks shall be in accordance with AS 2890.1- 2004 and AS 2890.2- 2002.
34. The proposed development should be designed so that road traffic noise is mitigated by durable materials in order to satisfy the requirements for habitable room under Clause 102 Subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
35. The developer shall be responsible for all public utility adjustment works necessitated by the proposed development as required by the various public utility authorities and/or their agents.
36. A Road Occupancy License shall be obtained from the Transport Management Centre for any works that may impact on traffic flows along Beamish Street during construction activities.
37. All works/regulatory signposting associated with the proposed development are to be borne by the developer at no cost to Roads and Maritime Services.

DILAPIDATION AND EXCAVATION

38. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
39. The applicant shall prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties, namely 357 Beamish Street, Campsie and 31 Unara Street Campsie, detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to 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 practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
40. Construction of the development, including excavation, foundations and retaining wall construction being carried out in accordance with the recommendations contained within the Geotechnical Investigation Report (Ref No. J/No. 1022) prepared by Earth Air Water Consulting and Monitoring Pty Ltd dated February 2008 submitted with DA-69/2012.
41. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

DISABILITY ACCESS

42. A continuous accessible path of travel is to be provided from the street alignment to the building entries and from the basement level car parking area to and within each of the adaptable units, and to and within all common areas of the buildings. The continuous accessible path of travel shall not contain a step or other impediment and shall have an unobstructed width of at least 1000mm and vertical clearance of 2000mm.
43. The entry points to the commercial tenancy and all residential areas shall be at-grade.
44. All sets of stairs on the pedestrian path of travel providing access through the site between Beamish Street and Unara Street are to be designed so that all step risers are of equal height, between 150 and 165mm in dimension. The landings at the top and base of the steps shall be level. The steps are to be provided with compliant nosings with provision of compliant handrails on each side. Tactile ground surface indicators (TGSU's) are required at the top and base of each set of stairs for the full width of the stairs. The colour of the TGSU's must provide a luminance contrast to a minimum of 30 per cent of their surroundings. Where handrails are continuous, TGSU's are not required on the intermediate landings.
45. For the benefit of persons with a vision impairment, all glazed doors and panels on the continuous accessible path of travel are required to have a transom or luminance strip at a height of between 900mm and 1100mm above floor level. The strip is to be a minimum of 75mm in width for the full width of the door and provide a luminance contrast to a minimum of 30 per cent of its surroundings when viewed from either inside or outside the door.

46. In accordance with the requirements of the Disability (Access to Premises – Buildings) Standards 2010, the development shall provide:
- 40.1 Doors on the continuous accessible path of travel are to provide clear openings of 850mm when the door is fully open.
 - 40.2 A fully accessible lift complying with the minimum dimension requirements contained in AS1735.12 and which provides adequate space for a paramedic stretcher with minimum dimensions of 2100mm by 550mm shall be provided for the benefit of any resident who may have to be evacuated in a horizontal position.
47. Letterboxes for adaptable units are to be located on a surface with a maximum gradient of 1:40 in lateral and longitudinal directions at a height of between 900mm and 1100mm above finished surface level.

CRIME PREVENTION

48. Security gates being installed at the entry and exit points of the complex on both Beamish Street and Unara Street to limit unauthorised persons entering the property.
49. A suitable barrier being provided for ground floor unit balconies where they adjoin communal open space or public areas, a minimum of 1.7 metres in height to limit pedestrian's views of personal belongings to negate opportunities for theft. Details shall be provided with the application for the Construction Certificate.
50. Access to the basement car parking area shall be limited to tenants and residents only with visitors to the property gaining access to the car parking area via an intercom system.
51. All storage rooms within the basement level car parking area shall be locked at all times.

ENGINEERING

52. That the stormwater system be constructed generally in accordance with the plans, specifications and details received by Council on 12 March 2012, Drawing numbers H1.01 – H1.03, Rev A, prepared by ARUP Consulting Engineers and as amended by the following condition.
53. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
54. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with clause 3.3.2 of Council's stormwater management manual ~ specification 9. Sump depth is to be a minimum of 300mm deep.
55. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
56. An on-site stormwater detention system OSD must be provided if the post-development impervious area is greater than or equal to 70% of the total site area.
57. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.

58. 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 1 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.
59. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 7 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".
60. 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.
61. 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, carparks, 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.
62. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
63. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".
64. 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".
65. The reconstruction of the kerb and gutter along all areas of the site fronting Beamish Street and Unara Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
66. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Beamish Street and Unara Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

SUBDIVISION

67. Lots 110, 111 and 112 DP 3995 shall be consolidated into one land holding prior to the issue of a Construction Certificate. Proof of registration of the plan of consolidation shall be forwarded to Council with the documentation accompanying the application for the Construction Certificate.
68. The submission of one final plan of subdivision and five copies is required.
69. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan.
70. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

LANDSCAPING

71. Landscaping of the site being carried out in accordance with the approved landscape plan marked Job No. 11-047, Drawing No. 000, 001, 101 and 501 (Issue B) and Drawing No. 502 (Issue A) prepared by Arcadia landscape Architecture received by Council on 20 July 2012 and in accordance with AUS-SPEC #1 Specification 0257-Landscaping, except where modified by the following specific conditions:

- 71.1. The applicant shall submit landscape construction drawings for proposed landscaping works within the public domain areas prior to the issue of a Construction Certificate. In this regard, prior to the preparation of such drawings, the applicant shall liaise with our City Works Division to obtain relevant details and specifications for works within the public domain.
- 71.2. The six (6) Eucalyptus haemastoma proposed along the eastern property boundary shall be replaced with a smaller tree or shrub species more suited given the provided planting spaces and soil depth. Details shall be provided with the application for the Construction Certificate.
- 71.3. All proposed trees on the approved landscape plan shall be a minimum container size of 100 litres. The tree supply stocks shall comply with the provisions contained in the publication 'Specifying Trees: A Guide to Assessment of Tree Quality' by Ross Clark (NATSPEC 2003). The requirements for height, calliper and branch clearance for 100 trees is shown in the table below

Container Size	Height (above container)	Calliper (at 300mm)	Clear Trunk Height
100 litre	2.4 metres	50mm	1.5 metres

- 71.4. The maintenance period for all approved landscaping works within the public domain shall be a minimum of 52 weeks and in private areas 36 weeks. The maintenance schedules must be provided with the amended landscape plan to be forwarded with the application for the Construction certificate which includes (but not limited to) the following:
 - (a) Replacement strategy for failures in plant materials and built works; and,
 - (b) Maintenance schedule for watering, weeding and fertilising during the establishment period.
72. The existing street tree on Unara Street nearest to the intersection of Beamish Street (*Callistemon viminalis* – Weeping Bottlebrush) may be removed to accommodate street paving works. A replacement tree of the same species with a minimum container size of 100litres shall be provided. The planting of this tree is to be carried out in accordance with AUS-SPEC #1 Specification 0257-Landscaping.
73. The remaining street trees in Unara Street (*Callistemon viminalis* – Weeping Bottlebrush) adjacent to the development site must be retained and protected during construction. Tree protection zones (TPZ's) of 2.0 metres in radius from the centre of the tree trunks must be observed. Minimum 1.8 metre high chain wire fencing (with standard 500mm pitch on 2400mm star pickets driven 600mm

into the ground) must be erected around the perimeter of the TPZ (with no obstacles onto the footpath) prior to the commencement of any site works. A 600mm by 450mm prohibition sign stating 'TREE PROTECTION ZONE - KEEP OUT' should be attached to the fencing. Fencing is to be well maintained during construction. No building material storage or machinery activities shall encroach with the TPZ. Amendments to the driveway servicing the loading facility will be required to accommodate this requirement.

74. An automatic drip watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be included on the amended Landscape Plan. The system is to be installed in accordance with the manufacturer's specification.

75. The landscaping is to be maintained at all times to the Council's satisfaction.

SYDNEY WATER REQUIREMENTS

76. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

CRITICAL INSPECTIONS

77. Class 2, 3 or 4 Buildings

- 77.1. at the commencement of the building work, and
- 77.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 77.3. prior to covering any stormwater drainage connections, and
- 77.4. 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

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

78. 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

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

WE ALSO ADVISE:

80. This application has been assessed in accordance with the National Construction Code which took effect in New South Wales on 1 May 2011.

81. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural Engineering work
 - Final Fire Safety Certificate
 - Waterproofing
 - Glazing
 - Section J of the Building Code of Australia
 - Mechanical Ventilation
82. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
83. If pruning of the existing street trees along Unara Street is required as the site works progress, individual applications for tree pruning work must be submitted to Council. No pruning of street trees is to be carried out prior to such approval being obtained from Council.
84. 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.
85. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without further approval.
86. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
87. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

If you need more information, please contact Stephen Pratt of our City Planning Division on 9789-9350, Monday to Friday.