

JRPP Ref. No.	2012SYE104
D/A No.	DA-390/2012
Property	2 Vermont Avenue and 13 Washington Avenue, Riverwood
Proposal	Demolition and construction of a mixed use building including an educational establishment, and a residential flat building comprising 27 social housing units and 68 privately owned units, car parking including basement car park, associated site works and subdivision.
Zoning	Residential 2(c4) under the Canterbury Planning Scheme Ordinance / R4 High Density Residential under Canterbury Local Environmental Plan 2012.
Applicant/Owner	Applicant – M Projects Pty Ltd Owner – NSW Land & Housing Corporation and Canterbury City Council
Report By	Sean Flahive - Development Assessment Officer

EXECUTIVE SUMMARY

- Development Application (DA-390/2012) was submitted on 04 October 2012 for the redevelopment of a site located on the corner of Kentucky Road and Washington Avenue. The subject site currently accommodates the Riverwood Senior Citizens Centre which is owned by Canterbury City Council. The proposal involves the demolition of the existing senior citizens centre, site preparation works and the construction of an 8 storey, mixed-use building over basement parking which incorporates the following:
 - Educational establishment: adult educational learning facilities on the lower ground and ground floor levels
 - Residential Apartments: a total of 95 apartments are proposed on the upper levels, with 27 units being provided for social housing and the remaining 68 units being for private ownership. The height of the building will range from five storeys to eight storeys.
 - Car Parking: Two levels of basement car parking comprising 91 car spaces are proposed to serve the adult educational learning facility and the apartments. An additional 10 at-grade car parking spaces will be provided to service the ground and lower ground floor uses. Access to the basement car park and the at-grade car park will be via Washington Avenue.
 - Landscaping and Site Works.
 - This development will be subject to a Voluntary Planning Agreement, which has been agreed by Council.
 - The development application has a Capital Investment Value greater than \$20m and in accordance with Schedule 4A (3) and (4) of the Environmental Planning and Assessment Act 1979 and is referred to the Joint Regional Planning Panel (JRPP) for determination.
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BACKGROUND

The NSW Planning Assessment Commission (PAC) issued a consent (Ref D059/11) on 15 July 2011 for the redevelopment of Housing NSW properties in Riverwood North. This consent was issued under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* and allows for a much greater building envelope and density than Council controls permit. Due to the PAC consent, many of Council's controls have been significantly varied

ON the 15 November 2012 Major Project Application (MP 10_0181) approved the following:

Table 1: Key Project Components

Aspect		Description					
		Building A		Building B		Building C	
Units		67		56		27	
No. of 1 and 2 Bedroom Units		1 Bed 45	2 Bed 22	1 Bed 47	2 Bed 9	1 Bed 27	2 Bed -
Site Area		4,046 sqm				1,060 sqm	
GFA		5,801 sqm		5,243 sqm		2,243 sqm	
FSR		2.7:1				2.1:1	
Building Footprint		1,081 sqm		735.75 sqm		546.5 sqm	
Car parking spaces		30				0	
Height	Storeys	Part 6 and part 7		Part 7 and part 9		4	
	RL	6 storey 32.6 m	7 storey 35.5 m	7 storey 35.7 m	9 storey 41.5m	26.7 m	
Total car parking spaces		30					
Total GFA		13,287 sqm					
CIV		\$61.95 million					
Jobs		360 full time equivalent construction jobs					

As can be seen from Table 1 above (which was extracted from the Major Project Application Consent), the consent approved the construction of 150 social housing units on site, and the provision of 30 Off-street car parking spaces for these units.

As illustrated in the above table the consent did not require the provision of any residential off-street parking for the social housing units contained in Building C.

Whilst the subject application relates to the construction of Building C in Riverwood North Renewal Project, it is important to note that the PAC approval only relates to the Northern residential element of the subject application, with the southern residential block outside the remit of the PAC approval.

SITE DETAILS

The land comprising the Riverwood North Residential Renewal Project is bound by the M5 Motorway to the north, Salt Pan Creek Reserve to the north and east, Washington Avenue to the south and residential development to the west (as shown in Figure 3 below).

The land subject to this DA comprises proposed future Lots 9 and 10 (which are

A sewer owned by Sydney Water Corporation transects the south eastern corner of the subject site. Part of the site is currently occupied by the Riverwood Senior Citizens Centre which is owned by Canterbury City Council. The remainder of the site is currently vacant.

Figure 1 – Site Plan



Figure 2 – Super lot subdivision plan

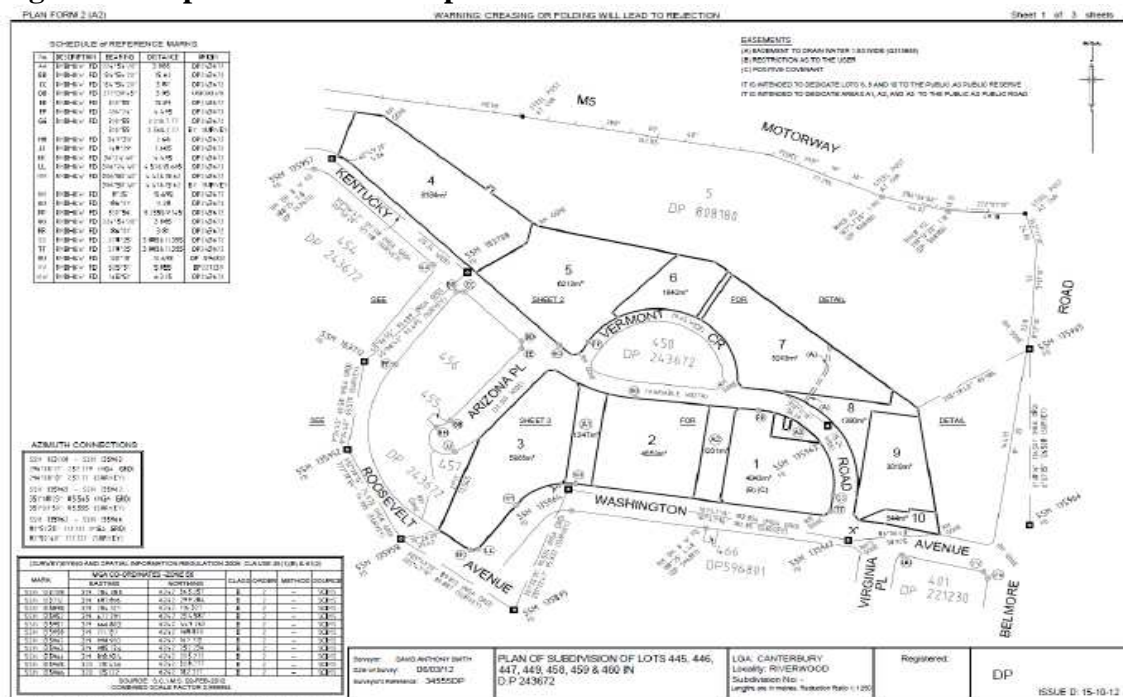


Figure 3 – Site Aerial Plan



PROPOSAL

This development application seeks approval for the demolition of the existing senior citizens centre, site preparation works (including remediation) and the construction of a mixed use development. The proposed mixed-use building has been designed to accommodate an adult educational learning facility at lower ground and ground floor levels, residential apartments on the upper levels, basement car parking, hardstand car parking area, landscaping and associated works. An updated superlot subdivision and proposed stratum subdivision of the building also forms part of the DA. The proposed development is described in further detail below:

- **Educational establishment:** Adult educational learning facilities will be provided on the lower and ground floors. Each of these uses will have their primary access from Kentucky Road, with a secondary/service entrance on Washington Avenue.
- **Residential Apartments:** 95 apartments are proposed on the upper levels, which include the 27 social housing apartments that were agreed to under the Major Project Application (MP 10_0181). An additional 68 apartments will be accommodated arising from the expanded development site. These apartments will be made available for private ownership.
- The private and social housing apartments are designed with separate lift core access from both Kentucky Road and Washington Avenue, resulting in two completely separate entrances to the private and social units. However, the external design of the structure provides an integrated appearance of the social housing and private apartments to provide a consistent appearance for both apartment tenures.
- The height of the building will range from five to eight storeys, which is generally consistent with the Concept Plan approval. The height of the development increases towards Washington Avenue, providing views over lower apartments to the public open space. Private open space will be provided in the form of balconies adjacent to

the principal living areas of each of the proposed dwellings.

- **Car Parking:** Two levels of basement car parking comprising 91 car spaces are proposed to serve the adult educational learning facility and the apartments in private ownership. An additional 10 at-grade car parking spaces will be provided to service the adult educational facility. Access to the basement car park and the at grade car park will be via Washington Avenue. It is proposed that the social housing dwellings will be allocated off-street parking in the basement car park of the neighbouring Buildings A and B.
- **Landscaping and Site Works:** The proposal also includes the hard and soft landscaped areas that surround the building. Services will be provided to accommodate the increased demand arising from the proposed non-residential uses and the additional apartments.
- **Stratum Subdivision:** Proposed stratum subdivision of the building in accordance with subdivision plans.

EXTERNAL REFERRALS

- **Roads and Maritime Service (RMS)**

The application was referred to the Roads and Maritime Services (RMS) under SEPP (Infrastructure) 2007 given the developments proximity to a classified road and the size of the proposed educational establishment. The RMS responded raising no objection to the proposed development as it is considered that there will not be a significant traffic impact on the state road network as all access to the proposed development is via Vermont Crescent and Washington Avenue, which is a local road under the care and control of Council.

- **Sydney Water Corporation (SWC)**

The application was referred to Sydney Water Corporation (SWC) given that the development involves works in close proximity to their infrastructure. SWC has agreed to the proposal subject to conditions to be imposed on any consent granted.

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 has been accompanied by a National Construction Code (BCA) Compliance Report prepared by VIC LILLI and partners. The report concludes that the proposed development is capable of complying with the deemed to satisfy provisions of the Building Code of Australia subject to certain aspects being complied with at Construction Certificate stage. The development application and accompanying BCA 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 development consent issued.

- **Environmental Health and Compliance Comments**

The development application was reviewed by Council's Environmental Health officer who raised no objections to the proposed development, subject to the

imposition of a number of related conditions.

- **Heritage Officer Comments**

Council's Heritage Advisor has reviewed this application and has raised no objection to the current proposal subject to conditions being attached to any consent issued.

- **Stormwater/Hydraulic Comments**

Our City Works section have indicated that the floor levels for part of the educational establishment and the social housing entrance lobby will contribute to the creation of undrained low points in the garden square area to the immediate west of the building. This issue was raised with the applicant and has been adequately addressed in the additional information received by Council on the 1st of February 2013.

Comments were also received from Council's Landscape Architect, Waste Coordinator, Disability Access Committee, Crime Prevention Officer and Traffic Engineer. The advice received from these officers is discussed in the assessment section of this report.

STATUTORY CONSIDERATIONS

The development application has a Capital Investment Value greater than \$20m and in accordance with Schedule 4A (3) and (4) of the Environmental Planning and Assessment Act 1979 is referred to the Joint Regional Planning Panel (JRPP) 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:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy 2004 BASIX
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- Canterbury Planning Scheme Ordinance
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan No. 13 – Multiple Unit Development Code
- Canterbury Development Control Plan No. 20 – Car Parking
- Canterbury Development Control Plan No. 28 – Flood Management and Flood Proofing
- Canterbury Development Control Plan No. 29 – Crime Prevention Through

Environmental Design

- Canterbury Development Control Plan No. 30 – Subdivision of Land
- Canterbury Development Control Plan No. 32 – Notification Policy
- Canterbury Development Control Plan No. 37 – Energy Smart Homes
- Canterbury Development Control Plan No. 45 – Landscaping
- Canterbury Development Control Plan No. 48 – Waste Management
- Canterbury Development Control Plan No. 51 – Access and Mobility
- Specification 9 – A Guide For Stormwater Drainage Design
- Canterbury 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:

- **State Environmental Planning Policy (Infrastructure) 2007**
The proposal was referred to the RMS under Clause 104 and Schedule 3 of SEPP 2007 as the development is identified as being traffic generating development as it involves an educational establishment capable of accommodating more than 50 students. The RMS have raised no objection to the proposed development.
- **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**
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 no known history of previous use of the land for industrial activities. The proposal involves some demolition and excavation works, and as such a geotechnical investigation and preliminary environmental assessment, prepared by JBS Environmental, was carried out to assess the likelihood of contamination of subsurface soils and the suitability of the site for the proposed development.

The report concludes that while contaminants were detected, the concentration of all chemicals tested in the soil samples were less than laboratory detection limits and/or less than the corresponding assessment criteria, and were therefore considered not to pose a contamination issue at the site.

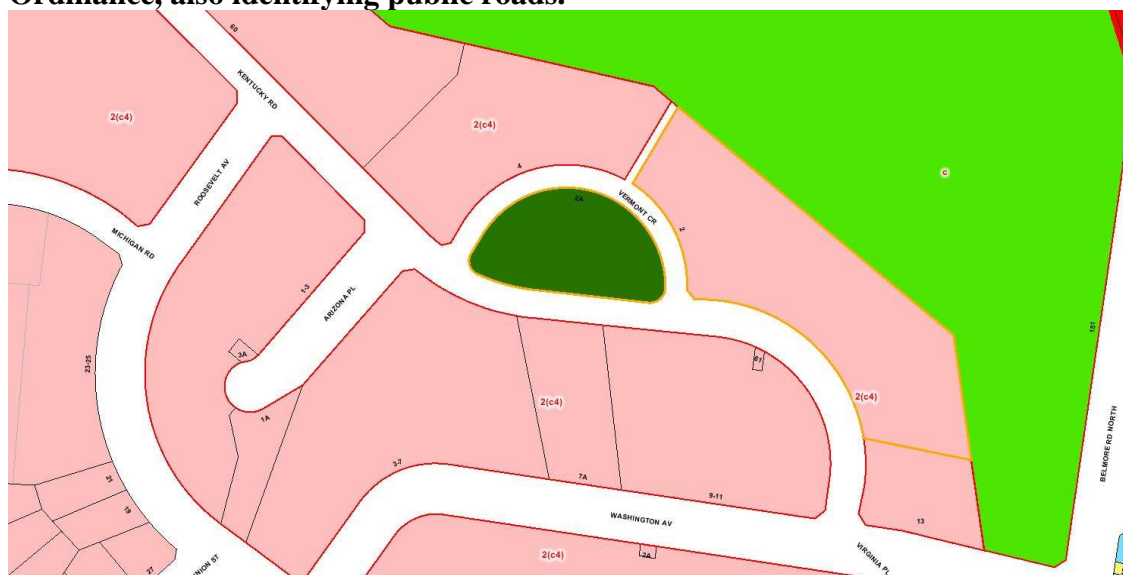
The site can be made suitable for the continued residential and educational use subject to remediation of asbestos impacted fill materials.

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 the recommendations above address any contamination finds during excavation/construction works.

- Canterbury Planning Scheme Ordinance**
 The subject site is zoned Residential 2(c4) under the Canterbury Planning Scheme Ordinance. The proposed uses are permissible in this zone, with consent. An extract of the zoning plan is provided below.

Note: The proposal complies with the FSR development standards outlined under Clause 44 of the Canterbury Planning Scheme Ordinance.

Figure 4 – Extract of Zoning Plan under the Canterbury Planning Scheme Ordinance, also identifying public roads.



- Local Environmental Plan 2012**
 This site is zoned R4 under LEP 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R4 High Density Residential	Multiple unit housing and educational establishments are permissible with consent	Yes
FSR	0.9:1	Non Residential 0.48:1 Residential 4:1	No
Building height	11.5m	28.6 metres	No

However, the savings controls listed in Clause 1.8A of LEP 2012 prevent any

determinative weighting from being afforded to its provisions in respect to this application.

- **State Environmental Planning Policy 2004 BASIX**
BASIX Certificate No. 409770M_02 dated 26 September 2012 accompanies this application. The commitments include providing water saving devices such as low water using taps, showerhead, as well as suitable energy uses such as gas cooktops and electric ovens, kitchen, bathroom, laundry and lift and basement ventilation devices. A condition of consent will apply that the development be fitted out to meet these nominated BASIX commitments.
- **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
The applicant has provided design verification as required by Part 4 in SEPP 65 that the proposed development is consistent with the design principles found in SEPP 65.

Context

The site is set amongst a predominantly residential context and the height and scale of the proposal is consistent with other buildings in the Concept Plan and adjacent to the subject site. The form and finishes of the proposed development are designed to integrate with other parts of the Concept Plan to form a coherent overall approach to Riverwood North. The adult educational establishment will bring the wider community into the area and contribute to the activation of the site's frontages.

Scale

The proposed maximum height of 9 storeys and its reduction in height towards the north of the site is compatible with the surrounding building heights and the heights under the Concept plan.

With regard to elevational treatment, the ground floor areas are treated differently to the upper floor levels, reducing the apparent scale of the building when viewed from ground level.

Built Form

The proposed setbacks of the building express the gateway nature of the subject site.

The ground floor use will be readily identifiable by the open appearance and extensive areas of glass and define the public domain. The entry is situated adjacent to the future Garden Square where opportunities for activation and public space are maximised.

Upper levels are designed with a different character of less glazing and integrated balconies, with most units to have an outlook to surrounding landscaped areas.

Density

The site is strategically located within close proximity to public transport, recreational areas, shops and services. The Concept Plan approval recognised the site as ideal for redevelopment for a higher density residential scheme.

The current proposal provides for 95 apartments comprising 27 social housing units and

68 private apartments. The proposed density meets NSW Government objectives for increased residential density within strategically located areas.

Resource, energy and water efficiency

The incorporation of ecologically sustainable development (ESD) principles has been incorporated into the design of the current proposal. These principles include:

- Cross ventilated apartments
- Optimal daylight and solar access into living spaces, external living areas and courtyards
- Energy efficient appliances and water efficient fittings and fixtures
- Stormwater re-use

Landscape

The landscape design scheme includes private gardens, public open space and interface landscaping to the new public domain of Kentucky Road and Garden Square.

Landscaping at grade aims to soften the edges of the building and contribute towards a transition from the public to semi-private to private areas.

The proposed development is closely positioned to parklands and open space directly adjoining the site to the north, east and west.

Amenity

Future amenity of apartments is optimised by:

- A high degree of cross ventilation, with some featuring tri-aspect orientation.
- Well-proportioned rooms.
- High degree of privacy through orientation and internal layouts
- Provision of adaptable apartments and accessible car parking.
- Appropriate storage areas.

Safety and Security

Safety and Security is optimised by:

- Clearly legible pedestrian access points to the various components of the building.
- Balconies, windows and public ground floor uses will provide passive surveillance.
- Security access to basement levels.

Social dimensions and housing

The aim of the development is to provide new facilities, social housing and well-priced residential apartments. The community and future residents will enjoy the benefits of a new adult educational facility. Future residents will also be within close proximity to open space areas and public transport. A broad mix of unit types provide for a large mix of living typologies

Aesthetics

The proposed development utilises a basic design strategy with variations to each component of the building to allow for the different heights, forms, entry points and public and private spaces.

The current proposal is designed to interact with the other developments approved as

part of the Riverwood North redevelopment. This is achieved by the use of a similar palette of colours and materials.

Departures sought

As stated above, the proposal is consistent with the design quality requirements of SEPP 65 and the Residential Flat Design Code (RFDC). However, some departures are sought and are discussed below.

Building Depth

The building depth varies due to the irregular shape of the building. The northern portion varies between 15m and 19.5m and the southern section varies from 19.2m to 25m. The larger depth is attributed to the single, central core and large corridor widths. The larger building depths are deemed to be acceptable due to the arrangement of the apartments which allows for reasonable amenity for each unit, with regard to solar access and cross ventilation.

Open Space

SEPP 65 has a Rule of Thumb that between 25% and 30% of the site be available for open space. Due to the mixed use nature of the development, communal open space for the use of the residents to Building C is not provided. The approved Building C design in the original Project Approval did not include communal open space specific to Building C, given the extent of open spaces to be created under the Concept Plan approval, including the Garden Square immediately west of Building C of some 1,574sqm.

The shortfall in exclusive communal open space is justifiable given that:

- The site is immediately adjacent to large areas of public open space across the Riverwood North Renewal site and large parklands such as Salt Pan Creek reserve and Central Park.
- The development contains a public facility, the adult learning facility.
- The creation of Garden Square immediately to the west of Building C.
- The fact that no ground floor apartments are proposed.
- Apartments immediately above the ground floor feature terraces of 25-27sqm of private open space with minimum dimensions typically of 4m. The last apartment on the north east side of the private apartments has a minimum dimension of 3.5m. This terrace area is almost 30sqm which exceeds the minimum and is therefore acceptable.
- All proposed apartments have adequate private open space.

It is considered that overall, a high level of amenity is achieved for future residents through extensive areas of a variety of open space and recreational provision on the site and throughout the Riverwood North renewal area.

Variations to the rule of thumb are acceptable, having regard to their individual amenity and the availability of public open space in the vicinity.

Apartment Layout

SEPP 65 requires the following with regard to apartment Layout:

- Determine apartment sizes in relation to location, market, spatial configuration and affordability.
- Ensure apartment layouts are resilient over time.
- Design layouts to respond to natural and built environments and optimise site opportunities.
- Avoid locating kitchens in circulation space.
- Include adequate storage in the apartment.
- Ensure apartments facilitate furniture removal and replacement.
- Single aspect apartments to have max depth of 8m from window.
- Crossover or cross through apartments >15m deep to have min width of 4m.

It is considered that the apartment sizes will meet the anticipated social and private housing market demand, taking into account location and design quality.

The current proposal has 1 and 2 bedroom apartments of varying sizes, to accommodate multiple occupant typologies. 1 bed apartments have a minimum area of 50.69 sqm and 2 bed apartments have a minimum area of 74.83 sqm, comply with the requirements of the SEPP.

Living areas are located towards the window line to maximise their solar access and natural ventilation while wet areas are located closer to the centre.

The proposal meets the SEPP 65 Rules of Thumb concerning arrangement, storage, depth and flexibility. All apartments exceed the guidelines of SEPP 65, having 90% of the apartments featuring all storage within the apartment.

The apartment depth varies between the different apartment types. Many apartments comply with the basic recommendations. Some apartment types are deeper (10.4m) but utilise façade articulation and the location of non-habitable rooms at the rear of the apartment to achieve good amenity

Furthermore the rear walls of the kitchens are within 8m from a window in all apartments.

Apartment Mix

SEPP 65 requires the following with regard to apartment mix:

- Provide a variety of apartments in larger buildings.
- Refine appropriate mix by population trends and proximity to transport, employment and services.
- Locate a mix of 1 and 3 bed units on ground floor to enable access by disabled, elderly and families.
- Optimise accessible and adaptable apartments.

1 and 2 bedroom apartments are provided to cater for the existing and likely future demand within the local area. Some are adaptable and designed for further flexibility for occupants.

- Canterbury Development Control Plan No. 13 – Multiple Unit Development Code**

As previously outlined this DA is the subject of a PAC concept approval issued under Part 3A of the EPAA. As such, the local planning controls, unless specifically stated as being applicable in the PAC approval are effectively overridden. However, it is worth considering how the proposal would meet the local planning controls, as outlined the following table.

Standard	Requirement	Proposal	Complies
Site Width	20m	>20	Yes
Density	Min site area per dwelling: Small (<60sqm): 95sqm Medium (60-90sqm): 110sqm Large (>90sqm): 150sqm Site Area 9,700	Site Area = 4,303qm	No – See Comment
Open Space	42sqm x 1 bedroom 47sqm x 2 bedroom 59sqm x 3 bedroom Open Space required= 4215sqm	Open Space = 1,574sqm	No – See Comment
Balconies	5sqm min 2m min dimension Located off living room	6.75sqm min 2m min dimension Located off living room	Yes Yes Yes
Front Setback (southern boundary)	8.5m	700mm- 7m	No – See Comment
Side and Rear Setbacks	North – 7.2m South and East (rear) – 9.4m	North – 2.1m – 5m South – 0 – 7.5m East – 1.2m – 3m	No – See Comment No – See Comment No- See Comment
Height	Max 9m	Max 28.6m	No – See Comment
Landscape	Landscape plan	Landscape plan	Yes
Privacy	Balconies be 12m apart Balconies not overlook	Balconies >12m Minimal overlooking	Yes Yes
Building Design	Varied unit layout Sunlight orientated	Varied unit size and layout Orientated to capture sunlight	Yes Yes
Noise	Isolate noisy areas	Separation of uses (including waste room) is adequate	Yes
Clothes drying	Provide clothes dryers or clothes lines	Clothes driers provide to each unit	Yes
Letter boxes	Letter boxes meet Australia Post standards	Letter boxes to meeting Australia Post requirements	Yes
TV Antenna	A master antenna be	A master antenna will be	Yes

	provide to each building	provided to each building	
Storage	5 cubic metres per unit	6 cubic metres per unit	Yes

As shown in the above table, the proposed development represents a substantial departure for the controls in DCP 13. However, as this DA is the direct result of a PAC concept approval which effectively overrides the local planning controls no objection can be raised to the proposed due to these non-compliances. The PAC concept approval has effectively provided the planning for, and approval of, a new neighbourhood. Despite technically being applicable the current DCP controls are not designed to control and guide this scale and significance of development. As the overall scheme has been approved in principle, the areas of non-compliance such as density, setbacks and height are deemed to be acceptable as the overall size and scale of the current proposal has been agreed in principle.

With regards to the lack of open space on site, this has been addressed earlier in the report under the SEPP 65 discussions.

- **Canterbury Development Control Plan No. 20 – Car Parking**

The car parking associated with the 27 social housing units will be off site in the basement of Building A & B, located on the opposite side of Kentucky Road, which is consistent with Condition 5 of the Stage 1 Project Application (MP10-0181) approval. Accordingly, it is accepted that no parking will be provided for their proposed social units on site.

However, the proposed private housing units and educational establishment must be assessed against the controls found in DCP 20. The application compares to the relevant controls of DCP 20 as follows: as shown in the table below.

Private Residential Parking

Standard	Required	Proposed	Complies
Resident Parking	1 bed x 1space = 23 2 bed x 1.2 spaces = 54 TOTAL = 77 spaces	77 (includes 7 accessible spaces and 8 small car parking spaces)	No – see comments
Visitor	1 space per 5 dwellings = 13.6 (14) spaces	14 spaces	Yes
Carwash bay	1 spaces	1 space	No – see comments
Bicycle	20 spaces	20 spaces	Yes

Resident Parking: The proposal provides 77 spaces for the private apartments; however 8 of these spaces are small car parking spaces. The provision of small car parking spaces is not deemed to be acceptable or permitted for residential parking. The use of small car spaces for allocated residential parking is not supported as they are unsuitable for the proposed use. Small car spaces can only be supported as a small part of the allocated parking for a major car parking facility for public use, where individual owners/occupiers will not be arbitrarily limited in the size of vehicle they may own. Accordingly, it is considered that the proposed 8 small car spaces incorporated in the overall quantum of car parking for the private apartments cannot be credited and should be discounted from the overall figure, resulting in the parking for the private apartments being deficient.

Car wash bay: The proposed loading area conflicts with the proposed car wash bay. Carwash bays are to be covered and suitably graded and drained to sewer in accordance with the requirements of Sydney Water. The applicant has stated in the additional information submitted that *"The delivery and servicing needs of the proposed development is expected to occur primarily on weekdays (and mostly on weekday mornings), whereas use of the carwash bay will occur primarily on weekends (and mostly in the afternoons). Whilst there may occasionally be a conflicting need between the delivery/servicing and carwash uses, such conflicts are expected to occur very infrequently, and would not warrant the provision of separate bays."* It is a requirement of Sydney Water that all carwash bays are bunded, covered and graded and drained to sewer given the scale of this development. The access to the loading bay and the access to the carwash bay must not be restricted by the presence of a vehicle for the other purpose. A separate bay is to cater for each activity as warranted.

Educational Establishment

The current proposal provides 10 spaces for the exclusive use by staff and students of the proposed educational establishment.

The submitted parking report assumes a parking rate of 1 space per 5 users of the educational facility, based on an expected total attendance in any 1 hour of 45-60 persons in educational establishment 1. It is considered that based on the floor area of educational establishment 2 (Hall/function area), it is likely that seminars and events of between 70 and 80 persons will be held on regular occasions, chiefly in the morning and evening hours. There will be a maximum of 5 staff in the educational establishment, generating a parking requirement of 2.5 spaces using a parking rate of 1 space per 2 staff.

The breakdown of parking requirement for the educational establishment is as follows:

Educational Establishment 1	=	$45-60 \div 5 = 9-12$	required
Educational Establishment 2	=	$70-80 \div 5 = 14-16$	required
Staff	=	$5 \div 2 = 2.5(3)$	required
Total	=	26-31 required	

The current application provides 10 car parking spaces for the proposed educational establishment, falling well short of the minimum requirement.

The applicant has also indicated in the additional information submitted that parking could be shared between the visitor parking for the private residential units and the educational establishment. However DCP 20 states that *"Visitor spaces shall be freely accessible at all time by their intended users..."*. Accordingly, it is considered that visitor car-parking cannot have a secondary use as parking for an educational establishment, as this would conflict with the above mentioned objective of DCP 20. Insufficient information has been provided by the applicant to substantiate this argument.

The other argument made by the applicant is that the availability of on street car parking in the vicinity could facilitate any additional parking generated by the educational establishments. In the documentation submitted that applicant states that *"additional on-*

street kerbside parking is to be provided in the two new roads 1 and 2, in addition to kerbside parking which is readily available in Washington Avenue.”

Figure 5 below indicates that the on street parking referred to equates to only 15 additional spaces, with the availability of these spaces, not guaranteed. It should also be noted that all on-street parking is proposed to be removed from Washington Avenue to facilitate the traffic control measures. Figure 6 below shows the substantial distance from these roads to the subject site. Given the limited number of on street car parking spaces available in the precinct and the distance of the on-street parking to the subject site, it is considered the reliance upon on-street parking to accommodate the parking generated by the proposed educational establishment is unacceptable.

The applicant has failed to adequately address the parking requirements of the educational establishment based on the information provided to date. The use of a parking rate of 1 space per 5 users for the educational facility is considered to be suitable for the assessment. However, the total number of users and the maximum attendance on the site have not been catered for and therefore, the total number of off-street parking spaces appear to be insufficient for the proposed use.

Figure 5 – Road 1 and Road 2 (On street parking)

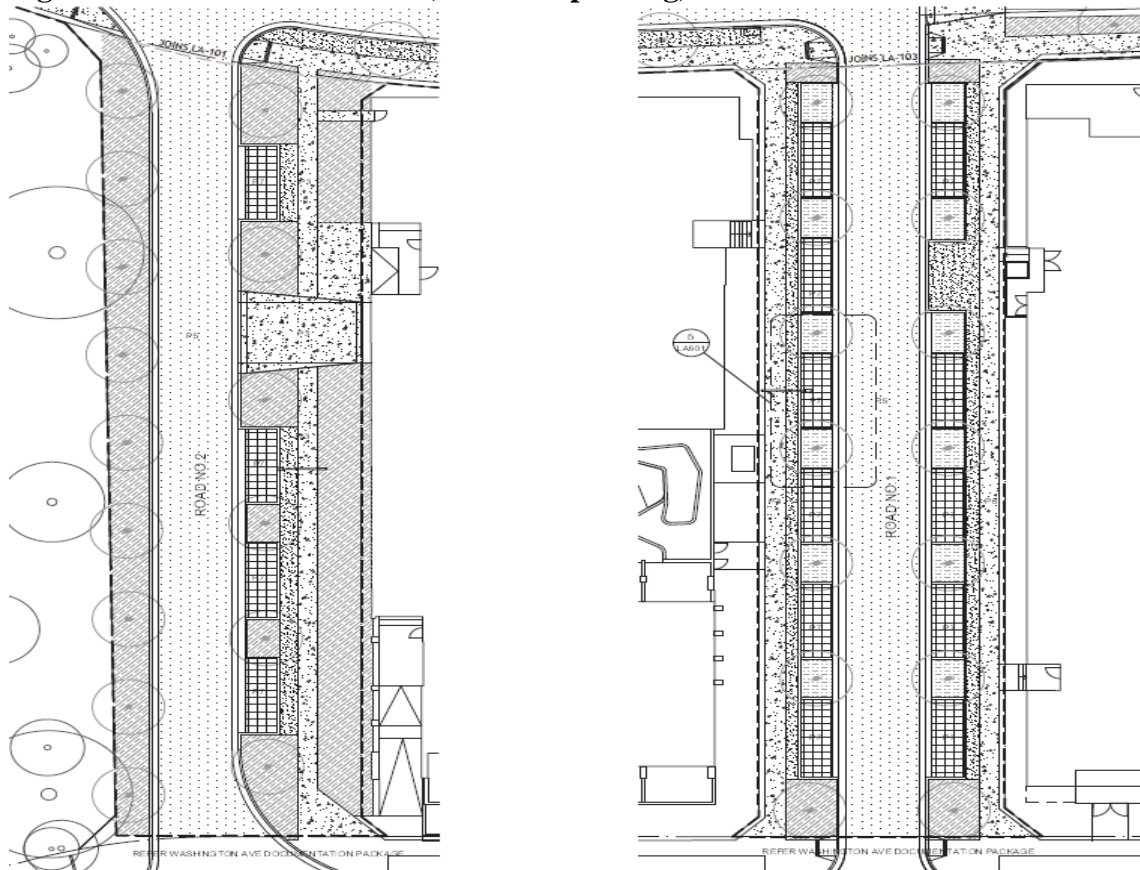
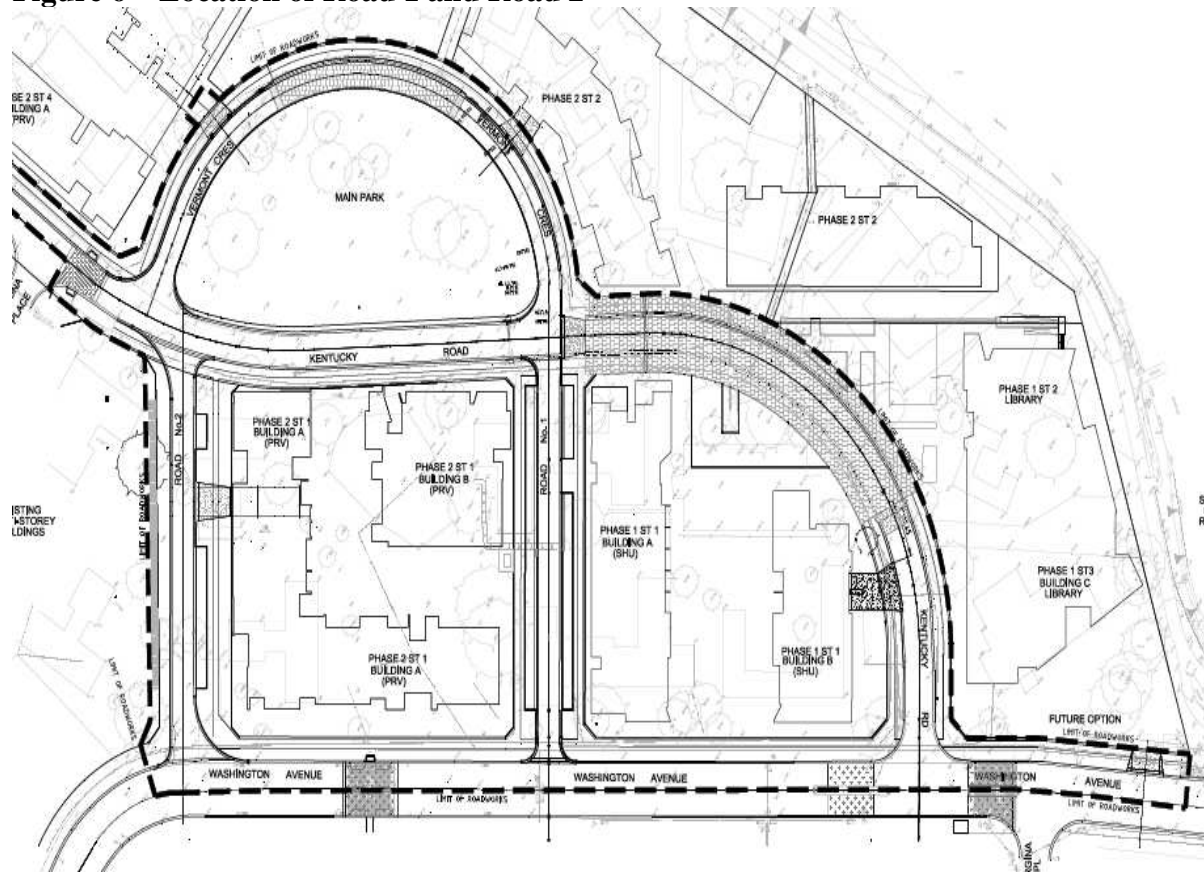


Figure 6 – Location of Road 1 and Road 2



- Canterbury Development Control Plan No. 28 – Flood Management and Flood Proofing**

A flood study forms part of the Project Design Report prepared by Warren Smith & Partners. The study was based on the detailed survey plans, including contours and spot levels.

All buildings within the Riverwood renewal site will be built above flood levels, in accordance with the provisions of DCP 28.

- Canterbury Development Control Plan No. 29 – Crime Prevention Through Environmental Design**

The proposed development has 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.

The development application has been accompanied by a detailed Crime Prevention Through Environmental Design assessment report. There are a number of key recommendations in this report. It is considered appropriate that these recommendations be implemented. Accordingly, it is considered appropriate that a condition be attached to any consent requiring these recommendations to be implemented.

The Crime Prevention Through Environmental Design assessment report submitted with

the application has been assessed by the Team Leader of Council's Youth and Safety section and is in accordance with Council's requirements. No objection is raised subject to conditions of consent being attached to any consent issued.

- **Canterbury Development Control Plan No. 32 – Notification Policy**

The development application was publicly exhibited and all adjoining owners notified of the proposed development in accordance with the provisions of Council's Development Control Plan No. 32 - Notification Policy. During this time, no submissions were received by Council.

- **Canterbury Development Control Plan No. 37 – Energy Smart Homes Code**

This DCP applies insofar as it aims to protect and maintain the solar access of immediately adjoining residential properties by ensuring it receives 2 hours sunlight between 9am and 3pm on June 21.

Given the height and scale of the proposed development, substantial shadow is cast upon the properties to the west at 9 am and substantial shadow is cast on the properties to the south east at 3pm. However the shadow study submitted clearly indicates that all properties in the vicinity receive the minimum requirement of 2 hours sunlight between 9am and 3pm on June 21, as required under Clause 7.9 of DCP 37

Accordingly it is considered that the current proposal complies with the solar access requirements of DCP 37.

- **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. Council's Landscape Architect has advised that the development is consistent with the provisions of DCP 45 and has recommended that a number of related conditions be included in any consent issued.

- **Canterbury Development Control Plan No. 48 – Waste Management**

The application has been reviewed in light of DCP 48. A number of issues have been identified, with particular concern raised in relation to the garbage room for the private apartments.

Clause 2.4 of DCP 48 requires the provision of 34 x 240L rubbish bins and 23 x 240L recycling bins to accommodate the 68 privately owned units. Given that a compaction unit is proposed the number of bins is reduced to 17 x 240L rubbish bins and 23 x 240L recycling bins.

The application is proposing 24 recycling bins, 23 general waste bins and 2 garden vegetation bins in the bin storage area. Although this meets the numerical requirements concern is raised in relation to the use of an independent compaction unit to manage waste onsite. Normally compaction units would be part of an overall automated system at residential properties, incorporating a garbage chute and bin carousel. With automated systems onsite managers are required to transport compacted bins to the collection area. The independent compaction unit proposed by the applicant appears to require a higher level of maintenance whereby bins will have to be moved to and from the compaction unit around three times in order to get the compaction rate of 2:1 they have nominated. This is not deemed to be acceptable.

Furthermore the waste area proposed cannot adequately accommodate the required number of bins proposed by the applicant in an acceptable and functional layout that is consistent with Appendix 4 of DCP 48. This is problematic from a user's perspective and for Council's waste contractor.

Appendix 4 (Waste Storage and Recycling Areas – Design and Access) of DCP 48 states that *“These areas should be capable of accommodating the allocated number of standard waste containers for residential premises or sufficient containers for commercial premises.”*

The current proposal provides a waste storage area for the private residential units that is substandard and cannot accommodate the required quantum of general waste and recycling bins as required under Appendix 4 of DCP 48.

Appendix 4 of DCP 48 also states that *“Bins shall not be placed one in front of another or in such a way as to restrict access to the bins for use. – bins should be easily accessible both for use by residents and movement by collectors.”*

The design of the waste storage area for the private residential units includes bins placed one in front of another, restricting access to the bins for use, with bins not easily accessible for use by either residents or collectors. The quantum of bins proposed is reliant on compaction taking place. However the configuration of the waste storage area for the private apartments does not lend itself to compaction taking place adequately.

Furthermore, Appendix 4 of DCP 48 states that *“Rubbish and recycling bins shall be stored separately within the area and the areas clearly signposted to identify the location for each type of bin. The two groups of bins (rubbish and recycling) shall be a minimum of 1.2 metres apart to facilitate use and collection.”* It is considered that the proposed waste storage area for the proposed private residential units does not comply with this requirement and is therefore substandard.

Given the number of non-compliances raised in relation to DCP 48, it is considered that the proposed development is substandard in relation to the provision of waste management facilities on site. The inadequate provision of a reasonably sized waste storage area for the private apartments would have a detrimental impact on the residential amenity of future occupants of the private residential units. The inadequate waste storage area may also result in waste contractors not being able to adequately service the proposed development. Should waste contractors refuse to service this development, this may result in large volumes of waste remaining on site for long periods of time, which would have clear detrimental impacts on the educational establishment, the private and social units located on site and property in the vicinity.

- **Canterbury Development Control Plan No. 51 – Access and Mobility**

The proposed development will provide sufficient facilities and provisions to ensure compliance with the requirements of the DCP. Council's Disability Access Worker has reviewed the proposal and advised that no objections are raised to the proposal subject to the inclusion of a number of conditions (should approval be issued) relating to the provision of disabled access facilities within the development.

- **Stormwater Management Manual ~ Specification 9**

The stormwater plan submitted with the application has been assessed by Council's Development Engineers and is in accordance with Council's requirements. No objection is raised subject to conditions of consent being attached to any consent granted.

- **Canterbury Section 94 Contributions Plan 2005**

Condition 11 of the PAC Concept Approval required the applicant to either enter into a Voluntary Planning Agreement (VPA) with Council or levy Monetary Contributions under Canterbury Section 94 Contributions Plan 2005. Since lodging this DA, the applicant has formalised a VPA which provides a community facility on this site for the benefit of the renewed Riverwood North neighbourhood. As the VPA has been accepted by Council the levying of Section 94 Contributions is not required.

LIKELY IMPACTS ON THE ENVIRONMENT

The scale and built form of the proposed development are not considered to be satisfactory. The proposal is expected to have detrimental impacts in terms of the natural or built environments, and the social and economic aspects, as discussed under the following headings below.

- **Amenity Considerations**

It is considered that the current proposal would not provide reasonable amenity for future occupants of the residential units, nor for future students and staff of the educational establishment. As discussed above the current proposed represents an over development of the subject site. The under provision of parking for the subject site, coupled with the inadequate provision of adequately sized waste storage areas for the private residential units, infer that the current proposal is an overdevelopment of the subject site.

It is considered that adequate parking and waste management facilities are vital with regard to providing adequate amenity to future occupants and students on site. It is clear that the lack of adequate parking and waste storage areas will have a detrimental impact on the amenity of future users of the site, but it will also have a detrimental impact on the amenity of other properties in the vicinity.

Firstly, with regard to waste management, it is considered that if the waste storage areas cannot be adequately serviced by Council contractors, this may result in large volumes of waste building amassing on site, which would be detrimental to the visual amenity of the area. Secondly, with regard to the under provision of parking on site, this may result in potential users of the subject site using any and all available on street parking in the vicinity, which would have an adverse impact on the residential amenity of other properties in the area.

- **Suitability of the Site**

These matters have been considered in the assessment of the development application. The proposed redevelopment of the site is considered acceptable in principle. However, given the shortfall in relation to the provision of parking for the proposed educational establishment, it is considered that the current proposal may be an overdevelopment of the subject site. This shortfall in off street parking would have a compounding effect that would have significant impacts on the availability of on-street parking in the Riverwood North Precinct. It is considered

that this would have a detrimental impact on the residential amenity of property in the vicinity.

- **Public Interest**

The proposed development is not consistent with the provisions of Development Control Plan 20 – Car Parking, and Development Control Plan 48 - Waste Management, as discussed in earlier sections of this report. The proposed development is considered to be an overdevelopment of the subject site and is expected to have an unreasonable impact on surrounding development. Refusal of the application is therefore considered to be in the 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.

Whilst it is acknowledged that the PAC concept approval relates to the subject development in part and that this approval did vary the building envelope controls of Council's DCP 13, this approval did not in any way vary the controls relating to waste management and off-street parking for the privately owned residential component of the development or the educational establishment.

With regard to DCP 20 it is considered that the current proposal does not provide adequate parking for the proposed private residential units or the educational establishment. Adequate parking has not been provided for the residential component of the scheme as the proposal relies on a number of substandard spaces. This issue combined with the under provision of parking for the educational facility is not considered to be acceptable and would have a detrimental impact on the amenity of future users of the site, as well as on the residential amenity of occupants of the units forming part of this application and on the amenity of property in the vicinity, due to the proposed uses expected to attract a higher level of vehicles that cannot be catered for on-site.

With regard to DCP 48, it is considered that the proposed development does not provide for a reasonable area for waste storage for the proposed private apartments. It is considered that this issue would significantly impact upon the amenity of residents of the proposed apartments. The applicant is proposing to provide a waste storage area that cannot be adequately serviced. This could result in large volumes of waste accumulating on site having a negative impact on the visual amenity of the proposed development as well as on the residential amenity of future residents of the proposed apartments on site.

The shortfall in parking combined with the inadequate provision of a reasonable sized area for waste storage, infers that the current proposal represents an overdevelopment of the subject site. Furthermore, it is considered that the waste management and parking issues that remain unresolved will undoubtedly give rise to amenity impacts that will impact residents of the complex, their visitors and users of the subject building as well as surrounding developments. It is therefore recommended that the application be refused.

RECOMMENDATION:

THAT the Joint Regional Planning Panel refuse Development Application 390/2012 for the demolition and construction of a mixed use building including an educational establishment, and residential flat building, in the following manner:

1. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not provide sufficient off-street parking to accommodate the proposed private residential units or the educational establishment and as such does not comply with the objectives of the Canterbury Development Control Plan 20 – Car Parking, including
 - A. Clause 1.5:
 - i. To ensure that an appropriate level of parking is provided on-site to support various land use activities and to minimise overflow of parking into surrounding streets.
 - ii. To ensure the provision of adequate visitor parking facilities for supporting business, retail, residential and mixed-use development.
 - iii. To ensure the adequate delivery and service areas, and the orderly and effective operation of loading and unloading activities within developments.
 - iv. Insufficient off-street parking for the residential component (8 substandard spaces proposed)
2. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as there is insufficient off-street parking provided to accommodate the likely parking demands associated with the educational establishment and as such is inconsistent with Clause 3.3 of DCP 20 and does not comply with the controls of the Canterbury Development Control Plan 20 – Car Parking, including
 - A. Table 3(a) Guideline Car Parking Rates.
 - i. The current proposal provides insufficient off-street parking and is not in accordance with the parking rates required in Table 3(a) of DCP 20 – Car Parking
 - B. Clause 4.2:
 - i. Car parking bays shall comply with the minimum dimensions specified in Table 4(b) (Minimum length 5.4m, Minimum width 2.5m)
 - C. Clause 4.12
 - ii. Car wash bays must be roofed and bunded to exclude rainwater.
3. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives of the Canterbury Development Control Plan 48 – Waste Management, including
 - D. Clause 1.5:
 - i. To provide for design and positioning standards for waste facilities, that assist waste and recycling collection and management services offered by Council and private contractors.
4. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does

not comply with the controls of the Canterbury Development Control Plan 48 – Waste Management, including

A. Appendix 4:

- i. Bin storage areas should be capable of accommodating the allocated number of standard waste containers for residential premises or sufficient containers for commercial premises.
 - ii. Rubbish and recycling bins shall be stored separately within the area and the areas clearly signposted to identify the location for each type of bin. The two groups of bins (rubbish and recycling) shall be a minimum of 1.2 metres apart to facilitate use and collection.
 - iii. Bins shall not be placed on in front of another or in such a way as to restrict access to the bins for use. – bins should be easily accessible both for use by residents and movements by collectors.
5. The proposed development, pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, is unsatisfactory and is likely to adversely impact on the amenity of adjoining residential development.
6. Having regard to the previous reasons noted above, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.