

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	<b>2013SYE028</b>
<b>DA Number</b>	<b>DA-97/2013</b>
<b>Local Government Area</b>	<b>City of Canterbury</b>
<b>Proposed Development</b>	<b>Construction of an in-fill affordable housing development involving 3 buildings that comprise 137 residential units, a private community facility and two health consulting rooms over basement car parking area</b>
<b>Street Address</b>	<b>5-7, 7A &amp; 9 Croydon Street, Lakemba (Lot 1 DP 974686, Lot 2 DP 971844, Lot B DP 365853, Lots A &amp; B DP 357959 &amp; Lot A1 DP 372287)</b>
<b>Applicant/Owner</b>	<b>Sam Harb Pty Ltd and Samstone Pty Ltd</b>
<b>Number of Submissions</b>	<b>Seven submissions (four of which are pro forma letters)</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Rita Nakhle Senior Planner</b>

### Assessment Report and Recommendation

#### EXECUTIVE SUMMARY

- Council has received Development Application (DA-97/2013) for the construction of an in-fill affordable housing development involving 3 buildings that comprise 137 residential units, a private community facility and two health consulting rooms over basement car parking area, at the subject site.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.
- It is proposed that 105 of the proposed 137 residential units are to be allocated and used as affordable housing to be managed by a registered community housing provider and used as affordable housing for a period of 10 years as per the provisions of Part 2 Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP 2009), allowing the development to be of a higher density than what is typically permitted in the subject zone, under local planning controls.
- The subject site is zoned R4 High Density Residential under Canterbury Local Environmental Plan 2012. A 'residential flat building' is a permissible development in this subject zone. The 'community facility' located on the ground floor of 'Building C' is for private use by residents only, and as such is

considered to be a permissible ancillary use to the 'residential flat building'. The two 'health consulting rooms' located on the ground floor of 'Building C' and facing Croydon Street, are permissible as they are defined under 'health services facility' in Division 10 Clause 56 of State Environmental Planning Policy (Infrastructure) 2007 being in the 'prescribed zone' of R4 High Density Residential.

- The development application has been assessed against the provisions contained in State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development, State Environmental Planning Policy (Building Sustainability Index) BASIX 2004, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposal is found to generally be in compliance with the requirements of these policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012. We received seven submissions (four of which are pro forma letters) objecting to the proposal in response. The issues raised in the submissions and our responses to those issues are provided in the body of this report.
- The development application is recommended for approval subject to conditions.

## **BACKGROUND**

On 11 August 2011, the Sydney East Joint Regional Planning Panel approved Development Application DA-54/2011 (JRPP No. 2011SYE029) for 'demolition of existing structures and construction of an in-fill affordable housing development consisting of 89 residential units and two health consulting rooms with basement car parking and associated landscaping' subject to conditions.

On 22 March 2013, a Section 96 application to modify Development Consent DA-54/2011 to allow removal of five trees along the western boundary of the site, was approved.

The new Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 have since become effective, allowing a greater height limit and floor space ratio on the subject site. This has prompted the applicant to submit the subject application which proposes a higher and denser development than what was originally approved under Development Consent DA-54/2011, and more in line with what is now allowable under the relevant Council plans.

## **SITE DETAILS**

The subject site incorporates No.'s 5-7, 7 & 9 Croydon Street, Lakemba, with the primary frontage being along Croydon Street which is 44.64 metres in length, and the secondary frontage along Railway Parade, is 7.34 metres in length. The total site area is 6377.7m<sup>2</sup>.

The site, until recent demolition works, was occupied by eight detached single storey residential buildings containing in total 20 dwellings, some outbuildings, hardstand areas, associated landscaping and trees. Demolition work is currently being carried out on site as per approval issued under Development Consent DA-54/2011.

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



*Subject Site*

## **PROPOSAL**

The proposed development involves the demolition of existing structures and the construction of an in-fill affordable housing development involving 3 buildings that comprise 137 residential units, a community facility and two health consulting rooms over basement car parking area, at the subject site.

In detail, the development involves the construction of three buildings with Building A being part five, part six storeys in height and containing 48 units, Building B being part five, part six storeys in height and containing 51 units, and Building C being part five, part six storeys in height and containing 38 units, with two 'health consulting rooms' on the ground floor facing Croydon Street, and a private community facility/room to use only by residents of the development. Of the total 137 residential units, 14 of them are proposed to be of an 'adaptable' design, and 105 of them are proposed to be allocated as 'affordable rental housing'. A two level basement car park is proposed which is accessed via driveways on both Croydon Street and Railway Parade. This car park contains 189 spaces (including 17 disabled spaces), bicycle parking, storage spaces associated with the residential units, and garbage rooms.

## **STATUTORY CONSIDERATIONS**

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this

regard, the following environmental planning instruments, development control plans (DCPs), codes and policies are relevant:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Section 94 Contributions Plan

## **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 (Affordable Rental Housing) 2009**  
The application is for an in-fill affordable housing development lodged pursuant to the provisions of ARH SEPP. The ARH SEPP aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, the policy provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and minimum development standards. The proposed development compares to the relevant provisions of the ARH SEPP as follows:

### ***Part 2 Division 1 In-Fill Affordable Housing***

Clause 10 of the ARH SEPP states that this Division applies if the development concerned is permitted with consent under another environmental planning instrument, and is within an accessible area of within 800 metres of a railway station. The proposed development is permitted with consent under Canterbury Local Environmental Plan 2012 and is within an accessible area, being approximately 120 metres from Lakemba Railway Station.

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

It is proposed that at least 50% of the gross floor area of the development will be used for affordable housing (approximately 6788.42m<sup>2</sup> of a total of 8941.39m<sup>2</sup> in gross floor area (of residential units), representing 76%, which is provided across a total of 105 dwellings)

In this regard, the proposed development benefits from the bonus floor space ratio of 0.5:1, which is added to the base required floor space ratio of 1.6:1, totalling to a maximum floor space ratio of 2.1:1 for the development. The proposal involves a floor space ratio of 1.76:1, which complies with this part of the ARH SEPP.

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

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
Site Area	Min. 450 square metres	6377.72 square metres	Yes
Landscaped Area	Min 30% of the site area	Approximately 36% of site area provide as landscaped deep soil area	Yes
Deep Soil Zone	15% of the site area. Deep soil zone has a minimum dimension of 3 metres. If practical, at least two-thirds of the deep soil zone is to be located at the rear of the site	Approximately 36% of the site area provided as landscaped deep soil area, with dimensions of 3 metres or more, and more than two-thirds of this zone provided at the rear part of the site	Yes
Solar Access	Living rooms and private open space areas for a minimum of 70% of the dwellings are to receive a minimum of three hours sunlight between 9.00am and 3.00pm at the Winter Solstice	Living rooms and private open space areas for 70.8% (97 of the total 137) of the dwellings receive adequate sunlight access	Yes
Car Parking	At least 0.5 space are to be provided for each of the 75 x 1 bedroom dwelling, 1 space per each of 55 x 2 bedroom dwelling and 1.5 spaces per each of the 7 x 3 or more bedroom dwelling – Total 103 spaces	Basement carpark provides for a total of 172 residential car parking spaces	Yes
Dwelling Size	Gross Floor Area: Studio – 35m <sup>2</sup> 1 bedroom – 50m <sup>2</sup> 2 bedrooms – 70m <sup>2</sup> 3+ bedrooms – 95m <sup>2</sup>	All dwellings are sized according to the minimum required areas	Yes

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

Clause 16 of the ARH SEPP states that nothing in ARH SEPP affects the application of *State Environmental Planning Policy No 65—Design Quality of*

*Residential Flat Development* (SEPP 65) to any development to which this Division applies. Accordingly, SEPP 65 is addressed later in this report.

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

In addressing this Clause, the applicant has provided the following comments in the Statement of Environmental Effects:

- The design seeks to create a development that fits into the desired future character of the locality with high density housing meeting demand from the local housing market, health consulting rooms that activate the streetscape and serve the local community next to the town centre, and a design that meets relevant standards and guidelines aimed at respecting the amenity of adjacent development;
- The scale, bulk and height of the proposed building at 5 and 6 storeys is consistent with the desired future character of the area as a high density residential zone and complies with the maximum building height limit in the CLEP 2012, and floor space ratio under the ARH SEPP;
- The proposed development fits into the streetscape of Croydon Street (North) by providing a mixed use residential flat building with ground level health consulting rooms...and upper residential levels;
- The proposed development will not have any unreasonable impacts or interface issues with surrounding properties in terms of visual and acoustic privacy, sunlight access, or views.

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

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

Having regard to the existing and evolving built form of the locality, the location of the site being on the fringe of the Lakemba Town Centre with some adjoining properties permitted to develop up to 21 metres in height and a floor space ratio of 1.8:1, the setbacks provided which aim to reduce amenity impacts onto neighbours, and the quality design of the development which has adequately addressed the relevant design requirements of SEPP 65, the proposed development is compatible with the existing and future character of the local area.

Clause 17 of the ARH SEPP states the affordable housing dwellings within the development will be used for affordable housing for a period of ten years,

managed by a registered community housing provider. Relevant conditions can be imposed to ensure that the proposed development satisfies this clause.

Clause 18 of the ARH SEPP states that such development may be subdivided with development consent. The subject application does not seek to subdivide the land under strata title.

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

This policy applies to residential flat buildings of three or more storeys and is required to be considered when assessing this application. SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing “good design”. Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted.

In addition, SEPP 65 requires the assessment of any DA for residential flat development against ten principles contained in Clauses 9-18 and Council is required to consider the matters contained in the RFDC. An assessment of the proposal under the provisions and “Rules of Thumb” in the RFDC indicates that the proposal is consistent with the recommended design standards.

#### Context

The proposed development is consistent with the future character of the area and is a permissible use within the zone. Higher density residential development will be a characteristic of the area adjacent to the business centre. The design of the building includes a mix of building materials and finishes which breaks up the bulk of the building and presents an acceptable design.

#### Scale

The scale and built form of the proposed development is consistent with the scale of developments which we are encouraging in this area. The development does not exceed the maximum height permitted for this site, and involves a floor space ratio of 1.76 where the maximum allowable floor space ratio is 2.1:1 (1.6:1 under CLEP 2012, plus 0.5:1 as the proposal is made under the provisions of ARH SEPP).

#### Built Form

The proposal achieves the built form objectives as it contributes positively to the streetscape and generally provides good amenity for residents. All dwellings are reasonable in dimension and have balconies and/or courtyards that provide reasonably good amenity and are accessible from living areas.

#### Density

The densities proposed are consistent with the density provisions that apply to the site under State Environmental Planning Policy (Affordable Rental Housing) 2009.

### Resource, Energy and Water Efficiency

The proposal has been assessed against BASIX and adequately meets all required categories of water, thermal comfort and energy.

The RFDC requires that 60% of the units be cross ventilated. The plans submitted demonstrate that 60.6% of the dwellings will be cross ventilated. In addition, the RFDC requires that 70% of units receive direct solar access to their living spaces. The proposal allows for 72.46% of the dwellings to receive a minimum of 2 hours solar access to their living spaces and balconies.

### Landscape

The proposed development complies with the minimum required landscaped open space areas and deep soil zones as required under State Environmental Planning Policy (Affordable Rental Housing) 2009. Further, the landscape plan has been reviewed by our Landscape Architect and is acceptable subject to conditions of consent.

### 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 or balconies.

### Safety and Security

Satisfactory provision for security is provided. The proposal has been reviewed in accordance with Council's Crime Prevention through Environmental Design controls outlined in Part 6.3 of CDCP 2012 and the proposal is consistent with these principles.

### Social Dimensions and Housing Affordability

The proposed development is located in close proximity to public transport and retail precincts. The mixed use development will add to the range of dwelling size options within the Canterbury LGA and will optimise the provision of housing to suit the social mix. The proposed development will also add to the affordable housing stock in the area.

### Aesthetics

The application is accompanied by a Design Verification Statement confirming that the proposed development achieves the design quality principles contained in the SEPP. The overall aesthetic of the building is suitably designed and is expected to positively contribute to the desired future character of the locality.

The proposal is generally consistent with the provisions of SEPP 65 and the Residential Flat Design Code prepared by the Department of Planning and Infrastructure.



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

BASIX Certificate 472951M\_02, dated 18 June 2013 accompanies this application. The commitments to be shown at DA stage include the provision of low water use vegetation, a 5 star instantaneous gas hot water system, insulation, cooling and heating commitments. The project scores a pass for water, energy and thermal comfort commitments.

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

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

- **State Environmental Planning Policy No.55 – Remediation of Land**

Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land.

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

The applicant has submitted a “Preliminary Environmental Site Assessment” prepared by Pinestreet Development (March 2013) which concludes that the subject site is suitable for the proposed development provided that:

- a Hazardous Materials Assessment (HAZMAT) be carried out prior to redevelopment of the site;
- any soils proposed for removal from the site should initially be classified in accordance with the ‘Waste Classification Guidelines, Part 1: Classifying Waste’ NSW decc (2009); and
- site works to cease and the environmental consultant be notified to set up a response to unexpected occurrences during site works (i.e. significant odours, evidence of gross contamination).

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

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

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

As such, the application was referred to the Roads and Maritime Services (RMS) for comment and concurrence. The RMS has advised that it raises no objection to the proposed development as the proposed development will not have a significant traffic impact on the classified road network. The imposition of RMS conditions is not required in this instance.

Further, in regard to permissibility, the two 'health consulting rooms' located on the ground floor of 'Building C' and facing Croydon Street, are permissible as they are defined under 'health services facility' in Division 10 Clause 56 of State Environmental Planning Policy (Infrastructure) 2007 being in the 'prescribed zone' of R4 High Density Residential.

- Canterbury Local Environmental Plan 2012**

The subject site is zoned R4 High Density Residential under Canterbury Local Environmental Plan 2012. A 'residential flat building' is a permissible development in this subject zone. The 'community facility' located on the ground floor of 'Building C' is for private use by residents only, and as such is considered to be a permissible ancillary use to the 'residential flat building'.

As stated above, the two 'health consulting rooms' located on the ground floor of 'Building C' and facing Croydon Street, are permissible as they are defined under 'health services facility' in Division 10 Clause 56 of State Environmental Planning Policy (Infrastructure) 2007 being in the 'prescribed zone' of R4 High Density Residential.

The proposal compares to the further relevant provisions within CLEP 2012 as follows:

Standard	Requirement	Proposal	Complies
Zoning	R4 – Medium Density Residential	The proposed development is permissible with our development consent	Yes
Building height	18m	Max 18m	Yes
Floor Space Ratio	1.6:1 + 0.5:1 (under ARH SEPP) = 2.1:1	1.76:1 (includes gross floor area of all residential units, private community facility and health consulting rooms)	Yes

The proposed development is consistent with the relevant zoning and provisions of CLEP 2012.

- Canterbury Development Control Plan 2012**

## **PART 2 – RESIDENTIAL NEIGHBOURHOODS**

An assessment of the proposal against the numerical requirements of Part 2 Residential Neighbourhoods of Canterbury Development Control Plan 2012 (CDCP) is detailed below.

Standards	Requirements	Proposal	Complies
<b>Site and Envelope Controls</b>			
Minimum Frontage	Min 30m for 4-6 storey Residential Flat Building	44.64m	Yes
Building Height	Max 5 storey, with 3 storey podium, where the height of buildings is 18m on the Map	5-6 storeys – with a predominantly 4 storey podium	No – see comments below
Depth/Footprint	Max 25m – may be increased to 35m for facades that incorporate deep soil courtyards	Building A – 60m Building B – 57.5m Building C – 60m	No – see comments below
Front Boundary Setback	Min 6m, average 7m	Building C (at the front of the site) has a zero front setback to Croydon Street at the ground floor level and a setback of between 2m and 5.3m to the wall of the proposed building	No – see comments below
Rear Boundary Setback	Min 6m, average 7m for 1-3 storey, and min average 10m for 4-6 storey	Building B – 8.87m for 1 – 3 storey, 4-5 storey at 8.87m and 6 storey at 36m	Yes, except for 4-5 storey component
		Building A – 4.7m for 1-5 storey and 29m for 6 <sup>th</sup> storey	No – see comments below
Side Setback	Min 3.5m, average 4m for 1-3 storey, and min 9m (given 6m side setbacks provided in design) for 4-6 storey	Northern Side 1-3 storey – min 6m	Yes
		Southern Side 1-3 storey – min 6m	Yes
		Northern Side 4-6 storey – min 6m	No – see comments below
		Southern Side 4 storey – 6 metres	No – see comments below
		Southern Side 5-6 storey – 9.3m – 11.2m	Yes
Building Separation	Less than 5 storeys – at least 12m between	Building A to Building B – min 12 m provided for	Yes

	windows and/or balconies	1-4 storeys	No
	Five or six storeys – at least 18m between windows and/or balconies	Building A to Building B - min 14.4m provided for 5-6 storeys  Building B to Building C – min 11.8m provided for all 1-6 storey	No
Basement Parking	Provide basement parking for 3 or more storey residential flat building that maximises the amount of deep soil for canopy planting, give ground floor dwellings access to ground level courtyards and allow ground floor dwellings to address the street	The design of the basement carparking allows for sufficient amount of deep soil planting for the development site, and ground floor courtyards are provided for all ground floor dwellings. Health Consulting Rooms address the street and activate that part of Croydon Street which is considered acceptable given the location of the site	Yes
<b>Design Controls</b>			
Context	Features of existing buildings that influence streetscape and local character are either maintained or reflected in adjacent and nearby new buildings	Proposed developments is in keeping with the desired future character of the local area	Yes
Street Address	Facilitate positive interaction between the private and public domain. Promote casual surveillance.	Health Consulting Rooms proposed along the ground floor front elevation of the development facing Croydon Street which will activate that part of the street and promote casual surveillance along with all windows and balconies along the upper levels of Building C facing the street	Yes
Façade Design & Articulation & Roof Design	Effective modulation and variation of building design. All elements of the façade and roof are integrated into the	The design of the proposed development uses effective modulation and variation of roof and	Yes

	architectural form and detail of the building, and present an appealing streetscape appearance. Roof design is compatible with the building style and use	elevations that reduce visual bulk and provides design interest. A satisfactory roof design is provided that relates to the size and scale of the subject development and zone.	
Fences	Provide boundary definition by construction of an open fence or hedge to the street boundary - no higher than 1.2 metres, although screens with 50% transparency may be up to 1.8 metres high	No front fencing provided given the zero front setback of the development	Yes
Service and Utility Areas	Reduce impact of services and utilities through their integration with the design of landscaped areas and buildings	Service and utility areas are integrated in the design of the development – facilities are not visually obstructive	Yes
<b>Performance Controls</b>			
Visual Privacy	Reasonable levels of visual privacy available for residents  Visual privacy is not compromised	The proposed development is designed so that it does not compromise visual privacy enjoyed by future occupants and neighbouring residents. Balconies and habitable rooms are orientated away from each other and screening is provided to ensure adequate privacy and views.	Yes
Acoustic Privacy	Reasonable levels of acoustic privacy are available for residents	The proposed development provides for a reasonable level of acoustic privacy.	Yes
Open Space	Min area of 9m <sup>2</sup> provided for each 1 bedroom dwelling, 12m <sup>2</sup> provided for each 2 bedroom dwelling and 16m <sup>2</sup> provided for each 3 bedroom dwelling  Private Open Space	Each unit is provided with a courtyard/ balcony area that is consistent with the relevant area requirements  Private open space is	Yes  Yes

	(POS) directly accessible from a living room, dining room or a family room with	directly accessible from the living areas of all dwellings	
	POS minimum dimensions of 2.5 metres	POS provided with minimum dimensions of 2 metres	No
	Communal areas of at least 15% of the open space on a site that is created by the required setbacks and building separations	Communal landscaped open space is provided at ground level across the site with more than 15% of the setbacks and building separation proposed as communal open space	Yes
Internal Dwelling Space and Design	Living area - min width 3.5m	Living room >3.5m wide	Yes
	Main bedroom min width 3.5m	Main bedrooms <3.5m width	No
	Secondary bedrooms min width 3m	Secondary bedrooms at least 3m width	Yes
	Min. storage area of 6m <sup>3</sup> provided for each 1 bedroom dwelling, 8m <sup>3</sup> provided for each 2 bedroom dwelling and 10m <sup>3</sup> provided for each 3 bedroom dwelling	Each unit is provided with storage area that is consistent with the relevant area requirements	Yes

As noted in the above table, the proposed development does not comply with the requirements relating to building height, building footprint, building setbacks, building separation, and private open space and main bedroom dimensions of our CDCP 2012. These matters require further discussion as below:

#### Building Height

Part 2.1.5 of CDCP 2012 requires the maximum height of buildings that are indicated on CLEP 2012 map as being of maximum height of 18 metres, to be 5 storeys with a 3 storey podium.

The proposed development involves three buildings across the site, that are five to six storeys in height with a predominantly 4 storey podium. Whilst this is non-compliant with the number of storeys stipulated in CDCP 2012, it is considered acceptable given that the applicant has maintained a maximum

building height of 18 metres across the development site which is consistent with the height requirements under CLEP 2012.

#### Building Depth / Footprint

Part 2.1.6 of CDCP 2012 states that the building depth/footprint of residential flat buildings in the R4 zone to be maximum 25m, with an exception to be increased to 35 metres for facades that incorporate deep soil courtyards. As proposed, the proposed Building A and Building C have a depth of 60 metres and Building B has a depth of 57.5 metres, with extensive deep soil areas between buildings on site and around the perimeter of the site.

The applicant states that the proposed development has been orientated so that natural daylight access to each apartment is maximised with the design allowing for a maximum number of units to be predominantly north facing and receiving optimal access to natural daylight in compliance with the 'rule of thumb' in the RFDC with 72.46% of units receiving direct solar access to their living spaces. Given that the objective of this Part 2.1.6 is that 'natural daylight is available in all parts of a dwelling so that artificial light is not necessary during daylight hours', it is considered acceptable to support the proposed building depth/footprint of the proposed development.

In further supporting this variation, it is noted that the previous Development Consent DA-54/2011 on the subject site involves generally the same building depth as currently proposed under this application as previously Council did not stipulate controls for building depth/footprints.

#### Front, Rear and Side Boundary Setbacks

##### *Front and Rear Setbacks*

Part 2.1.7(xxix)&(xxxii) of CDCP 2012 states the front and rear setbacks of residential flat buildings in the R4 zone are to be a minimum 6 metres and average 7 metres from the respective boundaries for 1 to 3 storey component of the building, with the 4 to 6 storey component requiring an additional 3 metre setback from the outermost walls of the podium.

Building C (at the front of the site) has a front setback of zero to Croydon Street at the ground floor level which involves health consulting rooms appropriately located along the front street boundary to activate the street and create a building edge that allows a visual connection between the passerby and visibility that the ground floor space is non-residential in usage. The upper levels are setback between 2 metres and 5.3 metres providing articulation in the building façade and providing a reasonable transition between the adjoining building to the north which has a setback of approximately 1 metre to Croydon Street and to the property to the south which has a setback of approximately 7.7 metres to Croydon Street.

Building A (at the rear southern part of the site) has a rear setback of 4.7 metres for the 1 – 5 storey component, and 29 metres for the 6 storey component. The applicant has stated that Building A is provided with a lesser non-compliant setback (for the 1-5 storey component) as it is directly adjacent

to the public open space known as Jubilee Park at the rear, providing good casual surveillance to this area whilst not compromising the amenity of any adjoining residents.

Building B (at the rear northern part of the site) has a complying rear setback of 8.87 metres for 1 to 3 storey component, a non-complying 8.87 metres for the 4 to 5 storey component and a complying 36 metre for the 6 storey component. The proposed setback for the 4 to 5 storey component represents a variation of 11.3% (or 1.13 metres short of the required 10 metre setback). The applicant notes that Building B is oriented with its side to the adjacent multi-unit residential building at 216-218A Lakemba (being the property mostly affected by this variation) with the primary outlook of apartments away in other directions therefore not creating any unreasonable privacy issues. It is further noted that the shadow diagrams show that the adjacent multi unit residential building to the west will maintain adequate solar access during the day at all times of the year, and the proposed development will have minimal impact on it other than early mornings in summer months.

#### *Side Setbacks*

Part 2.1.7(xxx)&(xxxii) of CDCP 2012 states the side setbacks of residential flat buildings in the R4 zone are to be a minimum 3.5 metres and average 4 metres from the respective side boundaries for 1 to 3 storey component of the building, with the 4 to 6 storey component requiring an additional 3 metre setback from the outermost walls of the podium (this resulting in a required side setback of 9 metres for the subject development for the 4 to 6 storey component given the provided minimum 6 metre setback along the 1 to 3 storey component).

The proposal involves variations to the side setback requirements along the northern side setback for the 4 to 6 storey component which is setback at 6 metres, and along the southern side setback along the four storey component (of Building A) which is setback at 6 metres.

*In regard to the above, the applicant justifies the variation by stating that ‘...to the immediate north of the site is one storey commercial office and warehouse development and two storey Greek Orthodox Club which have a primary outlook to the north away from the site and car parking to the rear adjacent to the side boundary...The proposal will not have any significant impact on these commercial properties to the north in terms of solar access, acoustic or visual privacy or views...the proposed 6 metre setback of the 5<sup>th</sup> and 6<sup>th</sup> storeys from the northern boundary is justified on the grounds that adequate building separation is maintained with existing buildings and the allowable DCP building envelope on the adjoining property to the north (as per Part 3.1.8 Setbacks/Building Height Plane)....*

The southern elevation of the proposed development is mostly compliant with the relevant side setback requirements with the exception of the 4<sup>th</sup> storey component of Building A which is setback 6 metres, thus non-compliant with the required 9 metre setback. This relates to a length of the building that extends a total of 39 metres (of a total site depth of 123 metres), and involves



two bathroom highlight windows, four living room windows, a study room window, two bedroom windows and side elevations of balconies. Given the small extent of side setback non-compliance along the southern side elevation, and that the reduced setback is unlikely to add to any privacy impacts, it is considered acceptable to support this variation.

#### Building Separation

Part 2.1.9 of CDCP 2012 states that for residential flat buildings that are less than 5 storeys, at least 12 metres of separation is to be provided between windows and/or balconies, and for five and six storeys, at least 18 metres of separation is to be provided.

The separation between Building A to Building B for the 1 to 4 storey component is at least 12 metres and thus compliant with the relevant separation requirement. However, for the 5 to 6 storey component, the separation between these two buildings is at the closest point 14.4 metres between windows and/or balconies. The applicant acknowledges this variation and states that it is justified by a design that orientates balconies and habitable windows away from each other with screening included to protect the amenity of residents. The separation provided does not compromise the proposal's compliance with dwellings receiving adequate sunlight access.

The separation between Building B and Building C from 1 to 6 storeys is 11.8 metres. The variation is only minor (being 0.2 metres) for the 1 to 4 storey part of the building which is considered acceptable. For the 5 to 6 storey component this variation relates to a building part which is only 5.2 metres in length and which does not compromise the intent and objective of building separation which is to achieve reasonable sunlight and privacy to residents in new buildings and residents in existing buildings.

#### Private Open Space Dimensions

Part 2.3.3(xii) of CDCP 2012 requires that one area of at least 2.5m by 2.5m be provided that is suitable for outdoor dining area and can accommodate a dining table and two to four chairs. The proposed development is non-compliant with this requirement as it provides balconies of width of at least 2 metres. This is considered acceptable in this instance given the proposal is being considered under SEPP 65 which considers a 'rule of thumb' of 2m deep balcony as sufficient and able to accommodate a table and two chairs.

#### Main Bedroom Dimensions

Part 2.3.4(ii) of CDCP 2012 requires that the main bedroom in a dwelling/unit have a minimum width of 3.5 metres. The proposed development involves main bedrooms of width of at least 3 metres, therefore not complying with this requirement. The applicant has stated that the proposed units have been sized so that an affordable housing outcome can be achieved whilst still allowing for appropriate light and ventilation for each unit, and accommodating typical furniture. The variation to the main bedroom dimensions is considered acceptable and is worthy of support in this instance.

## **PART 6 – GENERAL CONTROLS**

The proposed development compares to Part 6 of CDCP 2012 as follows:

#### Part 6.1 Access and Mobility

The Disability Access Committee has provided its comments in relation to the development. The Committee raised no objection to the development proceeding subject to the imposition of conditions of consent, requiring that the development must be designed and constructed to comply with the Disability Discrimination Act, 1992, Disability (Access to Premises – Buildings) Standard 2010, and National Construction Code.

#### Part 6.2 Climate and Resource Efficiency

Part 6.2.6(i) of CDCP states that for new residential buildings that are of 3 or more storeys in height, that at least 75% of the residential dwellings' living room and private open space receive at least 2 hours of sunlight between 9am and 3pm in mid-winter. The proposed development has 72.46% of dwellings receiving 2 hours of sunlight access between 9am and 3pm in mid-winter. Whilst strictly non-compliant with the CDCP requirement, it is noted that that 70.29% of dwellings receive 3 hours of sunlight access between 9am and 3pm in mid-winter which is consistent with the SEPP 65 Residential Flat Design Code 'rule of thumb' that *'...living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable'*. As such, it is considered acceptable in this case to support the variation.

Further, Part 6.2.7(iii) states that natural cross ventilation must be provided to at least 60% of dwellings, and natural ventilation to 25% of kitchens in multi unit developments. Accordingly, 60.6% of the proposed dwellings have natural cross ventilation, and 32% of kitchens have natural ventilation.

In regard to the development's impact on sunlight access to its adjoining neighbours, the applicant has provided a revised design of the proposed development whereby 'Building C' located at the front of the site facing Croydon Street has been set forward to have zero setback to Croydon Street, thereby maximising the separation between this building and 'Building B' to its rear, to a gap of 11.8 metres which will provide for direct sunlight access, between 12 and 2pm, to the private common open space at the rear part of the adjoining property to the south at 11 Croydon Street. Adequate side setbacks have been provided to this part of the development (which directly adjoins 11 Croydon St) to ensure maximum adequate to sunlight whilst developing the site in height and density to its best potential under the ARH SEPP provisions.

In regard to sunlight access to the rear of the adjoining neighbours along Railway Parade, the proposed development does cause overshadowing impacts in excess of what was approved under the previous Development Consent DA-54/2011, however, it is noted that the proposed 'Building A' has been designed to provide reasonable separation and privacy interface with the adjacent properties at Railway Parade. The adjoining properties along Railway Parade maintain the potential for future residential development (now being Zoned R4

High Density Residential with an allowable maximum building height of 21 metres) that could meet the relevant solar access requirements.

#### Part 6.3 Crime Prevention Through Environmental Design

The proposed development will not contribute to creating opportunities for additional criminal activity and is consistent with the objectives and principles in Part 6.3 of CDCP 2012 relating to natural surveillance, access control and ownership. The applicant has provided us details of the following measures which have been included in the design:

- *Natural Surveillance* – clear views between residential apartments and common open space, accessways, streetscape and adjacent park; clear lines of sight and lighting along accessways and through access common doors; active shopfronts along Croydon Street (North) frontage; and, CCTV on street frontage and basement access;
- *Access Control* – locks requiring key access and security intercom at boundary gates, building doors, basement carparks and lifts; and
- *Ownership* – clear definition between public and private spaces and maintenance through strata management of the development.

Further, the proposal has been assessed by our Community Safety Committee who has advised that no objection is raised to the proposed development provided relevant conditions are imposed on any consent issued relating to crime prevention and community safety matters.

#### Part 6.4 Development Engineering, Flood and Stormwater

The stormwater proposal submitted with the application has been assessed by our Development Engineer and is in accordance with our stormwater disposal requirements. No objection is raised subject to conditions of consent being attached to any consent granted.

#### Part 6.6 Landscaping & Part 6.7 Preservation of Trees or Vegetation

The proposal has been reviewed by our Landscape Architect who has advised that no objection is raised from a landscaping perspective, subject to appropriate conditions, being imposed on any consent issued.

#### Part 6.8 Vehicle Access and Parking

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

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

Under the ARH SEPP, the development is required to provide a minimum of 0.5 spaces per 1 bedroom dwelling, 1 space per 2 bedroom dwelling and 1.5 spaces per 3 bedroom dwelling, requiring a total of 103 spaces. A total of 172 spaces are provided in the proposed basement carparking area of the development for the residential component, which meets this requirement.

The proposal compares to the additional relevant requirements of Part 6.8 of CDCP 2012 as follows:

Standard	Requirement	Proposal	Complies
Parking - Health Consulting Room	2 spaces per Health Consulting Room → 18 spaces based on a total of 9 consulting/treatment rooms	17 spaces provided	No – a condition to be imposed requiring Carspace CO8 'Visitor' to be allocated to the health consulting rooms
Bicycle Spaces – Residential	Residents – 1 space per 5 units Visitors – 1 space per 10 units Total – 41 spaces	A total of 52 bicycle spaces are allocated to the residential use and a total of 4 spaces are allocated for the health consulting rooms (which is considered to be sufficient for up to 8 employees)	Yes
Health Consulting Room	1 space per 2 employees (unknown number of employees)		

The proposed development is consistent with the relevant car parking and access requirements in CDCP 2012 with the exception of allocating an additional car parking space to the health consulting room use which is to be made conditional on any consent issued.

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

#### Part 6.9 Waste Management

The development application was referred to our Waste Service section who have raised no objection in principle to the proposed development on waste management grounds subject to the imposition of conditions on any consent issued.

- **Section 94 Contributions Plan**

The proposed development which involves 11x large, 56 x medium and 70 x small dwellings to the site attracts a contribution of \$1,164,652.05. A credit of 3 x large, 3 x medium and 14 x small dwellings has been applied for the existing 20 residential dwellings on the subject site. This contribution is subject to indexing.

## ADDITIONAL CONSIDERATIONS

- **Acoustics**

Given the location of the site being in close proximity to a railway line, busy road and a mix of land uses, the applicant provided a Rail Noise and Vibration Assessment (prepared by Acoustic Logic, dated 14 April 2011) for our consideration.

This report was reviewed by our Environmental Health Officer, who raised no objections to the proposal from an acoustic perspective based on the recommendations in Part 5.3 of the submitted report, subject to appropriate conditions being imposed.

- **National Construction Code**

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

- **Proposed excavation works**

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

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

- **Sediment and Erosion Control**

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

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

## EXTERNAL REFERRALS

### **Roads & Traffic Authority**

As stated previously in the report, as per the provisions of SEPP 2007, the application was referred to the Roads and Traffic Authority (RTA) for their comment and concurrence. The RTA has advised that it raises no objection to the proposed development as it will not have a significant traffic impact on the classified road network.

### **RailCorp**

The site is in close proximity to the railway line, and as such RailCorp, as an neighbouring land owner, was notified of the proposed development. A response letter was received from RailCorp raising no objection to the proposed development but recommending certain conditions be imposed relating to property boundaries, stray currents and electrolysis from rail operations, and of lights and reflective materials. As such, the conditions specified by RailCorp in their response will be imposed should approval be issued for the proposed development.

### **NOTIFICATION**

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012. We received seven submissions (four of which are pro forma letters) objecting to the proposal in response. The submissions raised the following issues of concern, which are discussed below:

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

#### Comment

As stated in the report above, Clause 13(2)(a)(i) of the ARH SEPP (as amended) states that the maximum floor space ratio for this type of in fill affordable rental housing development is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur (i.e. 1.6:1), plus 0.5:1, which gives a total maximum floor space ratio of 2.1:1. The proposal involves a floor space ratio of 1.76:1, which complies with this part of the ARH SEPP. In regard to building height, the proposed development is compliant with the maximum building height requirement of 18 metres under the Canterbury Local Environmental Plan 2012.

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

#### Comment

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

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

Comment

The issue of sunlight access and shadowing impacts has been addressed in the report above under Part 6.2 Climate and Resource Efficiency of CDCP 2012.

- **Concern that the proposed development, particularly during the demolition, excavation and construction phases will intensify the inevitable spread of dust, particles and other materials from the site which may impact on the health of nearby residents**

Comment

Should this application be approved, then the following conditions should be imposed to address this concern:

- All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
  - All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
- **Concern that the proposed development will produce excess noise pollution throughout the various phases of the project and will cause significant loss of amenity**

Comment:

Should this application be approved, then the following conditions should be imposed to address this concern:

- No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.

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

Comment

The minimum requirements contained in Clause 14(2)(a)(ii) of the ARH SEPP override our car parking controls. Under the ARH SEPP, the residential component of the development is required to provide a minimum of 0.5 spaces per 1 bedroom dwelling, 1 space per 2 bedroom dwelling and 1.5 spaces per 3 bedroom dwelling, requiring a total of 103 spaces. A total of 172 spaces are provided in the proposed basement carparking area of the development for the residential component, which meets this requirement. Further, the health consulting rooms are adequately provided with off street car parking spaces for use by staff and visitors.

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

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

Comment

The issue of waste bin storage and methods of disposal has been addressed above under Part 6.9 Waste Management of CDCP 2012.

- **Concern regarding the impacts of noise and vibration from the basement carpark entry along Railway Parade, being so close to the residential properties along Railway Parade (particularly 55 Railway Pde)**

Comment

It is recommended that a condition be imposed requiring the applicant/developer to engage an acoustic consultant to investigate the noise and vibration impacts of the Railway Parade driveway onto 55 Railway Parade, and if necessary develop appropriate mitigation measures to address and minimise the likely effects. This investigation report is to be prepared and provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

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

Comment

Traffic and noise disruption is likely to be experienced by local residents during any periodic construction work of a nearby property. Any consent issued is to be conditional on 'all building operations being restricted to the hours of 7.00



a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays’.

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

Comment

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

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

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

Comment

Clause 14 of ARH SEPP prescribes minimum standards for ‘landscaped area’ which cannot be used by Council to refuse consent. In this regard, it is required that at least 30% of the site area to be landscaped. The subject proposal involves a landscaped area of approximately 36% of the site area, therefore complying with the ARH SEPP standard.

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

Comment

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

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

Comment

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

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

### Comment

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

## **CONCLUSION**

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies and has been found to be satisfactory and worthy of support. The proposed development is well designed in providing good amenity for future occupants of the subject dwellings, and minimising impacts onto neighbouring residents. The design of the proposed development is compatible with the future and desired local character of the area and represents a quality development that will positively contribute to the Croydon Street streetscape and indeed the local built environment. As such, it is recommended that the development application be approved subject to conditions.

## **RECOMMENDATION**

THAT the Joint Regional Planning Panel approve Development Application DA-97/2013 for the demolition of existing structures and the construction of an in-fill affordable housing development involving 3 buildings that comprise 137 residential units, a community facility and two health consulting rooms over basement car parking area, 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 the relevant Construction Certificate:
  - 1.1. Details of:
    - Structural Engineering Plan including method of shoring during excavation
    - Protection from termites
    - Building Specifications
    - Fire Safety Schedule
    - Landscape Plan
    - Hydraulic Plan
    - Firewall Separation
    - Waste Management Plan
    - Sydney Water Notice of Requirements
    - Noise & Vibration Separation Between Units (Bathrooms to Habitable Rooms)
    - Soil and Waste Management Plan
    - Consolidation of Six Lots into One Lot
    - Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
    - BASIX Certification
    - Compliance with Disability (Access to Premises – Buildings) Standards 2010.
  - 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	\$18993.00
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Section 94 Contributions	\$1164652.05
Certificate Registration Fee	\$36.00
Long Service Levy	\$113169.00

- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$65936.00
Inspection Fee	\$17553.00
Occupation Certificate Fee	\$6479.00

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

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

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

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

#### **BEFORE COMMENCING THE DEVELOPMENT**

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

#### **INSURANCE**

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

#### **SITE SIGNAGE**

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
  - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
  - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
  - 4.3. That unauthorised entry to the work site is prohibited.

#### **GENERAL**

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

<b>Drawing No.</b>	<b>Drawing Title</b>	<b>Prepared by</b>	<b>Received by Council on</b>
DA100(A)	Plans – Roof Plan	MACKENZIE Architects	1 July 2013
DA101(A)	Plans – Car Park 02	MACKENZIE Architects	1 July 2013
DA102(A)	Plans – Car Park 01	MACKENZIE Architects	1 July 2013
DA103(A)	Plans – Ground Floor	MACKENZIE Architects	1 July 2013
DA104(A)	Plans – First Floor	MACKENZIE Architects	1 July 2013
DA105(A)	Plans – Second Floor	MACKENZIE Architects	1 July 2013
DA106(A)	Plans – Third Floor	MACKENZIE Architects	1 July 2013
DA107(A)	Fourth Floor	MACKENZIE Architects	1 July 2013
DA108(A)	Fifth Floor	MACKENZIE Architects	1 July 2013
DA200(A)	Sections – Sections	MACKENZIE Architects	1 July 2013
DA201(A)	Sections – Section 02	MACKENZIE Architects	1 July 2013
DA300(A)	Elevations – Elevations 01	MACKENZIE Architects	1 July 2013
DA301(A)	Elevations – Elevations 02	MACKENZIE Architects	1 July 2013

- 5.1. Carspace CO8 'Visitor' in Car Park 01 of Building C is to be allocated to the health consulting rooms.
- 5.2. The developer/applicant is to prepare a revised car parking and bicycle spaces allocation plan for the development, and submit it to the Principal Certifying Authority prior to the issuing of a Construction Certificate. The allocation plan must ensure car parking and bicycle spaces are correctly allocated to the dwellings within the residential component of the development, and to the two health consulting rooms.
6. Finishes and materials including the treatment of external walls, roofing, windows, balustrades and privacy screens being in accordance with the 'External Building Materials and Finishes' received by Council on 1 July 2013. 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.
7. The specific fit-out of each of the two health consulting rooms, being the subject of a separate approval.
8. The 'private' community facility is to be exclusively used only by the residents of the development.
9. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance

requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.

10. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
11. The bathroom and ensuite window(s) being translucent glass.
12. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The monetary contribution of \$1164652.05 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$561200.58	711
• Recreation Facilities	\$94183.30	712
• Community Services	\$298628.75	713
• Environmental Amenity Improvements	\$116307.16	714
• Traffic Control and Management	\$19811.70	715
• Monitoring, research and administration	\$74520.56	717

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

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

13. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
14. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
15. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
16. All building construction work must comply with the National Construction Code.
17. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at all the floor slab levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
18. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. 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.

21. 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.
22. 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.
23. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.
24. 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.
25. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
26. 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.
27. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
28. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
29. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
30. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
31. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
32. 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.
33. Payment of an additional garbage levy for each new dwelling upon completion of work.
34. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
35. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
36. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment

Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.

37. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
  - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
  - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

**EXCAVATION**

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

Principal Certifying Authority with the Construction Certificate. All costs to be borne by the applicant.

## LANDSCAPING

40. The landscape works must be completed according to the submitted landscape plan (Drawing no LPDA 13-149/1 and 2, drawn by Conzept Landscape Architects and submitted to council on 20<sup>th</sup> March 2013), submitted Aboricultural Impact Assessment Report (written by Botanics Tree Wise People Pty Ltd, submitted to council on 15<sup>th</sup> June 2011 as part of DA 54/2011), the Arborist report (written by Naturally Trees Arboricultural Consulting), submitted to Council on 20<sup>th</sup> March 2013 and with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees, except where amended by the conditions of consent. The landscaping is to be maintained at all times to the Council's satisfaction.
41. The existing street tree, *Callistemon viminalis* (common name Bottlebrush), marked as T1 in the submitted Aboricultural Impact Assessment Report (written by Botanics Tree Wise People Pty Ltd, submitted to council on 15<sup>th</sup> June 2011 as part of DA 54/2011), growing on the nature strip along Croydon Street, has been marked to be retained and protected. Given the position of the proposed carpark ramp, this will not be possible. Therefore the removal of this tree is acceptable to accommodate construction. This removal is conditional on their replacement with 2 x 75ltr (container size) *Tristanopsis laurina* (common name Water Gum) to be provided on the nature strip adjoining the property (as shown on the submitted landscape plan). The planting of this tree is to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council.
42. The existing street trees, 2 x *Eucalyptus scoparia* (common name Wallangarra White Gum), marked as T3 and T4 in the submitted Aboricultural Impact Assessment Report, growing on the nature strip along Croydon Street, must be retained and protected during construction. A tree protection barrier of 6m radius is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ. Any trenching or works that needs to occur within this tree protection zone needs to be undertaken under the strict supervision of the project arborist and is to be completed by hand with no roots greater than 25mm to be cut or damaged. These treatments are put in place in order to minimise the damage occurring to the tree in order to ensure its survival as well as to ensure the stability of the tree in the future.
43. The existing property vegetation is to be retained or removed as follows:

Tree No.	Botanical Name	Common Name	Action	Details/ Tree Protection Zone (TPZ)
T2	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove	Not significant in size Poor structure
T5	<i>Nerium oleander</i>	Oleander	Remove	Insignificant



T6	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T7	<i>Acacia decurrens</i>	Black Wattle	Retain and Protect	3m radius Located on neighbouring property
T8	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T9	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T10	<i>Quercus rubra</i>	Oak	Remove	Shows evidence of disease Not suitable candidate for retention during construction
T11	<i>Magnolia grandiflora</i>	Magnolia	Remove	Insignificant Not suitable candidate for retention during construction
T12	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T13	<i>Corymbia citriodora</i>	Lemon Scented Gum	Retain and Protect	3m radius Located on neighbouring property
T14	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T15	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
T16	<i>Washingtonia robusta</i>	Fan palm	Transplant	As per details included in the Arboricultural Impact

				Assessment Report (written by Botanics Tree Wise People Pty Ltd)
T17	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Retain and Protect	3m radius
T18	<i>Ligustrum sp.</i>	Privet	Remove	Noxious weed- See condition below regarding removal of this species
T19	<i>Ligustrum sp.</i>	Privet	Remove	Noxious weed- See condition below regarding removal of this species
T20	<i>Liquidambar styraciflua</i>	Liquidambar	Retain and Protect	7m radius
T21	<i>Morus alba</i>	Mulberry	Remove	Insignificant Not suitable candidate for retention during construction
T22	<i>Eucalyptus sp.</i>	Gum	Remove	Decay evident at base of trunk Not suitable candidate for retention during construction
T23	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T24	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T25	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T26	<i>Eucalyptus pilularis</i>	Blackbutt	Remove	Unable to be retained due to site constraints
T27	<i>Phoenix canariensis</i>	Canary Island Date Palm	Remove	Insignificant Not suitable candidate for retention during construction
T28	<i>Melaleuca decora</i>	Paperbark	Remove	Insignificant Not suitable candidate for retention during construction

T29	<i>Cupressus sempervirens</i>	Pencil Pine	Remove	Insignificant Not suitable candidate for retention during construction
T30	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Semi mature Suppressed growth form due to proximity to adjacent trees
T31	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Tree exhibits lean Not suitable candidate for retention during construction
T32	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Tree exhibits lean Not suitable candidate for retention during construction
T33	<i>Eucalyptus piperita</i>	Sydney Peppermint	Remove	Tree exhibits lean Not suitable candidate for retention during construction
34	<i>Eucalyptus tereticornis</i>	Forest Red Gum	Remove and Replace	NA
T35	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove	Not significant Not suitable candidate for retention during construction
T36	<i>Corymbia citriodora</i>	Lemon Scented Gum	Remove	Excellent specimen of species Unable to be retained due to site constraints
T37	<i>Cinnamomum camphora</i>	Camphor laurel	Remove	Environmental weed species Not suitable candidate for retention during construction
38	<i>Eucalyptus tereticornis</i>	Forest Red Gum	Remove and Replace	NA
T39	<i>Phoenix canariensis</i>	Canary Island Date Palm	Remove	Insignificant Not suitable candidate for retention during

				construction
T40	<i>Erythrina sykesii</i>	Coral Tree	Remove	Exempt from protection under council Tree Preservation Order
41	<i>Eucalyptus tereticornis</i>	Forest Red Gum	Remove and Replace	NA
42	<i>Corymbia citriodora</i>	Spotted Gum	Remove and Replace	NA
T43	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Remove	Suppressed growth form due to proximity to adjacent trees Decay evident at trunk
T44	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Remove	Suppressed canopy. Trunk Lean. Not suitable candidate for retention during construction
T45	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Retain and Protect	4m TPZ
T46	<i>Bauhinia sp.</i>	Bauhinia	Retain and Protect	5m radius
T47	<i>Araucaria heterophylla</i>	Norfolk Island Pine	Retain and Protect	4m radius
T48	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Retain and Protect	3m radius

- Tree No. 16 - *Washingtonia robusta* (common name Fan Palm) has been marked to be transplanted to a new location as shown on the submitted landscape plan. This transplant is to be done under the supervision of the project arborist in line with Section 4.3 of the submitted Arboricultural Impact Assessment Report.
  - The tree protection zones as mentioned in the table above must be observed. A tree protective barrier must be erected to the full extent of the individual trees protection zone prior to construction and as per the details included in Appendix 4 AND 5 of the submitted Arboricultural Impact Assessment and Method Statement (submitted to council on 13<sup>th</sup> March 2013). This barrier must be well maintained during construction. No building material or construction activity shall be allowed to encroach within this tree protection zone.
44. A project arborist must be nominated for this development. This appointed project arborist is to be holding a min. AQF Level 5 or greater. It is preferable that Mr. Andrew Scales from Naturally trees be engaged as he had completed the assessment of the trees in this application and knows the site constraints. They are to complete the following tasks:

- Having the arborist set out the tree protection zones (TPZ) and associated fencing for the trees (street trees and property trees) marked to be retained and protected as listed in the table above,
- to monitor and advise in regard to all issues relating to the existing trees to be retained for all phases of construction,
- directly supervise any works that need to occur within any of the required Tree Protection Zones including remedial works on the retained and protected trees,
- On completion of construction/works, a report should be submitted to council from the project arborist detailing their attendance on site and any work they completed, including any required root pruning of the tree. The report must also include the following items:
  - Full name, business address, telephone numbers, evidence of qualifications and experience of consulting arborist.
  - Full address of the site
  - Full name and details of the person/company the report is being prepared for.

Contact details for the project arborist are to be provided to council or PCA prior to the issue of the relevant Construction Certificate.

45. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
46. All scheduled plant stock shall be pre-ordered, prior to issue of the relevant Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.

#### **STORMWATER ENGINEERING**

47. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 20<sup>th</sup> May 2013; drawing numbers Co11097.00-C10 C, C20 C, C41 F, C42 F, C43 F, C45 C, C46 E, dated 08/03/2013 by Costin Roe Consulting.
48. Detailed plans and calculations for the site stormwater system must be submitted to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA, prior to the issue of the relevant Construction Certificate. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.
49. 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<sup>st</sup> 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.
50. A full width heavy duty vehicular crossing shall be provided at each vehicular entrance to the site, with a maximum width of 6.0 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
  51. 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.
  52. 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.
  53. A qualified practicing Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
  54. Stormwater being disposed to Council's inter-allotment drainage system in the north-western corner of the property, in accordance with Clause 4.8 of Council's Stormwater Management Manual - Specification 9, "A Guide for Stormwater Drainage Design".
  55. An easement to drain water variable width, with an eastern boundary 3.0m from the centre line of the existing 1.35m diameter pipeline, located in the north-western corner of the site being created in favour of Council. Documents relative to the creation of the easement to be lodged with the Land and Property Information NSW prior to lodgement of the Construction Certificate, with Registration being effected prior to issue of the Occupation Certificate. All costs associated with piping, relocation and creation of easements being borne by the applicant. A sample document is included in Council's Stormwater Management Manual - Specification 9, "A Guide to Stormwater Drainage Design", setting out the terms of the instrument to be registered.
  56. An easement to drain water being created in favour of 11 Croydon Street over the property to be developed, to permit the disposal of stormwater to Council's inter-allotment drainage system in accordance with Clause 4.7 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design". Documents relative to the creation of the easement are to be lodged with the Land and Property Information NSW prior to the lodgement of the application for the Construction Certificate and include a requirement that the easement created shall not be released marked or modified without Council's

consent. Registration of the easement is to be effected prior to occupation. A sample document is included in Council's Stormwater Management Manual - Specification 9 "A Guide to Stormwater Drainage Design", setting out the terms of the instrument to be registered. All costs associated with piping, relocation and creation of easements are to be paid by the applicant.

57. The proposed structure/s to be located clear of the existing easement for drainage. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured, and before the construction of any walls.
58. Special footings will be required where the proposed/existing structure is adjacent to an easement for drainage. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. The special footings referred to above shall be designed by a practising Structural Engineer and shall be located clear of the easement. Details to be submitted prior to lodgement of the Construction Certificate.

#### **PUBLIC IMPROVEMENTS**

59. 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".
60. The reconstruction of the kerb and gutter along all areas of the site fronting Croydon Street and Railway Parade is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
61. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Croydon Street and Railway Parade is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

#### **CONTAMINATION & REMEDIATION**

62. Carry out all recommendations in Part 10.0 of the "Preliminary Environmental Site Assessment" as prepared by Pinestreet Development (March 2013).

#### **WASTE MANAGEMENT**

63. The Bin Presentation Area along the Croydon Street frontage is to be re-designed to be able to accommodate a total of 120 x 240L bins – 69 x rubbish bins and 46 x recycling bins for the residential units, 3 x rubbish bins and 3 x recycling bins for the non-residential units. This Bin Presentation Area must have an access door that is at least 1.2 metres in width, with access between the kerb and this area to be free of any steps or obstructions, and must be designed in accordance with Part 6.9.4 *Design and Access Waste and Recycling Store* of Canterbury Development Control Plan 2012.
64. A designated area for the storage of 28 x vegetation bins is to be provided in the development. These bins are to be presented on the nature strip for collection and will be returned to the designated area.

65. A revised Waste Management Plan is to be prepared and submitted prior to the issuing of the relevant Construction Certificate, and must include details of how the privately contracted commercial bins (i.e. bins that are required for waste generation that is above Council's bin allocation) are to be serviced, and details of how the bins located in each garbage room are to be transported to the garbage bin presentation room (as there does not appear to be an accessible and clear path of travel between the garbage room in Building A and the Bin Presentation Area), in accordance with Part 6.9 Waste Management of Canterbury Development Control Plan 2012.
66. The garbage rooms must include water supply and drain (that is connected to the sewer system).
67. The owner of the development must indemnify Council's waste collection contractor against damage that may result from their entry onto the property to collect waste bins. Council's standard indemnity form shall be completed and returned to Council prior to the site being occupied.

#### **CRIME PREVENTION & COMMUNITY SAFETY**

68. Entry to the residential component of the building is to be restricted through an appropriate intercom and security system whereby only residents and authorised visitors gain entry to the building and the residential floors.
69. The installation of CCTV at the Croydon Street frontage of the building and at access to the basement carpark.
70. The basement carpark is to be painted the colour 'white' to increase lux levels and light reflection.
71. A security grill door is to be installed at the entrance of the basement carpark. Security access such as a security card or keyed access should be provided to residents to reduce the likelihood of the area being used by unauthorised persons and for illegitimate purposes.
72. An intercom system being provided at an appropriate location to allow access to the visitor parking spaces and health consulting room spaces which are located behind the basement security grille.
73. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter.
74. The finishes of all structures and buildings are to be maintained at all times, with any graffiti or vandalism immediately removed/repaired.
75. Signage is to be installed at all driveways, entry and access points.
76. All storerooms in the basement level are to be locked at all times.
77. Lighting similar to category P1 of Australian Standard 1158.3.1:1999 for road lighting of pedestrian areas should be installed.
78. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

#### **DISABILITY ACCESS**

79. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.
80. A continuous accessible path of travel is to be provided from the street alignment to the building entries, and from the underground carpark, to and within each of the adaptable units, and to and within the community facility and health consulting rooms, and all common areas of the building, including landscaped areas. It must



not contain a step or other impediment, and must have an unobstructed width of at least 1000mm, and vertical clearance of 2000mm. Vegetation in landscaped areas should not overhang an accessible path of travel. Trees should provide a vertical clearance of at least 2000mm from the ground level to the underside of the canopy.

81. The Disability (Access to Premises – Buildings) Standards require that sole occupancy units must be representative of the range of units available in the development. Therefore, at least one, three bedroom unit is to be provided as an ‘adaptable’ unit.
82. The balcony levels are required to be the same as the internal floor levels of the adaptable units in the post-adaptation stage, with the tracks of the sliding doors to be recessed level with the unit floor. Compliant threshold ramps may be provided if the dimensions of the balconies are adequate.
83. The Disability (Access to Premises – Buildings) Standards require accessible parking spaces to be as close as possible to a lift. In Carpark Level 02 of Building A (Drawing DA 101), Accessible Space 29 and its shared space should be moved to Spaces 23 and 24. In Carpark Level 01 of Building A (Drawing DA 102), Accessible Spaces 12 and 13 and their shared space, should be moved to Spaces 14, 15 and 16.
84. All glazed doors and panels within adaptable units, on a continuous accessible path of travel to the units, or to the health consulting units, are required to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door.
85. Bathrooms, kitchens and balconies in adaptable units, and in the community facility and health consulting rooms, are to have surfaces that are non-slip, in wet and dry conditions.
86. The Disability (Access to Premises – Buildings) Standards require a fully accessible lift (AS1735.12). If the lift travels more than 12 metres it is to have minimum floor dimensions of 1400mm x 1600mm. However, as this is a residential development, with the accessible units on the upper floors, lifts that provide adequate space for a paramedic stretcher (with minimum dimensions of 2100 mm x 550 mm) should be provided for the benefit of every resident who may have to be evacuated in a horizontal position.
87. Intercom or card entry elements are to be located at least 500 mm from an internal corner, at a height between 900 mm and 1100 mm above the finished floor level.
88. Ramps with a gradient between 1:20 and 1:14 are to have compliant handrails on each side.
89. Stairs are to comply with AS1428.1 (2009), with compliant handrails and nosings. All steps are to have equal height risers, including the steps along the Croydon Street boundary. Landings at the top and base of stairs are to be level.
90. The accessible entry in Croydon Street is to be clearly identified by compliant signage. Signage is also to be placed at the step entries in Croydon Street to direct people to the accessible entry.
91. At least one cubicle in the community facility and the health consulting units is to be designed as an ambulant toilet, with compliant signage. Corridors to the accessible toilets should be at least 1000 mm wide, and wider at doorways to comply with AS1428.1 (2009).

92. All outdoor paving and foyer floor tiles are to be non-slip in wet and dry conditions.

#### **ACOUSTICS**

93. Carry out all recommendations in Part 5.3 of the 'Rail Noise and Vibration Assessment' as prepared by Acoustic Logic (dated 14 April 2011).

94. An acoustic consultant is to be engaged to investigate the noise and vibration impacts of the Railway Parade driveway onto 55 Railway Parade, and if necessary develop appropriate mitigation measures to address and minimise the likely effects. This investigation report is to be prepared and provided to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.

#### **RAILCORP**

95. An accurate survey is to be provided locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

96. Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

97. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

#### **TRAFFIC & ACCESS**

98. Parking restrictions (1 hour) are to be installed on the western side of Croydon Street in front of the proposed development to provide short term parking, to conform to existing signage in the vicinity of the Lakemba Town Centre. The applicant is required to meet the costs of the signage installation.

99. The proposed access in Railway Parade must be designed and constructed in accordance with AS 2890.1-2004, Section 3.2.4 (sight distance for pedestrians when egressing from the proposed driveway).

100. The existing blister island in Railway Parade between the proposed driveway and the adjacent property on the eastern side be removed, pavement reinstated and a continuous layback is to be constructed to prevent illegal parking. All costs associated with the works are to be met by the applicant.

101. The proposed driveway in Croydon Street be co-joined with the driveway to the adjacent property (at 194-198 Lakemba St) to prevent illegal parking.

#### **STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING)**

##### **2009**

102. For 10 years from the date of the issue of the Occupation Certificate:

102.1. the dwellings (being all dwellings in Building A, all dwellings in Building B and Dwellings C01, C02, C03, C04, C05 and C06 in Building C) proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

102.2. all accommodation that is used for affordable housing will be managed by a registered community housing provider.

103. A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the above requirements are met.

#### **SYDNEY WATER REQUIREMENTS**

104. 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](http://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 occupation of the development.

#### **CRITICAL INSPECTIONS**

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

##### Class 2, 3 or 4 Buildings

- 86.1 prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 86.2 prior to covering any stormwater drainage connections, and
- 86.3 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

- 86.4 prior to covering any stormwater drainage connections, and
- 86.5 after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

#### **ADDITIONAL INSPECTIONS**

106. 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**

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

#### **WE ALSO ADVISE:**

108. This application has been assessed in accordance with the National Construction Code.
109. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
110. 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
  - Air Handling Systems
  - Final Fire Safety Certificate
  - Glazing
  - BASIX completion
  - Water Proofing
111. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
  112. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
  113. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
  114. The relevant Council Manuals and AUS-SPEC specifications referred to are available from Council for a fee.
  115. 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.
  116. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act” and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
  117. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
  118. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
  119. If you are not satisfied with this determination, you may:
    - 119.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of receipt of this Notice of Determination; or
    - 119.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

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