

2014SYE074 – 4-8 Hopman Avenue & 4-8 Bromwich
Place Menai

DA14/0602

ASSESSMENT REPORT APPENDICES

Appendix	A	Offer Conditions
	B	PAD Letter dated 23 October 2013
	C	Report of the Architectural Review Advisory Panel dated 24 June 2014
	D	Sutherland Local Area Command Response dated 18 August 2014
	E	Applicant's SEPP1 Objection to Development Standard

DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. DA14/-0602

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 12 months of the date of issue of this development consent.

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Density Reduction

A dwelling is to be deleted from the quadruplex development within building 4. The 4m gained by the loss of this dwelling is to be utilised to provide an additional on site carparking space in the form of a hard stand area to be located adjacent to the western boundary which will be screen from the public way to reduce the dominance of carparking from a streetscape perspective.

2. Increased Side Setbacks

To reduce the dominance of the density from a streetscape perspective and to be more consistent with the setback controls for the locality being predominately dwellings, a minimum side setback of 1500mm is required for each lot.

3. Increased Private Open Space

Access stairs are to be incorporated into the retaining walls of the rear private open space of each dwelling. The elevated outdoor area is to be suitably landscaped so as to be used as a functional and accessible external area. If this area results in a change of level to the private open space below a balustrade is required to be incorporated complying with the provisions of the National Construction Code - Building Code of Australia.

4. Roof line extension

The ground floor roof lines associated with the entry canopies of dwellings 1.3, 2.3 and 3.3 is to be extended across the frontage of the dwelling to provide horizontal relief to the front of the building, breaking up the blank façade presenting to Hopman Avenue.

5. Increased Solar Access

The dwellings facing Hopman Avenue are to be mirror reversed, so the 'shorter' dwellings are located on the eastern side of the allotments enabling increased solar access to all dwellings.

6. Bin Store Areas

The bin store areas on each lot are to be within an enclosed store area. These spaces are to contain an impervious floor that is graded and drained to the sewer. A tap is to be provided within this area to facilitate cleaning of the bins and store area in order to reduce odour emanating.

7. Access Pathways

Access pathways for buildings 2, 3, 4 and 6 are to be consolidated. Where possible the access pathways should be integrated into the driveway area, so as to reduce the dominance of hard surfaces and pathways. The reduced hard surfaces are to be replaced with soft soil/turf/landscaping beds to soften the streetscape presentation.

8. Cladding

The front upper level of the building facades that nominated the 2 levels as masonry is to be amended to replace the upper level masonry with vertical cladding WB2 as referenced in the legend of finishes.

9. Sill Heights

The sill heights of the rear upper level bedroom windows are to be raised to be a minimum of 1500mm above the finished floor level of each room.

10. Relocation of the Clothes Lines

The clothes lines are to be relocated to the upper level of the rear yard, providing greater functionality of the private open space extending from the internal living areas of each dwelling.

PART 2 - CONDITIONS OF CONSENT

11. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
To be inserted when the deferred conditions satisfied	###	###	Prepared/received by council ###

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

12. Fence to Lot 6

A 1800mm Colourbond fence is to be returned along the eastern boundary of lot 6 terminating at the intersection of the entry pathway to delineate the site lot and provide security for the future occupants of the dwelling.

13. Work to be wholly within the boundary of the subject site

The plans show that elements of certain dwellings show a breach of the boundary line. The development is to be amended and the plans are to reflect this amended to ensure that all works, including footings and gutters are wholly within the allotment boundaries.

14. Security Doors

Install quality security doors at the front doors of each entrance to clearly define the boundaries and restrict access, glass or open-style doors should be considered which prevents offenders using the door for concealment. Details are to be provided with the Construction Certificate Plans and Documents to the satisfaction of the Certifying Authority.

15. Security Lighting - NSW Police Force

Security lighting is to be installed to the front of each dwelling to light the entry/exit points of each dwelling. These lights are to be evenly distributed so as not to result in glare onto adjoining dwellings and dwellings opposite the sites, sensor lights should be considered. Details are to be provided with the Construction Certificate plans and documents to the satisfaction of the Certifying Authority.

16. Window Locks

Windows are to be fitted with key-operated window locksets to restrict unauthorised access.

17. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$15,200.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a

Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

18. Environmental, Damage and Performance Security Bond

A. Before Works

The person acting on this consent must provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days **prior** to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage during the course of and as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond must be determined as follows:

Development Value	Refundable Deposit *
Greater than \$1,000,001	\$15,200.00

- * The bond amount includes a non refundable administration fee. Where the bond takes the form of a Bank Guarantee, the administration fee must be paid separately and not included in the bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a

Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. The request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

SECTION 94 CONTRIBUTIONS

The following monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

19. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$65,752.48 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 14 townhouses.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

20. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$6,022.72 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 14 townhouses.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

21. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

22. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2006 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways

- vi) erosion and sediment control measures

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

23. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Civil Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

24. Stormwater Treatment

A. Before Construction

An appropriate stormwater treatment measure, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for a Construction Certificate.

B. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' specification.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

25. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

26. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

27. Public Utilities - Subdivision

This condition is imposed to facilitate the provision of services to the subdivision and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

28. Linen Plan of Subdivision to Conform with Development Consent

A. Before Subdivision

The Linen Plan of Subdivision must conform with Council's Development Consent No.DA14/0602.

29. Design and Construction of Works in Road Reserve

A Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the Applicant in the Road Reserve in conjunction with the development. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council for a Road frontage design drawing and consent to undertake the required frontage works. This design will generally comply with the approved architectural design drawings and the approved stormwater drainage design drawings, except where amended and or addressing the following;

- i). Establish the property alignment levels and crossing profiles,
- ii). Construct a 1.2m wide footpath pavement, including the frontage of No.16 Rosewall Drive, and associated link paths to the proposed pedestrian pathways within the development,
- iii). Remove all redundant crossings,
- iv). Construct vehicular crossings where required. For all crossing serving dual garages the crossing shall be 3.5m wide adjacent to the rear edge of the layback, then widening to 4.5m adjacent to the front boundary line. For the crossing that provides access to the car port (Building 3 dwelling type G) the crossing shall be 3.5m wide,
- v). Turf / landscape all denuded areas of the footpath verge to final design levels,
- vi). Plant 6 *Eucalyptus haemastoma* (Scribbly Gum) and 4 *Angophora costata* (Sydney Red Gum) within the road reserve;
- vii). Adjust public services infrastructure where required,
- viii). Ensure there are adequate transitions between newly constructed and existing infrastructure,
- ix). Construct a public drainage system, including kerb / gutter, pits and Road carriageway shoulder, subsoil drainage in accordance with the approved stormwater drainage design drawings.

B Before Issue of Construction Certificate

Prior to the issuing of a Construction Certificate, establish the property alignment levels and crossing profiles.

C Before Occupation

- i) All works required in the Road Reserve as detailed in the Road frontage design drawing/s and specification provided by Council must be completed to the satisfaction of the supervising engineer.
- ii) The Supervising Engineer must certify the Road Frontage Works were constructed to their satisfaction and in accordance with the Development Consent and associated Roads Act Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

30. Environmental Site Management

A During Works

All construction work approved by this development consent shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

31. Supervising Engineer

A Before Construction

The applicant must engage an appropriately qualified Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of the Road frontage works, construction / installation of the stormwater drainage / rainwater harvesting / rainwater reuse / detention facilities.

B During Construction

The engineer must supervise the aforementioned works to ensure compliance with

- i). All relevant conditions of development consent.
- ii). The Roads Act Consent issued against this development.

C Before Occupation

The engineer must certify the Works-As-Executed drawings prepared for the Road frontage works and the stormwater / rainwater harvesting / rainwater reuse / detention system works, has been carried out in accordance with the requirements of this Development Consent and to their satisfaction.

32. Parking Areas and Vehicle Access

A Design

The vehicular access-way and car park layout shall be designed and constructed to comply with the approved architectural design drawings, except where modified by the following;

- i). Align with Council's issued vehicular crossing levels,
- ii). The vertical alignment of the vehicular access-way shall comply with AS2890.1:2004 to ensure a B85 vehicle will not scrape the surface of the driveway,
- iii). All garages shall be 3m wide by 5.4m long, except for the "adaptable" garages / carport. The 'adaptable' garages / carport shall comply with clause 3.7 of Australian Standard AS4299:1995. All "adaptable" garages shall be fitted with a remote control door, and
- iv). The maximum longitudinal grade of all driveways shall be 12.5%.

B Before Construction

Certification from an Accredited Certifier or a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design/s have been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

Note 1: Be advised that item ii) is based on a B85 vehicle (Ford Falcon Sedan). The recommended condition will not necessarily protect exotic or altered cars from "scraping" the vehicular access-way.

Note 2: As all driveways are falling to the street the first section of the proposed driveways, generally detailed as 1:20 for 3m, may be steepened.

33. Stormwater Drainage, Rainwater Harvesting & Reuse System

A Design

The stormwater drainage, rainwater harvesting and rainwater reuse systems shall be designed and constructed in accordance with the approved stormwater drainage design drawings, the BASIX Certificate issued against the development and Australian Standard AS3500.3:2003, except where modified by the following;

- i). Layout of the drainage system showing the alignment of all pipelines and associated structures, rainwater tank/s, detention vessel and finished surface levels,
- ii). The rate of discharge of stormwater from the site to Council's stormwater drainage system shall be controlled so that it does not exceed the pre-development rate of discharge. The detention facilities shall accord with Section 4 of Sutherland Shire Council "Environmental Specification Stormwater Management 2009", and
- iii). Construct the drainage works within the Road Reserve in accordance with the Road frontage design drawing/s and associated Roads Act Consent.

B Before Construction

Certification from an Accredited Certifier in Civil Engineering or a Chartered

Civil Engineer, to the effect that the stormwater drainage, rainwater reuse and water harvesting systems design has been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

C Before Occupation

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

D Ongoing

The stormwater detention facilities shall be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

Note 1: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater detention facility and or in part or full, offset retention.

Note 2: The rainwater tanks required by BASIX may be upsized to in part or full offset detention in accordance with Clause 5.e.2 of Chapter 8 of SSDCP2006.

Note 3: To reduce stormwater drainage works within the Road Reserve, an interlot stormwater drainage system be investigated.

34. Detailed Landscape Plan - Greenweb Support

A. Design

A Detailed Landscape Plan must be prepared by a qualified landscape designer or Landscape Architect.

Note: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

The plan must be prepared in accordance with Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 (Landscaping Parts 1-5).

As the subject site is identified as being within a Greenweb Support area, all new tree plantings within the front setback and in the mass planted areas along the rear boundaries of the blocks must be indigenous species and 80% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au <http://www.sutherlandshire.nsw.gov.au> and search for Native Plant Selector).

The Detailed Landscape Plan must be based on the Existing Tree Survey (Dwg. No.LSC- 02), the Landscape Master Plan (Dwg. No.LSC - 03) prepared by Mode Design (dated 26/08/2014) and the Arborist report prepared by Andrew Morrison of Arboreport (dated 10/04/14) and must also include the following:

1. Numbering of existing contours (both drawings);
2. Numbering all existing trees to be retained or removed (both drawings) in accordance with the Arborist report;
3. Existing levels at the base of trees to be retained (both drawings);
4. Consistency between the Existing Tree Schedule, the Existing Tree Survey and the Landscape Master Plan;
5. Tree protection zones for all trees to be retained within the site;
6. Tree protection zones for all existing trees to be retained within the road reserve;
7. Provision of one central footpath only to each building adjacent to the driveway with stepping stones provided to other apartments;
8. Provision of steps in between paved areas and mass planted areas in the rear gardens;
9. Deletion of internal fences to individual dwellings within the front setback;
10. Relocation of rubbish bin areas a minimum distance of 5m from any front door;
11. A minimum number of 12 indigenous canopy trees that will attain a minimum mature height of six metres must be planted on the site including 6 *Eucalyptus haemastoma* (Scribbly Gum), 3 *Eucalyptus capitellata* (Brown Stringybark) and 3 *Eucalyptus punctata* (Grey Gum). Half of the trees must be planted within the front setback and half in the mass planted areas along the rear boundaries of the blocks.
12. 6 *Eucalyptus haemastoma* (Scribbly Gum) and 4 *Angophora costata* (Sydney Red Gum) must be planted within the road reserve;
13. Provision of one tap in the rear garden and one tap in the front garden of each dwelling connected to a pump and the rainwater tank/OSD tank to enable effective landscape maintenance.

14.A 12 months maintenance programme.

B. Before Construction

The Detailed Landscape Plan required to comply with 'A' above must accompany the documentation forming part of the Construction Certificate.

C. During Construction

During any works the applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee the landscape works. This person must check the landscape construction works at regular intervals and oversee any design changes due to unforeseen circumstances.

If indigenous tree and shrub species are unavailable at the time of planting, alternative species that grow to the same height must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au) and search for Native Plant Selector).

D. Before Occupation

The landscape works must be completed prior to any occupation certificate or occupation of the premises. Certification must be provided by a qualified Landscape Designer or Landscape Architect that all landscaping works have been carried out in accordance with 'A' above and that all new indigenous plants on the site and within the road reserve are the correct species.

E. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months or until the trees are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP Chapter 4).

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenanced seed are available from:

Sutherland Shire Council Nursery
345 The Boulevarde, Gympie
Ph: 02 9524 5672

35. Removal of Trees (Private Land)

A. Design

The removal of the following trees is approved, unless otherwise specified:

i) Trees as listed below:

Tree No.	Tree Species (botanical and common name)	Location
T5	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	Refer Existing Tree
T6	<i>Schinus areira</i> (Peppercorn)	Survey (Dwg No. LSC-
T7	<i>Stenocarpus sinuatus</i> (Firewheel Tree)	02) for location of all trees
T8	X <i>Cuprocyparis leylandii</i> (Leyland Cypress)	
T9	<i>Eucalyptus haemastoma</i> (Scribbly Gum)	
T12	<i>Pinus radiata</i> (Monterey Pine)	
T19	<i>Liquidamber formosa</i> (Chinese Sweet Gum)	
T29	<i>Schinus areira</i> (Peppercorn)	
T30	<i>Sapium sebiferum</i> (Chinese Tallow Tree)	
T32	X <i>Cuprocyparis leylandii</i> (Leyland Cypress)	
T33	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
T34	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
T35	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
T36	<i>Eucalyptus haemastoma</i> (Scribbly Gum)	
T38	<i>Corymbia gummifera</i> (Red Bloodwood)	
T42	Dead tree	

ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.

iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2006.

All other vegetation that would require approval to be removed must be protected.

B. Before Works

Sutherland Shire Council's Development Control Plan (Amendment 11) requires replacement tree planting at a rate of 4 to 1 on private land. Replacement planting must be indigenous species throughout the Shire and must be selected from the tree selection table below OR from Council's 'Native Plant Selector' available on Council's website (<http://www.sutherlandshire.nsw.gov.au>) and search for Native Plant Selector).

11 existing trees covered by the TPO are approved for removal as part of this consent. In order to satisfy the replanting requirement, 44 replacement trees are required to offset this loss.

The trees selected must be planted within the front or rear setback of the subject property and not within 3m of a building or proposed building. The location of the replacement trees must be shown on the Detailed Landscape Plan that forms part of the Construction Certificate application.

C. Ongoing

Replacement trees must have a minimum container size of 5L and must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSDCDP Chapter 4). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from locally provenanced seed are available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

36. Removal of Trees (Council Land)

A. Design

The following trees have been approved for removal within the road reserve;

Tree No.	Tree Species (botanical and common	Location
----------	------------------------------------	----------

	name)	
T13	<i>Eucalyptus</i> spp.	Hopman Avenue
T27	<i>Corymbia gummifera</i> (Red Bloodwood)	Bromwich Place
T28	X <i>Cuprocyparis leylandii</i> (Leyland Cypress)	Bromwich Place
T41	Dead tree	Bromwich Place

Council has preferred supplier agreements in place with a number of arborists who have approved work method statements and public liability insurance. Removal of the trees listed above must only be undertaken using council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist.

You can select from council's list of preferred suppliers by accessing council's website and searching for Tree Removal - Preferred Supplier.

B. Before Construction

Prior to the issue of the Construction Certificate the applicant must pay Council the scheduled fee for the replacement of the trees within the road reserve in accordance with Council's adopted replacement policy (Sutherland Shire Council's Development Control Plan - Amendment 11) which is required at a rate of 5 to 1. As only one existing tree is deemed significant, 5 replacement trees are required.

37. Tree Retention and Protection

A. Before Works

Before the commencement of any works on the site a supervising Arborist must be engaged to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 5.

Before the commencement of any works on the site the following trees as marked on the Detailed Landscape Plan must be retained and protected:

Tree No.	Tree Species (botanical and common name)	Location
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T1	<i>Liquidamber formosa</i> (Chinese Sweet Gum)	Refer Existing Tree
T2	<i>Macadamia tetraphylla</i> (Macadamia Nut)	Survey (Dwg No. LSC-
T3	<i>Agonis flexuosa</i> (Willow Myrtle)	02) for location of all trees
T4	<i>Stenocarpus sinuatus</i> (Firewheel Tree)	
T10	<i>Lagerstroemia indica</i> (Crepe Myrtle)	
T11	<i>Jacaranda mimosifolia</i> (Jacaranda)	
T14	<i>Eucalyptus scoparia</i> (Wallangara White Gum)	
T15	<i>Agonis flexuosa</i> (Willow Myrtle)	
T16	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	
T17	<i>Eucalyptus haemastoma</i> (Scribbly Gum)	
T18	<i>Eucalyptus haemastoma</i> (Scribbly Gum)	
T20	<i>Pinus patula</i> (Mexican Weeping Pine)	
T21	<i>Pinus patula</i> (Mexican Weeping Pine)	
T22	<i>Pinus patula</i> (Mexican Weeping Pine)	
T23	<i>Angophora floribunda</i> (Rough-barked Apple)	
T24	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	
T25	<i>Pinus patula</i> (Mexican Weeping Pine)	
T26	<i>Pinus patula</i> (Mexican Weeping Pine)	
T31	<i>Eucalyptus haemastoma</i> (Scribbly Gum)	
T37	<i>Tristanopsis laurina</i> (Water Gum)	
T39	<i>Eucalyptus haemastoma</i> (Scribbly Gum)	
T40	<i>Corymbia gummifera</i> (Red Bloodwood)	

The trees identified for retention must be protected by the following measures:

- i) To preserve all trees to be retained where retaining walls or planter boxes are proposed nearby, the footings of the proposed retaining walls or planter boxes must be isolated pier and beam construction within the dripline of the tree. The piers must be hand dug and located so that no roots of diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels.
- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Detailed Landscape Plan and Arborist report prepared by Andrew

Morrison of Arboreport (dated 10/04/14). Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".

- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- v) Any approved works within this tree protection zone must be under the direction and to the satisfaction of an Arborist.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

38. Conservation of Natural Site Features

A. Design

The driveway to Building 6 must be relocated to protect and retain the existing rock outcrop located in the SE corner of 8 Bromwich Place.

B. Before Construction

The revised driveway location and retention of the rock outcrop within the front garden of Building 6 to comply with 'A' above must form part of the Detailed Landscape Plan for Construction Certificate.

C. During Construction

Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed around the rock outcrop before any excavation work commences and remain in place during construction.

D. Before Occupation

Certification must be provided by the Landscape Designer or Landscape Architect who has been engaged to oversee the landscape works that all works have been carried out in accordance with 'A' above.

E. Ongoing

All works required by 'A' above must be maintained.

39. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

40. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment:

A. Design

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A)

above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

41. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

42. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

43. Sydney Water - Notice of Requirements

A. Before Occupation / Prior to issue of Subdivision Certificate

- i) The applicant must obtain a Notice of Requirements under the Sydney Water Act 1994, and submit the Notice to the Council.
- ii) A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index/ or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

44. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

45. Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

46. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

47. Containment of Fill

A. Design

Fill must not extend beyond the perimeter of the building. (The use of a dropped edge beam is a method of complying with this condition.)

B. Before Construction

Details of the finished levels around the perimeter of the building must accompany the application for a Construction Certificate.

48. Provision of Letter Box Facilities

A. Design

Suitable Letter Box Facilities (including Owners Corporation in case of strata units) must be provided in accordance with Australia Post specifications.

49. Street / Unit / Shop Numbering

A. Before Occupation

Prior to an Occupation Certificate being issued, street / unit /shop numbers must be clearly displayed. Numbers should be a minimum size

of 100 mm and clearly visible from the road and should not be in conflict with any other number displayed in the road.

If new street numbers or a change to street numbers is required, a separate application must be made to Council.

50. Affordable Rental Housing - Restriction as to User

A. Before Occupation

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must 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. This restriction is to ensure, that a minimum of 4 dwelling shall be affordable rental housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009. The restriction shall contain the following wording
Clause 17(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 entitled 'Must be used for affordable housing for 10 years' states:

(1)(a) for 10 years from the date of the issue of the occupation certificate:

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider,

B. Ongoing

That the restriction as to user requiring a minimum of 4 dwellings for a period of 10 years from the date of issue of an Occupation Certificate are to be Affordable Housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009, namely:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Peter Brooker - 9710 0571
File Ref: PAD13/0086

18 November 2013

St George Community Housing Limited
Level 5, 38 Humphreys Lane
HURSTVILLE NSW 2220

Dear Sir/Madam

Pre-Application Discussion No. PAD13/0086

**Proposal: Demolition of Existing Dwellings and Construction of 19 - 21
Townhouses and Villas under Affordable Housing**

**Property: 4 - 8 Hopman Avenue MENAI NSW 2234
4 - 8 Bromwich Place MENAI NSW 2234**

I refer to the PAD meeting held on 23 October 2013 about the above development proposal. The following Council officers attended the meeting:

Peter Brooker – Environmental Assessment Officer, Architect
Brad Harris – Environmental Assessment Officer, Planner
Tarek Barakat – Community Places Manager
Kabir Hossain – Environmental Assessment Officer, Engineer

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you in preparing your development application. Council cannot provide you with certainty that your proposal will be supported until your development application is lodged and Council's Environmental Assessment Officers carry out a detailed assessment.

Your development application will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Sutherland Shire Development Control Plan 2006.

The Site:

The subject site consists of six residential allotments which currently contain six dwelling houses. The site is relatively flat and contains vegetation which provides opportunities for the provision of privacy and screening of any visual bulk.

Comments on the Development Concept:

Council provides the following comments in respect of the concept plans presented for consideration at the meeting.

1. Proposed Concept(s).

The submitted documents indicate two (2) possible options for the proposed housing configurations being:-

- a) 19 Townhouses with four (4) x three (3) bedroom units and 15 x two (2) bedroom units, or
- b) 21 Townhouses of four (4) x three (3) bedroom units and 17 x two (2) bedroom units.

In both of these options it is proposed to provide an upper level unit on top of a ground floor unit, each with their own separate front door access and a private open space area at ground level. Each unit would have direct access from living areas to external open spaces albeit in the case of the upper floor unit at that upper floor level.

Whilst this configuration 'fits' the Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) definition for a Townhouse, it is not generally perceived as being a standard or practical arrangement. In this respect there will be a need to demonstrate a good level of amenity for future residents is achieved without undue privacy impacts upon neighbouring residents. In particular that the objectives for the provision of these spaces as outlined in part 7, chapter 3 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006) are achieved.

2. Permissibility.

The subject property is zoned 4 – Local Housing under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP2006). The proposed *townhouses* for use as affordable housing is a permissible form of development within this zone.

The site is proposed to be zoned E4 under Draft Sutherland Shire Local Environmental Plan 2013, (DSSLEP 2013) *townhouses* are prohibited within this zone.

As the proposal relies on the provisions of clause 10(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) for permissibility the rezoning of this land E4 under DSSLEP2013 prohibited the proposed development.

Whilst the proposal as submitted for consideration does not rely upon the provisions of the DSSLEP 2013 the timing of any future application in relation to the gazettal of the DSSLEP 2013 will be critical to this site.

In this regard, Council recently made a decision to hold a public hearing in relation to DSSLEP 2013 before proceeding any further with the draft plan. This decision removed the imminence and certainty around the draft plan.

3. SEPP (Affordable Rental Housing) 2009 (ARHSEPP).

The proposal will be required to address the relevant Design requirements and Standards of the SEPP. One of the key provisions of this SEPP emphasises the need to achieve a harmonious fit with the existing streetscape or desired future character of the locality. Desired future character would be a difficult argument to make given that DSSLEP 2013 (as exhibited) would not permit townhouses on the site.

Issues that impacts on the streetscape include (but are not exclusive to): the design and proportion of building facades and roof forms; front and side setbacks and their visual treatment; landscaping and the potential for retention of existing vegetation; and pedestrian entries.

The design as submitted illustrates a prominence of garages which is not a desirable feature as this tends to dominate the presentation to the street and lessen the 'address' of residences entries. Additionally the need to 'privatise' the front courtyard private open spaces with screen fencing increases the appearance of blank visual building masses which through the repetitive use of the same façade and alignment would create an undistinguished streetscape.

The objectives and development controls of SSDCP2006 are applicable for the location and separation of buildings relative to boundaries in these circumstances and give guidance to the desired future character of the locality.

4. Site Consolidation / Subdivision Options and Section 94 (s94) Contributions.

Various site subdivision configurations are available but may depend upon the configuration of the proposed housing forms and the desired business actions of your organisation to determine a final subdivision planning arrangement.

Nevertheless, s94 contributions are applicable and would be calculated on the final number of residences with a given allowance for the number of existing residences. These contributions are usually required prior to the issue of a Construction Certificate or subdivision works, however, in respect of the proposed use for this development a request to Council for alternate arrangements may be considered. Any request for alternate payment options should form part of any future development application and will be considered at the time.

Details of the applicable contribution plans being the 2005 Shire-Wide Open Space and Recreation Facilities and 2003 Community Facilities Plan can be reviewed on Council's web site.

5. Safer by Design (CPTED) Principles.

It was noted that the location of the properties for this development are about part of a "leaky" cul-de-sac road which not only provides easier access for local residents but also for persons causing a disturbance or unlawful behaviour. It is therefore very important to provide a design style that readily provides opportunities for casual surveillance of the street area and reduced capacity for hiding places.

The submission of a well considered report of CPTED principles for the proposal is essential for the security and well being of residents on the site.

Additionally, a reasonable Social Impact Statement should be submitted with any development application to ensure that any potential negative impacts of new development on existing development and local communities is minimised.

6. Adaptable Housing and Access.

The provision of adaptable housing and access for older people or people with a disability is important in the Shire as the number of people over the age of 55 years is above the Sydney average. It is also increasing as a proportion of the total population.

The provision of adaptable housing units within a development can assist people to continue to live in a dwelling which is suited to their mobility and level of ability. It is far more cost effective than relocation or substantial building renovations to modify a home to be more accessible at a later date.

Council's provisions require that a minimum of thirty percent (30%) of dwellings on a site, or at least one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS4299 – 1995) and Australian Standard for Design for Access and Mobility: Enhanced and Additional Requirements – Buildings and Facilities (AS 1428.2).

7. Bushfire Impacts

The site is not located within a noted bushfire prone area however, there are some natural bushland areas within the nearby vicinity that could present a source of danger from bushfire. Such impacts should be considered with the selection of materials for the design.

8. Architectural review Advisory Panel (ARAP)

The proposal will be subject to review by Council's ARAP. The comments and suggestions of the panel from this meeting considered within the assessment of a development application. You may wish to arrange a pre-lodgement meeting with ARAP and this may be done by contacting Mrs Colleen Baker on 9710 0551.

Conclusion:

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

Under the current LEP the proposed *townhouses* are permissible and subject to further design resolution the proposal has merit. The further design resolution would need to consider the provision of an improved amenity for future residents and a well integrated landscape setting, including a reduced emphasis on garage doors. As noted above *townhouses* are prohibited under DSSLEP 2013 (as exhibited) and therefore the timing of any future application, relative to the gazettal of this plan is critical.

For detailed information about how to prepare and lodge a development application, please visit

www.sutherlandshire.nsw.gov.au/Building_Development/Development_Requirements

This web page contains a “DA Guide” and an online tool called “Development Enquirer” which searches the applicable planning instruments for the planning controls relevant to your site and your proposed development.

Council’s Development Enquiry Officers are also available to assist you with the lodgement requirements for your application (ph 9710 0520).

Please contact Council as soon as possible, if you believe any of the above information to be incorrect, or if you need any clarification of the advice provided. Your initial point of contact should be Peter Brooker on 9710 0571 as this is the staff member who will most likely be responsible for the assessment of your development application.

Yours faithfully

Mark Adamson
Manager – West Environmental Assessment Team
for J W Rayner
General Manager

Architectural Review Advisory Panel

Proposal:

Demolition of Six (6) Dwellings, Construction of 18 Townhouses

Property:

4, 6 & 8 Bromwich Place MENAI NSW 2234

4, 6 & 8 Hopman Avenue MENAI NSW 2234

Applicant:

St George Community Housing Limited

File Number:

DA14/0602

The following is the report of the Architectural Review Advisory Panel Meeting held on 24 June 2014 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

3. Consideration of Development Application No. 14/0602 – Townhouses (Affordable Rental Housing) at 4-8 Hopman Avenue & 4-8 Bromwich Place, Menai – JRPP Application

Council's Peter Brooker and Evan Phillips outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Dominic Stefan, Paul Oreshkin and Josh Brandon addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

ADDRESS: 4-8 Hopman Avenue & 4-8 Bromwich Place, Menai. The site is in a low-density precinct of small single lot houses.

ZONING: Zone 4 – Local Housing. ***It should be noted that under Draft LEP2013 the site zoning is proposed to be changed to Z.E4. Under this proposed re-zoning the proposed use in this application would no longer be permissible.*

DESCRIPTION OF PROPOSAL: Eighteen (18) attached townhouses (Affordable Rental Housing). The townhouses are located in six separate buildings.

NUMBER AND MIX OF UNITS: Eleven (11) x Two (2) Bedroom, Five (5) x Three (3) Bedroom & Two (2) x Four (4) Bedroom Townhouses

RELEVANT COUNCIL CODES:

- Sutherland Shire LEP 2013 (Draft)
- Sutherland Shire LEP 2006
- Sutherland Shire DCP 2006

KEY OTHER DESIGN CODES:

- SEPP (Affordable Rental Housing) 2009
- SEPP 65 (Residential Flat Design Code) 2002

Key built form controls include: maximum two storeys, 9 metre maximum height, setbacks to DCP2006. SEPP(ARH)2009 takes precedence for compliance.

Before providing comment, it is important that the Panel makes clear the context in which its comments are provided. In late 2013 Council made a decision to hold a public hearing in relation to DSSLEP 2013 before proceeding any further with the draft plan. This decision removed the imminence and certainty around the draft plan to the point where it cannot be given substantive weight in the assessment of development applications. For the time being, development applications will therefore be assessed giving Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) determining weight.

Applicant's Submission

The Panel's comments on the design of the proposed development are as follows:

General Comments

This not-for-profit housing organisation (St George Community Housing) plays a particularly important role across Sydney and in this case, Sutherland Shire by providing significant stocks of affordable housing. The ARAP is strongly supportive of this public-private development model and its socially driven objectives, especially in the competitive and expensive Sydney housing market.

In this context, the Panel would like to encourage management to take a stronger position in demanding "cutting edge" social and affordable housing design that combines the required cost effectiveness with strong place-making principles, a legible variety of urban housing types and well-focused environmental and social agendas.

This project demonstrates why this is required. The project is inherently deceptive in its form and character, being terrace-type houses disguised in what appear to be very large, "McMansion" style houses on small building lots, with little to distinguish it both from and within its context.

It is usual for enduring urban environments to display qualities of both *legibility* and *place-making*. Paddington for example is composed of conventional urban streets with small, well cared-for front gardens and a rhythmic expression of individual terrace houses, each with its own architectural detail and character yet part of a greater whole. Why could this project not demonstrate a similar clarity of expression?

The Panel acknowledges that this proposal is being assessed under the Affordable Housing SEPP, however the above comments could be considered by the proponent for both this and many of the other sites that they develop and manage across Sydney.

Principle 1 Context

The existing context is one of modest, detached suburban houses with a general sense that the housing stock is not held in private ownership. Some newer, larger two-level dwellings are found in nearby streets, where there seems to be greater interest by the residents in maintaining the dwelling and its open space. It seems that this proposal is seeking to emulate these dwellings in form and appearance, but with an entirely different underlying typology, being the terrace house.

There are no front fences, apparently due to older existing planning controls, and this has created a lack of identity between private and public domain. The “streets”, which do not have footpaths, blend seamlessly into front gardens. This creates a sense of houses floating in an undifferentiated and unloved field of indeterminate and poorly landscaped open space.

There may be an opportunity with this project, if the will exists, to undertake something that breaks this pervasive character and starts to create a sense of community in the area. This could begin with a more rigorous expression of the housing type and consideration of how to order and articulate the open space of the public realm and private garden. Low picket fences could be a cost effective option that starts to transform the character of the site and its relationship to the street.

Principle 2 – Scale

The scale of the proposed buildings is deceptive in the 3D imaging, as there are at least two and up to four terrace style dwellings within each building. This will result in building bulk that is noticeably larger than that evident in the immediate context, but perhaps closer to some of the large, newer free-standing single homes nearby. The architects have attempted to visually mitigate the increased bulk, however in reality this is a problem of their own creation.

The proposal appears to anticipate a development character similar to the pervasive suburban “McMansion” type, where a typical green-field development site is dominated by very large single houses squeezed onto small building lots. This typically results in poor landscape outcomes, which is likely in this instance as well given the very narrow, long open spaces between the individual buildings and undifferentiated setback zones. The current side setbacks are also not compliant with the DCP.

The height of the proposed buildings is considered appropriate to the context.

Principle 3 – Built Form

The Panel generally agrees with the rationale for the setbacks on Hopman Avenue and Bromwich Place.

While the dressing of an urban terrace plan type in suburban vernacular clothes is highly unusual, the proponents stated aim (to be in character with the context) has probably been achieved by this approach.

This approach is also consistent with the Affordable Housing SEPP provisions, which emphasise the need to achieve *a harmonious fit with the existing streetscape or desired future character of the locality*.

A question might therefore be: Is this design approach the best for this site (replicate existing character) and if not, then why not then consider and express a different house typology in this particular corner of suburbia?

The arrangement and design of the street frontages and entries to dwellings require further resolution. The individual entries are hidden and not well designed - a post box on the street is not enough! They are often difficult to find, requiring a shared journey by

neighbours up a driveway looking straight at garage doors. Front doors are either placed directly adjacent to each other or concealed around the side of the dwelling.

The design of the buildings, where a number of thin, long dwellings are disguised in a large house form, invariably results in contrived asymmetries, tokenistic changes of material, inefficient building footprints, and poor resolution of solar aspect and natural ventilation.

Panel member views were divided in some areas however. Consider the following comments:

The most convincing aspect of the built form is the street elevation, where the terraces sit over the garages and the piers create a larger, unifying order along the street.

The predominance of garages dominating the façade facing the street (as noted in the PAD Report) could be ameliorated with less heavy repeating vertical elements associated with the garages.

It is ultimately up to the designer to make a convincing and well-argued case for their design concept; clearly there is no right or wrong in this instance.

Principle 4 – Density

In principle, the Panel supports the proposed level of density on this site, provided that the buildings are planned in conjunction with the creation of legible, useable, high quality outdoor spaces.

The objective for this site is therefore to create built form that does not marginalise the ability to create appropriate open space and landscape settings.

Are there too many dwellings? If affordability is dictating the dwelling yield is it possible for the footprints and roofs to be designed more efficiently? Perhaps it would be preferable to attach more dwellings and reduce the unusable narrow side spaces between buildings.

It also seems that there are inefficiencies arising from the different plan types. Consider using a more compact, rational and spatially efficient plan to limit the building footprint sizes.

Principle 5 – Resource, Energy and Water Efficiency

The terrace plan as a type is generally very efficient for the provision of public infrastructure and utility services, and this applies to this proposal.

Is it intended to introduce solar cells for hot-water and power, given that many roofs face north?

Ensure that through-ventilation can be achieved in poor weather, for instance at the rear nearly every door and window facing north is unprotected and therefore would have to be closed.

Water storage is noted on the document but it is not clear how it is to be used and if sub-surface irrigation is to be provided.

Principle 6 - Landscape

Except for backyards there is no real thought or vision for the creation of coherent public and private outdoor spaces. A legible, distinctive private/public planting strategy may assist in this delineation if the “no front fence” policy is to be perpetuated in this development.

The landscape plan needs a properly resolved planting plan rather than suggested planting palette; particularly as the new plants are to be integrated with the existing trees.

The proliferation of paths from the street to individual units undermines the intention of each building appearing as one residence. These paths are not necessary where central drive-ways exist. A simple path across the front of the buildings flowing from the driveway would be more than enough.

This also results in fussy little patches of lawn that act against the sense of a continuous front landscape. The argument about letterboxes can be resolved by using the walls of the planting boxes. Many of the planting boxes are unnecessary and act against the intention of presenting single residences to the street however it is accepted that the proposed walls will stop people parking on the grass.

Consider using graduated walls that disappear into the lawn at the front. The wall does not need to be very high (say max. 300mm) to be effective – the planting would be going into deep soil. The planting design could be similarly graduated with prickly ground covers meeting the lawn. If the paths from kerb to door are removed and a more interesting configuration of planting areas with graduated walls meeting generous lawn with groves of trees were explored, a collection of villas in a residential street could be more easily achieved.

Where possible, continuous grass swards with groves of trees, preferably smooth barked trees such as *Eucalyptus haemastoma* or *Angophora costata*, are more in keeping with the residential character.

Placing small trees in the planting boxes in the front area prevents the sense of spatial continuity and interferes with views and sight-lines. In general, the suggested trees for the front areas are too small when mature. Such small trees may be better in the private courtyards.

The Panel agrees with the proposed fence between Buildings 3 and 4, but why not extend the fence between other buildings to the front building line? Building 5 does not need a path from the street to the front door for second unit C.

Vehicles parking on grassed areas will inevitably pose maintenance problems.

Maintenance of landscape will be very important: the proponent advised that they will be responsible for ongoing care of the open space in front of the dwellings, with residents responsible for rear courtyards.

Principle 7 – Amenity

The Panel notes that internal planning of the units has generally been well organised, however the following should be considered:

The site layout of Buildings 1-3 compromises reasonable solar access for the smaller southern dwelling in each block. These buildings could all be “flipped” north-south to remedy this. The requirements of SEPP(ARH)2009 should also be complied with in this regard.

The north elevations of buildings 1, 2 and 3 do not make best use of available solar access.

Three or four bedroom homes generally work best with a minimum of two separate living spaces. Can this be achieved in affordable housing, or is it possible to have flexible spaces that can fulfil this important social function for families?

Is there any screening/enclosure proposed for shared bin stores? Building 2's bin store will be unpleasant for building 1's unit C, if it is not enclosed or screened. Consider bin store being incorporated into raised garden beds between buildings.

The apparent short fall in car parking in relation to accessibility and site planning is to be further considered, notwithstanding advice that local bus services operate regularly in close proximity to the site.

Principle 8 – Safety and Security

Front doors and awnings need more legible placement and form.

The PAD meeting highlighted a range of potential CPTED issues; ensure that these are addressed.

Principle 9 – Social Dimensions

As previously stated, the Panel is strongly supportive of this procurement method for affordable housing

Principle 10 – Aesthetics

The aesthetic rationale for the houses is the conventional but over-used expression of a large single dwelling/mansion imposed upon its site. There is little that relates these buildings to their topography, culture or landscape. A more sensitive reading of these cues might assist in making a development that has some sense of place and relationship to its natural setting.

Changes in materiality and colour are strongly supported, but there should be a clear rationale, rather than what seems to be an arbitrary allocation. This could be achieved through set-out datums and application to repetitive/distinct elements and/or house types.

The site has a tangible sense of connection to the nearby bushland: perhaps a visit to the bush to source a range of local soft, rich colours might add interest and a rational, connected backbone to the aesthetic strategy. Avoid using brighter/lighter yellows and ochres: try to keep the colour palette subtle, more recessive and using softer, muted

hues. This also applies to paving and driveways where glare and reflected heat can be a problem.

The use of face brick in tandem with painted render and lightweight surfaces is strongly supported, particularly in areas that are visible from the street. Some darker elements could be introduced in order to add some contrast and break up the forms.

Colorbond fencing is cost effective but inherently very unattractive – consider reducing heights and mask long runs with adjacent soft landscape elements to minimise its stark visual impact.

The use of full clear glass balustrades for the sake of variety is not supported, as this compromises privacy for the balcony and the interior. A lower, solid portion to say 760mm height with a lighter glass or metal upper portion could be considered, as this will balance privacy with street surveillance. Variety can be achieved in other ways.

Tony Caro
Deputy ARAP Chairman

10 July 2014

**NSW POLICE FORCE**

Sutherland Local Area Command
113 – 121 Flora Street
Sutherland NSW 2232

Tel: 02 9542 0899
Facsimile: 02 9542 0708
Ref.No: DA 14/0602

18 August 2014

General Manager,
Sutherland Shire Council
Locked Bag 17,
Sutherland NSW 1449

RE: Development Application DA 14/0602
Demolition of six (6) dwellings, construction of eighteen (18) townhouses
4-8 Bromwich Pl, Menai
4-8 Hopman Ave, Menai

In line with the Crime Prevention Guidelines of the New South Wales Environmental Planning and Assessment Act, 1979, Section 79C, Sutherland Local Area Command has conducted a *Safer by Design Crime Risk Evaluation* as requested by Sutherland Shire Council, on the proposed development relating to demolition of six (6) dwellings, construction of eighteen (18) townhouses at 4-8 Bromwich Pl, Menai and 4-8 Hopman Ave, Menai.

The proposed development may introduce new (potential) victims, crime opportunities and offenders to the development site and its surroundings. It is possible, therefore, that reported crime will increase in the future.

Crime Prevention Through Environmental Design (CPTED) treatment options should be considered for the proposed development in order to reduce opportunities for crime.

Yours sincerely,

Superintendent Julian Griffiths
Sutherland Local Area Commander

FILE LOCATION

EPH

Safer by Design



***Crime Risk Evaluation:
Demolition of six (6) dwellings, construction of eighteen
(18) townhouses***

***4-8 Bromwich Pl, Menai
4-8 Hopman Ave, Menai***

DA 14/0602

a report prepared for
Sutherland Shire Council

By

NSW Police Force
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August 2014



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Disclaimer

New South Wales Police has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by NSW Police absolutely safe for members of the community or their property;
2. It is based upon the information provided to NSW Police at the time the evaluation was made;
3. The evaluation is a confidential document and is for use by the consent authority referred to on page 1 only;
4. The contents of this evaluation are not to be copied or circulated other than for the purposes of the consent authority referred to on page 2.

NSW Police hopes that by using the recommendations contained in this document criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.



Section 79C of the Environmental Planning and Assessment Act and Crime Prevention

In April 2001, the NSW Minister for Planning introduced Crime Prevention Guidelines to S79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. "If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised".

The Guidelines contain two parts. "Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification of proposals to minimise risk" (DUAP 2001:2).

Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place-management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);



- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- Minimise excuse-making opportunities (removing conditions that facilitate the rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are Surveillance, Access Control, Territorial Reinforcement and Space/Activity Management.

Surveillance

Natural surveillance (NS) is achieved when normal space users can see and be seen by others. NS highlights the importance of building layout, orientation and location; the strategic use of street design; landscaping and lighting. NS is a by-product of well-planned, well-designed and well-used space. *Formal (or Organised) Surveillance (FS)*, is achieved through the tactical positioning of guardians. An example would be the use of supervisors on station platforms, or the placement of a taxi rank within eyesight of a station entry. *Technical Surveillance (TS)* is achieved through mechanical/electronic measures such as CCTV, help-phones and mirrored building panels. TS is commonly used as a "patch" to supervise isolated, higher-risk locations.

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Australia and New Zealand Pedestrian Lighting Standard 1158.3.1 requires lighting engineers and designers to factor in crime risk and fear when selecting lamps and lighting levels.

Access Control

Access control measures restrict, channel and encourage people, bicycles and motor vehicles into, out of and around targeted sites. Wayfinding, desire-lines and formal/informal routes are important crime prevention considerations.



Access control is used to increase the time and effort required to commit a crime and to increase the risk to criminals. *Natural Access Control (NAC)* includes tactical use of landform and waterways, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. *Mechanical/Electronic Access Control (MEAC)* includes the employment of security hardware and *Formal (or Organised) Access Control (FAC)* includes on-site guardians such as employed security personnel.

Territorial Reinforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. *Territorial Reinforcement (TR)* uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/should not be and what types of behaviour are appropriate.

Space and Activity Management

Space and activity management strategies are an important way to develop and maintain *natural* community control. Space management involves the formal supervision, control and care of the public domain. All space, even well-planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

Evaluation

This evaluation was requested by Sutherland Shire Council for DA 14/0602 which is described as a demolition of six (6) dwellings, construction of eighteen (18) townhouses.



Primary focus areas include:

- Design detail;
- Pedestrian access (internal and external); and
- Place management.

Sutherland Local Area Command (LAC)

The Sutherland Local Area Command (LAC) is on the southern fringes of Sydney, between Sydney and Wollongong. Geographically the command is the largest in the Central Metropolitan Region being over 300 square kilometres in size. A large part of the LAC consists of the Royal National Park. The major suburbs are Sutherland, Menai, Engadine and Gymea. There are a total of 28 suburbs within the command. Other Local Area Commands adjoining Sutherland LAC include Miranda LAC to the east, Wollongong LAC to the south, Liverpool LAC to the west, Bankstown LAC to the north-west and Hurstville LAC to the north.

Sutherland LAC is situated within the Sutherland Shire which includes Miranda LAC and has a major thoroughfare (Princes Hwy) for motorists and commuters travelling between Sydney and Wollongong, with connecting major arterial roads and railway. Princes Hwy is a six (6) lane divided road.

The proposed development site is situated in the western part of the Sutherland Shire and west of Menai CBD itself. This location is approximately 2.3km drive and 2.1km walking distance to Menai Central Business District situated to the east. Menai Central Business District consists of supermarkets, department stores, licensed premises, cafes, restaurants and small/mixed businesses.

Bromwich Pl/Hopman Ave is in close proximity to public transport being buses. Bus services operate to Padstow/Parramatta to the north/west and Sutherland to the east.

Crime Ratings

Reported crime statistics have been used to help identify 'crime likelihood'. These statistics are based on raw data, however, can be provided by Police, if required, or for more accurate statistics can be acquired by the Bureau of Crime Statistics. In NSW, crime



statistics are gathered and analysed in geographical areas referred to as Police Local Area Commands (LACs). This development is located within Sutherland Local Area Command and the following incident categories and rating have been identified for the Local Area Command in which the development is located:

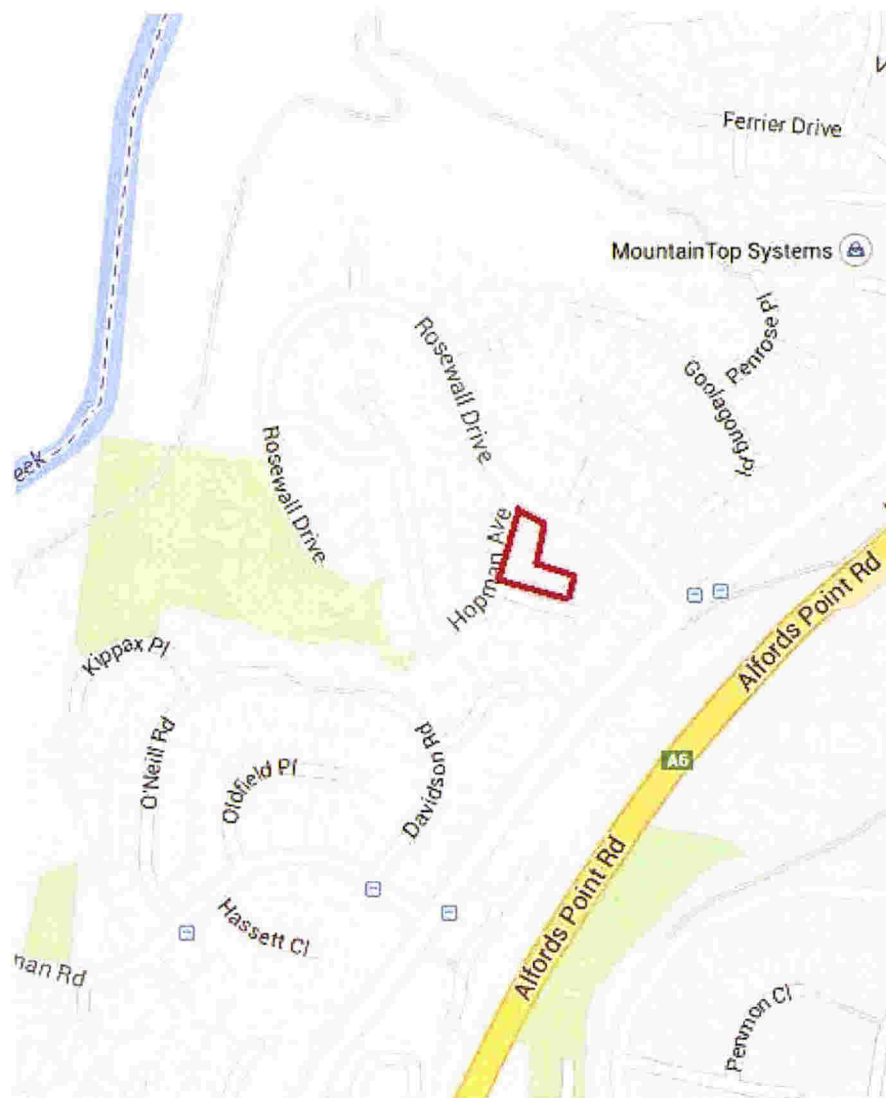
Incident	Likelihood Values based from Raw Data Statistics				
	Highly Likely	Likely	Moderate	Unlikely	Not assessed
Malicious damage	X				
Stolen M/Vehicle			X		
Assault	X				
Break & enter			X		
Stealing		X			
Robbery				X	
Fraud			X		

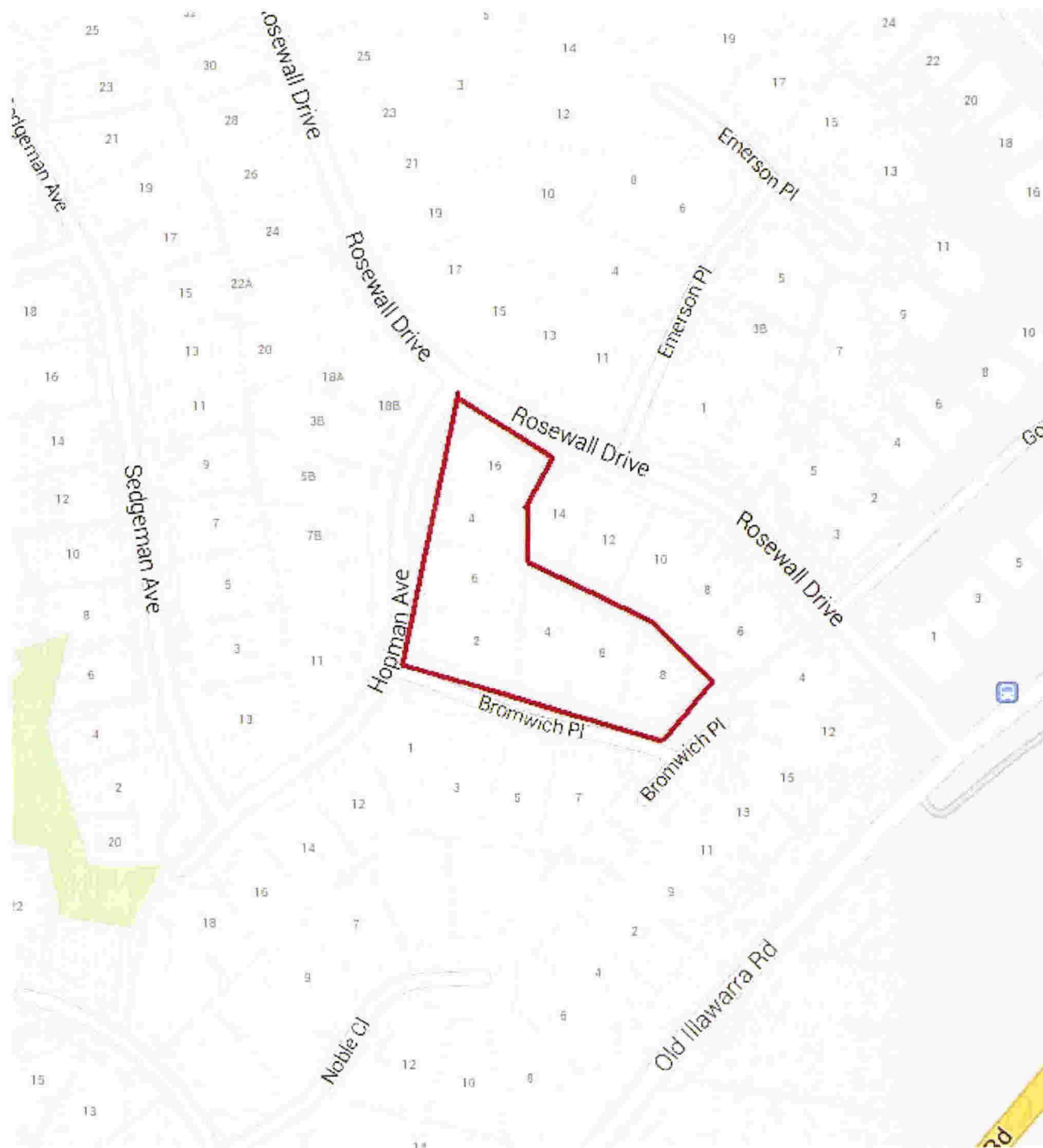
* The Sutherland LAC Intelligence Unit has revealed the above crime types occurred within a 100 metre radius of the proposed location and for the previous 24 months.

The Sutherland LAC Intelligence Unit has revealed that the following crime (incident) types were the major incidents that occurred in and within a 100 metre radius of Bromwich Pl, Menai between August 2012 and July 2014: 5 x stealing, 8 x Malicious Damage, 7 x Assaults, 5 x Break, Enter & Steal, 2 x Fraud, 2 x Stolen vehicle/vessel and 1 x Located vehicle/vessel. These statistics are substantially high for a residential area.



View of proposed area







Issues and Recommendations

Working through the preliminary drawings, a number of areas of concerns have been identified.

- Clear sight lines provide a higher measure of safety through natural surveillance; this may come at the expense of some privacy on the ground level. Of concern, Lot number 23 (cnr of Hopman Ave and Bromwich Pl) appears to have proposed a number of large trees placed in front and around the premises. Trees growing close to premises offer potential offender/s to use the tree branches to gain entry onto balconies and/or through windows.
- All windows should be installed with locks, along with lockable security doors for all external doors.
- The street number of each unit should be clearly seen from the street to assist in response times for Emergency Services.
- A front boundary fence would benefit security where it may prevent possible intruders from trespassing and entering the premises. Should a front boundary fence be installed, it



requires being free from areas of concealment with clear sight lines for pedestrians approaching the property.

- A boundary fence should be installed at property number Lot 26 due to the accessible footpath into Rosewall Dr. This footpath may be utilised regularly due to gaining access as a shortcut to the nearby bus shelter and providing boundary lines may reduce the likelihood of potential arguments over short cutting of pedestrians.
- Anti-graffiti paint should be used on any external walls. Any graffiti should be removed immediately. Etching of glazed areas is also common.
- Security intercom or keyed systems at front doors and further, remote control entry into the garage/s, should increase the security and safety of the residents. Consideration of a connected video surveillance system activated with the voice intercom will further increase security.
- Individual premises should be well lit at all times and motion sensor lighting should be installed to increase resident safety during nightfall. Ensure that adequate lights are installed and are maintained.
- External lighting should be installed to clearly illuminate the building surrounds and incorporate the entrances, driveway and common areas. After an agreed time at night this could change to motion lighting. All lighting should be monitored and regularly maintained to ensure there are no darkened areas.
- Security 'peep' holes and security doors should be installed on external doors with one-way vision. Care should be taken to provide clear sight lines for persons opening the door.
- Police have been aware that at times criminals will use the top floor of premises to observe the surrounding premises to select victims for future offences such as property theft, while the owners are away from home. It would be impracticable to suggest this could be stopped completely, however, it is recommended that if the premises are to be rented, reference checks on the bona-fides of rental applicants are conducted.
- Side and rear fences should be made of solid construction and be of a height no less than six feet tall. This should enhance security into the proposed development and reduce the likelihood of potential trespassing.



Additional Information

Warning Signs

- Warning Signs can assist in controlling activities and movements throughout the premises and grounds.
- Post warning signs around the perimeter of the residence to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
Warning. Trespassers will be prosecuted.
Warning. This property is under electronic surveillance.
All property has been marked for police identification.

Landscaping

- Keeping trees & shrubs trimmed can reduce concealment opportunities and increase visibility when traveling to and from the property.
- Remove obstacles & rubbish from property boundaries, footpaths, driveways, car parks & buildings to restrict concealment & prevent offenders scaling your building.

Security Doors

- Install quality security doors at the front doors of each entrance to clearly define the boundaries and restrict access.
- Glass or open-style doors prevent offenders from using the door for concealment.
- Information regarding types of locks can be obtained by contacting Australian Standards.

Security Lighting

- Install security lighting in and around your property, particularly over entry/exit points to create an even distribution of light with no glare, e.g. sensor lighting or floodlighting.
- When unoccupied, leave a limited amount of internal lighting on at night to enable patrolling police, security guards or passing people to monitor activities within the premises.

Building Design

- The floors, walls & ceilings should be of solid construction.
- The roof should be reinforced with mesh below the roofing to restrict unauthorized entry.
- Maintain clear sightlines between the street, neighboring property and the buildings.
- Limit the number of entry/exit points to restrict unauthorised access.

Windows

- Windows and frames should be of solid construction.
- Windows should be fitted with key-operated window locksets to restrict unauthorised access.



- Glass may also be reinforced to restrict unauthorised access with a shatter-resistant film, or replace the existing glass with laminated glass, or have quality metal security grilles or shutters installed.

Surveillance Equipment

- Surveillance equipment can enhance the physical security of your premise and assist in the identification of people involved in anti-social or criminal behavior.
- Cameras should be installed in and around the property to maximise surveillance opportunities.
- Digital or video technology should be used to record images from the cameras.
- Recording equipment should be installed in a lockable, restricted area where person/s cannot tamper with the equipment.
- Videotapes/DVD's need to be replaced quarterly to maintain quality images.
- Installed surveillance equipment should be maintained in working order and regularly tested.
- If the surveillance system is installed, use it.
- Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.
- Ensure that the requirements of the Surveillance and Privacy Act are adhered to.

NSW Police hopes that by using the recommendations contained within this report, criminal activity will be reduced and the safety of residents or tenants and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

NSW Police would like to thank you for your interest in improving the security of your property and in preventing crime in our community. Should you require any further information please contact Constable Dave HAYES at Sutherland Police Station on 9542 0899.

Regards,

Dave HAYES
Senior Constable
Crime Prevention Officer
Sutherland Police

State Environmental Planning Policy No.1 Objection to a Development Standard

Project #1302BRO

4-8 Bromwich Place & 4-8 Hopman Avenue, Menai



November 2014



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1 Introduction

This State Environmental Planning Policy No.1—Development Standards (SEPP 1) objection is made pursuant to Clause 6 of the SEPP. The application sets out an objection to a development standard contained in Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).

This document has been prepared in accordance with the provisions of SEPP 1 and the document *Varying development standards: A Guide* and dated August 2011 as published by NSW Planning and Infrastructure.

This objection includes the following:

Section 2: The policy background and basis for assessment.

Section 3: Details of the relevant planning instrument, zoning, development standard, the level of departure from the standard and reasons why strict compliance would be unreasonable including well founded grounds for the objection. This section follows the suggested form and content of in *Varying Development Standards: A Guide*.

Section 4: Demonstrates how the objectives of the zone and the objectives of the development standard have been complied with despite the variation of the development standard.

Section 5: Summarises and concludes the SEPP 1 objection



2 SEPP 1 policy background

This section contains the policy background and basis for assessment.

2.1 Policy Background

The State Government introduced SEPP 1 on 17 October 1980 with the aim of providing consent authorities with the flexibility to vary development standards contained within Environmental Planning Instruments (EPIs) where it is demonstrated that strict compliance with the development standard, in the particular circumstances of an individual development application, is unreasonable or unnecessary.

SEPP 1 effectively permits a consent authority to approve a development which fails to meet a development standard in an LEP if the applicant lodges an objection with their development application stating that compliance with the standard is unreasonable or unnecessary under the circumstances (known as a 'SEPP 1 objection'). The consent authority can grant development consent if it is satisfied that the objection is well founded.

2.2 Policy assessment criteria

The Land and Environment Court has set out the following test for the assessment process:

First, the applicant needs to satisfy the consent authority that 'the objection is well founded' and that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.


Second, the consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in paragraphs 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979 (EP&A Act).

Third, the consent authority must consider whether non-compliance with the development standard raises any matters of significance for State or regional planning.

Fourth, the public benefit of maintaining the planning controls adopted by the EPI must be considered.

Fifth, the objection must be well founded along the following grounds:

- The objectives of the development standard are achieved despite the development not complying with the standard.
- The objectives of the development standard are not relevant to the development and therefore compliance is unnecessary.

- 
- The underlying objective of the development standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
 - The development standard has been virtually abandoned as a result of the consent authority granting approval to developments that depart from the standard, resulting in compliance with the standard being unnecessary and unreasonable.
 - The zoning of the subject site on which the development is being carried is not in keeping with the environmental character of the locality and the development standard is therefore unreasonable or inappropriate. Consequently, compliance with the development standard is not appropriate as this would also be unreasonable or unnecessary.

Where the grounds of an objection made under SEPP 1 are too general in nature and could be applicable to many sites in the locality, approval of the objection should not be supported. Also, where there is significant public benefit in maintaining development standards, SEPP 1 should not be employed to effect general planning changes over a wider locality.



3 Details of the development standard and grounds for variation

This section contains details of the relevant planning instrument, zoning, development standard, the level of departure from the standard and reasons why strict compliance would be unreasonable including well s grounds for the objection.

3.1 Relevant planning instrument

Guideline question: *What is the name of the Environmental Planning Instrument that applies to the land?*

Sutherland Shire Local Environmental Plan 2006 (SSLEP2006).

3.2 Zoning

Guideline question: *What is the zoning of the land?*

Zone 4—Local Housing.

3.3 Zone objectives

Guideline question: *What are the objectives of the zone?*

The objectives of this zone are as follows:

- (a) to allow low density residential buildings that complement the predominantly urban landscape setting of the zone, characterised by dwelling houses on single lots of land,*
- (b) to ensure the character of the zone, as one comprised predominantly of dwelling houses, is not diminished by the cumulative impacts of development,*
- (c) to allow development that is of a scale and nature that preserves the streetscape and neighbourhood character of the zone,*
- (d) to allow residential buildings that provide a variety of housing choices for the needs of the local community,*
- (e) to allow non-residential buildings that provide necessary services to the local community without adversely affecting the residential amenity of the zone.*

3.4 The subject development standard

Guideline question: *What is the development standard being varied?*

The development standard relates to the minimum width of a lot on which it is intended to construct a townhouse.

This objection relates to the minimum lot width only. The proposed development complies with the minimum lot area as required by SEPP (Affordable Rental Housing) 2009 which overrides the minimum site area requirement of SSLEP2006.

3.5 Relevant LEP Clause

Guideline question: *Under what clause is the development standard listed in the environmental planning instrument?*

The development standard is listed under subclause 41(4) of SSLEP2006, which relates to the minimum area and width of a lot of land. Specifically, the second part of the development standard (underlined below) that relates to lot width.

41 *Villa houses, townhouses and residential flat buildings—internal lots and lot sizes*

(4) *The minimum area of a lot of land to which this clause applies on which it is proposed to erect a townhouse or a villa house is 1,200 square metres and the minimum width of any such lot is 25 metres.*


3.6 Development standard objectives

Guideline question: *What are the objectives of the development standard?*

The development standard objectives are contained under LEP subclause 37. The objectives provided under Clause 37 relate to all development, which is subject to the provision, not just affordable housing development being undertaken in Zone 4. The standard objectives which are particularly relevant to subclause 41(4) are objectives (c) to (f). The objectives of the development standard are set out below.

The objectives of clauses 39–42 are as follows:

- (a) to ensure that a new lot created for the purpose of a dwelling house has a sufficient area available for:*
 - (i) a dwelling house and ancillary facilities, and*
 - (ii) an outdoor recreation and service space, and*
 - (iii) vehicular access to and from the site,*
- (b) to ensure that a sufficient area is available for building setbacks to reduce the effect of radiated heat from bush fire on bush fire prone land,*

- 
- (c) *to ensure that newly created lots provide adequate building area to accommodate the type of dwellings that are proposed to be built on such lots,*
 - (d) *to ensure that the area and width of lots are sufficient for their intended purpose and provide sufficient space for negative externalities to be resolved on site,*
 - (e) *to ensure that a sufficient area of land is available, in connection with development, for landscaping, drainage and parking so as to achieve a satisfactory residential amenity,*
 - (f) *to ensure new development complements the established scale and character of the streetscape where the development is carried out, and does not dominate the natural qualities of its setting.*

3.7 Numeric value of the development standard

Guideline question: *What is the numeric value of the development standard in the environmental planning instrument?*

The numeric value of the development standard is specified as 25 metres.

3.8 Numeric value of the proposal

Guideline question: *What is the proposed numeric value of the development standard in your development application?*

The proposal relates to six (6) lots. Each lot will vary the development standard.

3.9 Percentage variation

Guideline question: *What is the percentage variation (between your proposal and the environmental planning instrument)?*

The six (6) proposed lots are irregular in shape so the percentage variation varies depending on the point at which lot width is measured. Table 1 below outlines the lot width and percentage variation at the front of each lot, at the front building line and at the rear. Figure 1 indicates the location at which each measurement was taken which is parallel to the front building line. The largest variation will occur at the front property boundary of Lot 6 – 36.4%. The smallest variation will be Lot 4 which will vary the standard by 9.6%.

Table 1 Lot width measurements and percentage variation

	Front		Building Line		Rear	
	(m)	% variation	(m)	% variation	(m)	% variation
Building 1	16.7	33.2%	16.7	33.2%	16.7	33.2%
Building 2	17.1	31.6%	17.1	31.6%	16.3	34.8%
Building 3	20.5	18.0%	20.5	18.0%	20	20.0%
Building 4	22.6	9.6%	22.6	9.6%	22.6	9.6%
Building 5	18.1	27.6%	18.1	27.6%	18.1	27.6%
Building 6	15.9	36.4%	20.6	17.6%	-	-

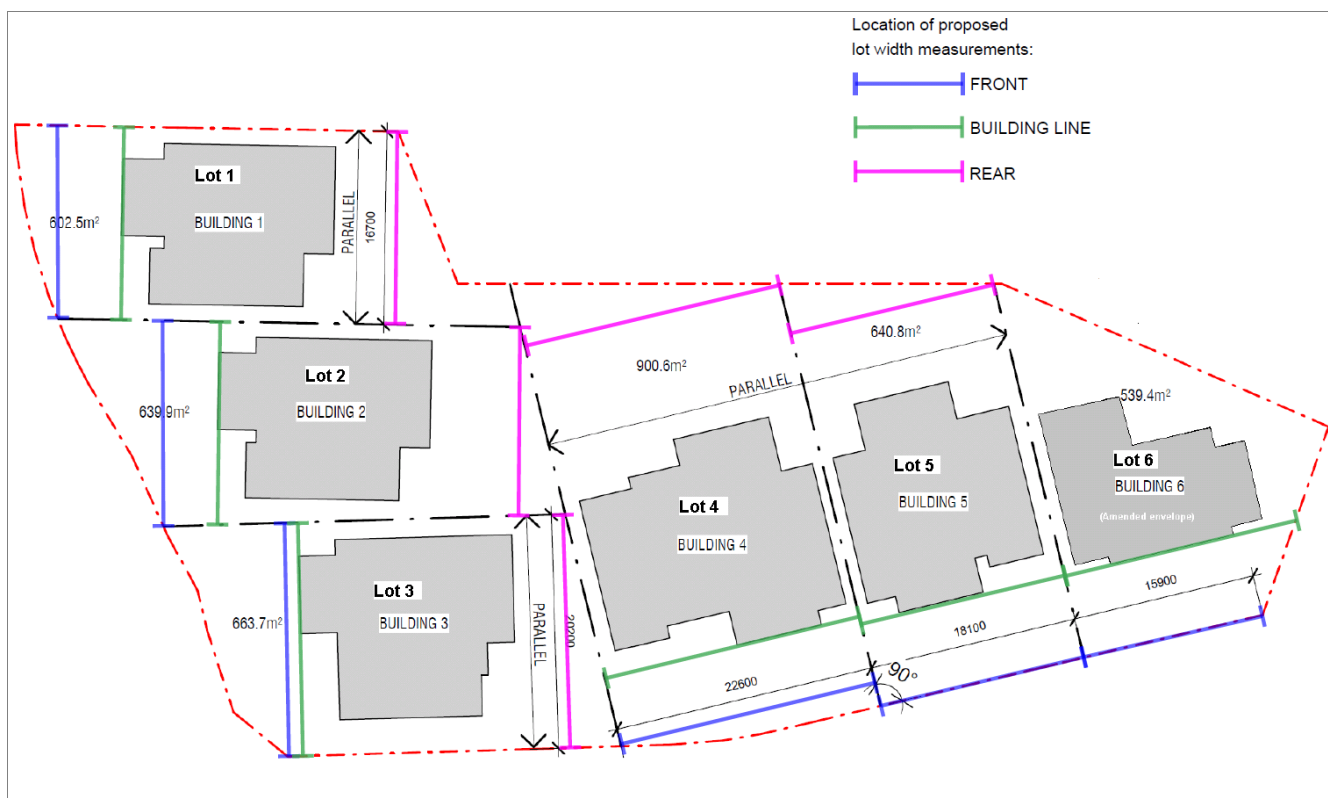


Figure 1 Location of proposed lot width measurements

3.10 Reasons why strict compliance is unreasonable or unnecessary

Guideline question: How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The following points outline grounds why strict compliance is unreasonable or unnecessary:

- The subject development standard is intended to work in tandem with the minimum site area requirement of 1,200 m² (being part of the same subclause). However, the proposal relies on the provisions of ARHSEPP which provides for a minimum site area requirement¹ of 450 m². As the 1,200 m² minimum requirement is overridden by the ARHSEPP, maintaining lot widths greater than 25 metres becomes unreasonable i.e. the closer a proposed lot approaches 450 m².
- If a regularly shaped 450 m² lot was developed for townhouses and were required to comply with the minimum lot width standard, it would necessarily be 18 metres deep. This would preclude the development of land under Division 1 of ARHSEPP and in locations where the ARHSEPP was primarily intended to operate – urban infill development sites where the predominant allotment pattern has been firmly established and creates an unmodifiable constraint. It would also preclude the type of development being proposed which is townhouses with a deep and narrow footprint – chosen because it provides the best resolution of neighbourhood character issues which is a requirement of ARHSEPP.
- The intention of ARHSEPP is to provide incentives for the provision of ARHSEPP
(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

The proposal would comply if the site were consolidated into three lots. However this would preclude achieving a disaggregated (Torrens title) property portfolio which in the case of a Community Housing Provider such as SGCH is a disadvantage. It is likely that in the long term (20-25 years) the proposed properties will be traded. This is necessary to grow and renew the social and affordable property portfolio. For maintenance and management reasons, SGCH avoids owning properties in strata schemes with private owners. For these reasons, the ability for SGCH to split the site into smaller (Torrens title) portions means it can dispose of properties in a more controlled way (divesting less properties at a time). It also allows SGCH to achieve mixed communities of private and community housing while not creating management issues associated with strata schemes.

¹ ARHSEPP Clause 14 – standards that cannot be used to refuse development

- The proposed lots are part of a larger site (3,986 m²) which meets the minimum 25 metre lot width requirement.
- All of the proposed lots exceed the minimum site area requirement of ARHSEPP as indicated in table 2 below. They have been developed to a similar density as would be expected for a larger site being developed under the provisions of SSLEP2006.

Table 2 Lot areas and percentage variation from ARHSEPP

Building/ Lot	Proposed lot area m²	Percentage variation (min 450 m²)	No. Dwellings
1	602.5	+34%	3
2	639.9	+42%	3
3	663.7	+47%	3
4	900.6	+100%	4
5	640.8	+42%	3
6	539.4	+20%	2
Total	3986.9 m2		18

3.11 Attainment of the objects of the Act

Guideline question: How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

5 Objects

The objects of this Act are:

(a) to encourage:

- (i)** the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii)** the promotion and co-ordination of the orderly and economic use and development of land,

If Council were to insist on strict compliance with the minimum lot width development standard, such a decision would hinder the attainment of the objectives in Section 5(a)(i) and (i) in that:

- Proper development of Menai for the purpose of promoting the social and economic welfare of the community by means of a proposal which is compatible with the character of existing residential development would be discouraged.

- The co-ordination of the orderly and economic use and development of the land would be discouraged. Strict compliance would discourage the construction of well designed residential dwellings in an established suburban area with good access to facilities, services and infrastructure.
- The social and economic welfare of the community would not be promoted as it would prevent the construction of high quality, affordable, energy efficient housing catering for the needs of the local community in an accessible location. Affordable housing need is a salient reason and the applicant highlights the serious issue of housing affordability in Sutherland Shire and consequent implications for the social and economic welfare of the local community. Housing affordability in Sutherland Shire affects people on moderate incomes and research by the NSW Centre for Affordable Housing indicates that the Shire has some of the largest numbers of moderate income earners in rental stress in the Sydney Metropolitan Region.

The proposal is in keeping with the other objects of the EP&A Act most notably 5(a)(viii):

(viii) the provision and maintenance of affordable housing,

Currently there have been no other comparable affordable housing projects for which low and moderate income earners in Menai would be eligible. There has also not been an affordable housing policy or DCP in Council's plan making processes. The proposal would therefore fulfil one of the stated objects of the EP&A Act that is currently not being addressed in Sutherland Shire with respect to low to moderate income earners.


The proposal meets the above objectives. It is the first affordable housing development of its kind in Menai and will encourage the efficient use of land. It will house approximately 54 people within an efficient, compact design that provides occupants with a high level of amenity. The bulk and scale of the proposal complements the character of surrounding built form. The building setbacks have been determined by Council's DCP. The upper floors are set back from the street providing a consistent relationship to the street. Safe vehicle entry points will be achieved and maintain the predominant driveway pattern.

If the proposed development was required to comply with the minimum lot width requirement it would discourage the objectives of the ARHSEPP.

3.12 Performance based control

Guideline question: Is the development standard a performance-based control?

The subject development standard is not a performance based control. A performance based control provides flexibility in the approach or variation in the measures to achieve the required outcome. In this case, the minimum lot width is expressed numerically and is a development standard that must be met. It provides for no opportunity to vary the requirement except by employing the provisions available under SEPP 1.



4 Objectives of the zone and development standard have been satisfied

This section demonstrates how the objectives of the zone and the objectives of the development standard have been complied with despite the variation of the development standard.

4.1 How have the objectives of the zone been satisfied?

The objectives of the zone are contained in section 3.3 of this objection.


The proposed development will satisfy the objectives of the Local Housing zone in the following ways:

The proposed mixed use development is compatible in design, bulk and scale with adjoining and nearby residential development in the surrounding streetscape, and provides for front, rear and side building setbacks that are compatible with neighbouring buildings and generally compliant with Council's DCP. The proposal is for six buildings in a landscape setting, on separate lots, each served by a separate driveway.

The character of the zone, as one comprised predominantly of dwelling houses is not diminished. Each building has the appearance and proportions of a large detached dwelling house but subdivided into separate townhouses. Each townhouse contributes to the design of the building which in turn contributes to the existing character of the local area and streetscape. Although building footprints are larger; front and rear landscape areas have been maintained with ample opportunity for deep soil planting. Significant trees have been retained where possible. Replacement planting will be provided.

As evidenced in the site layout, street perspectives and elevations the proposal responds to the desired streetscape character and reduces visual building bulk by:

- breaking up massing and articulating building facades
- allowing breaks in rows of attached dwellings
- variation in building materials and colours
- setting back upper levels
- reducing apparent bulk by breaking down the roof into smaller elements
- using a roof pitch sympathetic to surrounding buildings
- avoiding uninterrupted building facades.



The proposed development is located in close proximity (175 metres walking distance) to regular bus services to Menai and Sutherland Rail Interchange by bus routes 962, 963 and M92. Bus route alone has a frequency of approximately every 10-15 minutes (70 per day) from 6am to 9pm on weekdays. The development has also been designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).

4.2 How have the objectives of the development standard been satisfied?

The objectives of the development standard are contained in section 3.6 of this objection and cover a number of development standards. Of particular relevance to this development are the objectives in subclauses 37(c) to (f).

The proposed development is will satisfy the objectives of the development standard in the following ways:

The proposal involves the construction of six buildings in various 'multiplex' configurations designed to blend in with the local suburban character. Each building will contain 2-4 townhouses but is intended to read as a single large suburban dwelling house thereby integrating into the streetscape. This is achieved through:

- Hipped roof designs.
- Building footprints of a similar size to surrounding large dwellings fronting Rosewall Avenue.
- One and two storey buildings elements to reduce the building bulk.
- Varied and articulated building wall setbacks to reduce the apparent bulk.
- Side setbacks and separation between buildings which provides a similar rhythm to surrounding dwellings.
- Each building serviced by a single driveway.

Despite the above each dwelling is designed to have its own identity and be easy to find for visitors. Each townhouse will have its own pedestrian entrance and letter box.

Negative externalities associated with the development have been resolved on-site and this is covered in section 5.2 of the Statement of Environmental Effects submitted under separate cover. Careful consideration has been given in determining the site layout in relation to the surrounding development to ensure that the needs of existing and future residents are met.

The development provides a high standard of housing which is compatible with surrounding development. The design is complementary to surrounding established development, the Hopman Avenue and Bromwich Place streetscapes and is consistent with the desired future character of the area. It provides a high quality townhouse development that maintains the local area character through appropriate density and building form while promoting the orderly economic development of the Menai area.



Accommodating vehicles has been a major design consideration and has limited achievable design options for the site. The proposal will exceed the minimum ARHSEPP parking requirements. Parking has been evenly distributed such that each building on its own will meet the ARHSEPP parking requirement which means that parking requirements have been achieved on each of the lots.

The proposed development contributes to the context by responding to the existing and future character of the surrounding area. The development will maintain the pattern of mid-block green space which is a desirable feature of the surrounding sites area.

The proposed development will not alter the level of solar access to neighbouring properties.

The materials selected for construction of the building façades respond to the context of the surrounding buildings.

The design of the buildings, together with compliant and appropriate boundary setbacks and provision for landscaping, and the location, orientation and aspect of neighbouring developments, ensure minimal impacts to neighbouring properties in terms of solar access, loss of views or privacy.



5 Conclusion

While the proposed development does not strictly comply with the development standard it nevertheless satisfies the stated and underlying objectives of the standard and the broader zoning objectives for the locality.

The siting, design and external appearance of the proposed buildings and open space areas within the development are considered to be appropriate and relate sympathetically to the scale and character of development in the surrounding locality.

The proposal will not give rise to any significant adverse impacts as a result of the proposed non-compliances and relates appropriately in design, height, bulk, scale and setbacks to neighbouring flat development.

The proposal provides for a high quality, environmentally and ecologically sustainable form of development that recognises the site's proximity and accessibility to public transport, local shopping and recreational facilities. It will not detrimentally impact the amenity of surrounding residential development. It will make a positive contribution to the visual amenity and character of the streetscape and surrounds.

Given the particulars of the development proposal and the nature of the applicant (a not for profit Registered CHP) and the current state of the draft planning controls which are set to prohibit this type of development on adjoining sites – the approval of this variation will not set a precedent.

The underlying intent of the development standard has been met. Compliance with the development standard is therefore unnecessary and unreasonable in the circumstances of the case, and refusal of the development application on these grounds is not warranted.



