

CITY OF CANTERBURY		
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Written Request for Variation Pursuant to
Clause 4.6 Exceptions to Development Standards
Canterbury Local Environmental Plan 2012
Clause 4.3 Height of Buildings
570 – 574 New Canterbury Road Hurlstone Park

1.0 Introduction

This written request has been prepared by Allan Caladine, Consultant Town Planner on behalf of the applicant.

It seeks to provide written justification to contravene a development standard that applies to a development application lodged with Canterbury City Council. This written request is made pursuant to Clause 4.6 "*Exceptions to Development Standards*" in Canterbury Local Environmental Plan (CLEP) 2012.

This written request seeks to demonstrate that compliance with the maximum building height development standard referred to below is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The development as proposed in the accompanying development application contravenes the development standard contained in Clause 4.3 "*Height of Buildings*" in the CLEP 2012. The development standard permits a building on the subject land to have a maximum building height of 18m.

The proposed development is for a building with a maximum building height of 21.6m.

Clause 4.6 of the CLEP 2012 relevantly provides:

Clause 4.6 Exceptions to Development standards

(1) *The objectives of this clause are as follows:*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not*

apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) ...

(7) ...

Director General's Concurrence

The Director-General has notified metropolitan councils that arrangements for the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 of the Standard Instrument or a similar cause providing for exceptions to development standards. It is assumed that the JRPP enjoys a similar delegation.

Planning Circular PS08 – 003 issued 9 May 2008 contains notification of assumed concurrence of the Director General pursuant to clause 64 of the Environmental Planning and Assessment Regulation 2000. A copy of the planning circular is annexed for ease of reference.

The Development Standard

The development the subject of the development application seeks development consent to the construction of a 7 storey "shop top" housing development on land at 570 – 574 New Canterbury Road, Hurlstone Park.

The CLEP 2012 commenced operation in late 2012. At the same time the Canterbury Council adopted Canterbury Development Control Plan 2012 ("CDCP 2012").

The CLEP 2012 contains the following development standard:

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) to establish and maintain the desirable attributes and character of an area,*
- (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,*
- (c) to support building design that contributes positively to the streetscape and visual amenity of an area,*
- (d) to reinforce important road frontages in specific localities.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

An extract from the Height of Buildings Map is provided at **Figure 1**:

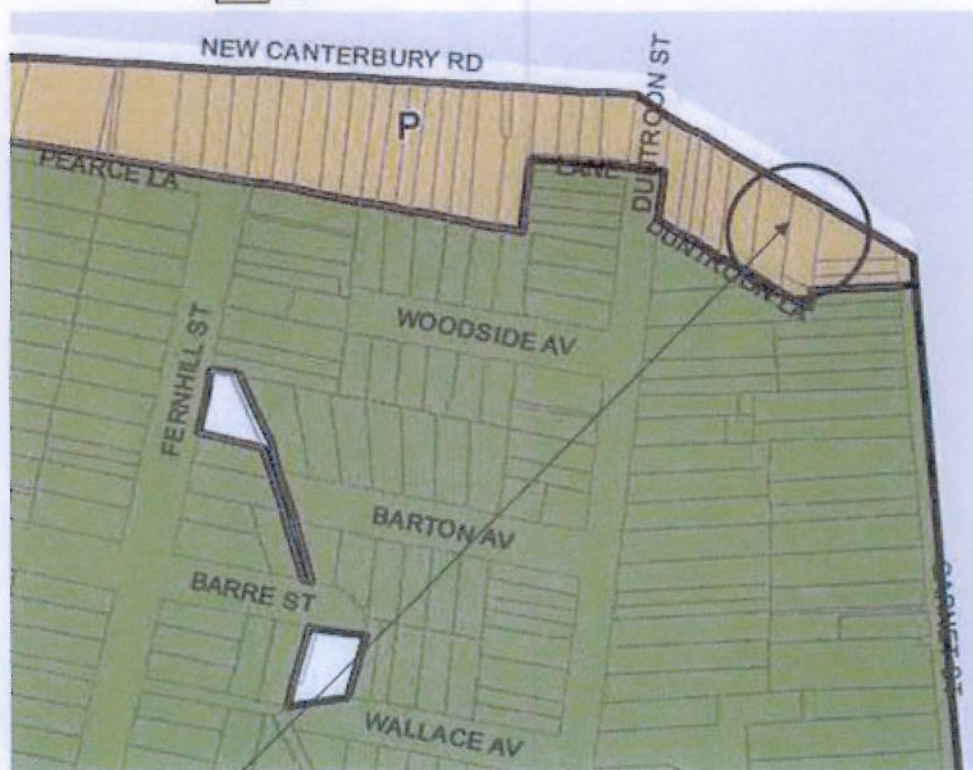


Canterbury Local Environmental Plan 2012

Height Of Buildings Map - Sheet HOB_009

Maximum Building Height (m)

B	4
I	6.5
J	9.5
K	10
L1	11
L2	11.5
M	12
N	14
P	18



Subject Site

Figure 1

Source – Building Height Map Canterbury LEP 2012

The subject site is identified in **Figure 1** with an arrow and circle, is coloured brown and identified with the letter "P". Accordingly the height of the proposed building on the subject land is not to exceed the maximum height of 18 m.

Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case and there are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

The CDCP 2012 Major Development Sites Provision

The CDCP 2012 contains provisions in part 3.1.3 of relevance to this development application.

Canterbury Road

Revitalisation strategies for the Canterbury road corridor are contained in the Canterbury Road master plan. Some centres along Canterbury Road are recognised as local centres. Others are identified as more business enterprise areas and will not have the range of shops, and services that the local centres have, but will have larger format buildings such as showrooms and warehouses.

CDCP CONTROLS

The business centre controls in the CDCP will assist in achieving the vision in the centres' master plans, public domain strategies, and the growth that the CLEP provides for, in conjunction with the Canterbury Town Centre Infrastructure Strategy and Council's Development Contributions Plans.

General controls provide for relatively minor development, behind the retained characteristic parapet shopfronts, to maintain the low-rise streetscape. Any development will need to integrate with the existing characteristic development; particularly in centres where new growth would be adjacent to the 'old town' or main street.

*Controls that are more specific provide for **major redevelopment**, which will be achieved through site amalgamation or redevelopment of large sites that are no longer relevant for their former use. **Major redevelopment** will only be acceptable where the existing built form is not characteristic and worthy of retaining, and characteristic parapet shop fronts will only be permitted to be demolished if it can be demonstrated the proposed replacement is better than what is there.*

3.1.3 Major Development Sites

Objective

O1. Facilitate development to the full potential of land, and accommodate higher densities on sites where it is appropriate.

Controls

i. Major development sites are sites within neighbourhood and town centres that, because of their size and location, may be able to accommodate increased heights over that specified in the CLEP and the CDCP.

ii. To qualify as a major development site the land area must be greater than 2000m².

iii. The density bonuses do not apply to the master planned sites and areas such as Campsie Civic Centre Precinct, Canterbury Road Corridor, and Undercliffe Bridge Precinct, which have had potential density bonuses factored into the master plans and controls.

iv. Any increase in height beyond that specified in Part 3.1.6 must not exceed one storey, and must not exceed a maximum of 15% of the overall site area.

v. To avoid creating the appearance of an additional storey, do not locate the additional floor space at the front of the site. Locating the additional floor space to accentuate a corner may be acceptable.

v. Incorporate design measures (including setbacks and stepping down levels) to minimise the impacts of height and bulk).

The site of the proposed development is zoned **B2 Local Centre** pursuant to CLEP 2012. The site comprises of a number of allotments and the land area is 2,626 m². The site is not part of any master planned sites and areas.

The proposed development is for a building with an increase in height of one storey which does not exceed a maximum of 15% of the overall site area. As can be seen on the submitted drawings, and in accordance with the CDCP 2012 control, the additional storey is set back from the front of the site.

The site is a corner site with principal frontages to New Canterbury Road and secondary frontage to Garnet Street.

The proposed development is set back in accordance with the CDCP 2012 and is carefully designed with steps and articulation to minimise the impacts of height and bulk.

Clause 4.6 of the CLEP 2012 replaces *State Environmental Planning Policy 1* (SEPP 1) in the Canterbury local government area. The State Policy previously gave the decision maker jurisdiction to grant development consent to a development application notwithstanding contravention of the development standard contained in an environmental planning instrument.

SEPP No 1 no longer applies to the land and Clause 4.6 now confers a similar planning discretion upon the consent authority.

The provisions of SEPP 1 differ from the provisions of clause 4.6. The decision in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 now confirms that the decision of Preston CJ in *Wehbe v. Pittwater Council* [2007] NSWLEC 827 is only of indirect assistance in determining ways of establishing that compliance with a development standard in an environmental planning instrument might be seen as unreasonable or unnecessary. In *Wehbe* [42] [46] Preston CJ did say however that a way of proving a well-founded objection under SEPP 1 is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting development consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable. The principle should apply to Cl. 4.6 of the Canterbury LEP as well.

The Chief Judge referred to the decision in *North Shore Gas Company v North Sydney Municipal Council* (Land and Environment Court, New South Wales, 15 September 1986, unreported) in which Stein J similarly held that compliance with a development standard was not required where the standard had been virtually abandoned or destroyed by council's own action.

The CDCP 2012 in the "*Major Development Sites*" provisions referred to previously in this request qualifies the universal application of the maximum height of buildings development standard in clause 4.3 of the CLEP 2012.

The Council has expressly stated in the DCP that on a major development site an extra storey above 18m is permitted provided the floor area of the extra floor is no more than 15% of the land area. This serves a rational planning objective to encourage site accumulation and consolidation and accommodate higher densities on major development sites.

Other Relevant Environmental Planning Grounds

As mentioned previously, the subject site is zoned *B2 Local Centre Zone* under CLEP 2012 and is not subject to a floor space ratio (FSR) development standard. The objectives contained within the CLEP 2012 relating to the FSR development standard are to control the bulk and scale of development.

The B2 zone is a narrow linear strip on the southern side of New Canterbury Road. The strip is undergoing urban renewal and revitalisation as strategically envisioned by the Council, the Department of Planning and the Minister in the making of CLEP 2012. The Council adopted after public notification and submissions, the major development site provision in CDCP on the same day as the CLEP 2012 commenced and so obviously intended its provisions to accompany the CLEP 2012.

The proposed development will facilitate the redevelopment of a number of sites at the one time, will increase densities in accordance with the Council's objective and will accentuate the corner of the site at Garnet Street.

The Objectives of the Height of Buildings Development Standard

The objectives of the height of buildings development standard are expressly set out in clause 4.3 of CLEP 2012.

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to establish and maintain the desirable attributes and character of an area,
- (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,
- (c) to support building design that contributes positively to the streetscape and visual amenity of an area,
- (d) to reinforce important road frontages in specific localities.

Objective (a) is to establish and maintain the desirable attributes and character of an area. The character of the Local Centres is best described in the Councils CDCP 2012

(p3 – 1) as follows:

Local Centres

Local centres are generally larger and provide a more comprehensive range of goods and services. Campsie is the largest of the local centres.

Canterbury Road

Revitalisation strategies for the Canterbury road corridor are contained in the Canterbury Road master plan. Some centres along Canterbury Road are recognised as local centres. Others are identified as more business enterprise areas and will not have the range of shops, and services that the local centres have, but will have larger format buildings such as showrooms and warehouses.

While it is essential to maintain the function of Canterbury Road as a major traffic and transport artery it is proposed that this be balanced with improved amenity, and comfortable and safe pedestrian and cycle use. The traditional centres along Canterbury Road will be revitalised, with Canterbury Town Centre having the highest intensity. Revitalised but lower intensity centres at important intersections, with business enterprises, higher density residential sections, improved built form and public domain, will unify Canterbury Road as a symbol of Canterbury's vitality and vibrancy...

Controls that are more specific provide for major redevelopment, which will be achieved through site amalgamation or redevelopment of large sites that are no longer relevant for their former use. Major redevelopment will only be acceptable where the existing built form is not characteristic and worthy of retaining, and characteristic parapet shop fronts will only be permitted to be demolished if it can be demonstrated the proposed replacement is better than what is there.

OBJECTIVES FOR BUSINESS CENTRES

O1. Lively business centres accommodating a mix of retail, commercial and community activities, and catering to locals and the wider community, relative to their size and intended function.

O2. Long-term social and economic viability of business centres is maintained and they remain significant to the community for their individual character, ease of access, and urbane appeal.

O3. Retail and business activity is maintained at ground level to promote pedestrian activity and contribute to lively streets in centres

O4. Facades are maintained in the business centres where they contribute to the character of the traditional main streets.

O5. Frontage type is appropriate for the location and will maximise activity at the public/private interface, and provides weather protection for pedestrians.

O6. Impacts of commercial development on adjacent residential properties are minimised.

The subject site is an important component of a new *B2 Local Centre Zone*.

The development paves the way for the urban renewal of an old service station site and 2 single detached residential dwellings. Single detached residential dwellings are now prohibited in the *B2 Local Centre zone*. See the prohibition upon "residential accommodation" including "dwelling houses" in the land use table in the *B2 Local Centre zone* and the Dictionary in the CLEP 2012.

Accordingly, the development is consistent with the revitalisation strategy of the Council for development along the New Canterbury Road corridor.

The development includes retail space, which will promote an active street front and improved amenity with comfortable and safe pedestrian use. It will provide for higher density residential development with the replacement of just 2 dwellings with 68 dwellings, offering a choice of housing stock to the market, including 1, 2 and 3 bedroom units comprising in part adaptable units.

The development will contribute to unification of development fronting Canterbury Road with the amalgamation of 6 lots into 1.

The existing built form is uncharacteristic of the planned future character of the locality nor worthy of retaining as it does not represent the type and form of development envisaged by the aims of Council's new planning framework for this business centre.

The development is consistent with the objectives O1–O6 for *Business Centres* as described above.

Objective (b) to minimise overshadowing and ensure there is a desired level of solar access and public open space.

The applicants Architect, Mr Ross Howieson of Ross Howieson Architects has prepared as part of the submission, detailed shadow diagrams to demonstrate the amount of shadow cast by the proposed building and its impact upon neighbouring properties.

It is noted that the shadow diagrams demonstrates that the additional increase in building height (i.e. part 7th storey) does not generate any increase in shadow to that cast by a fully compliant 18m building height scheme.

The part 7th storey actually casts shadow on top of the shadow already cast by a fully compliant 18m building height scheme.

To reinforce Mr Howieson's findings, and as a result of questions put by the JRPP about minimizing overshadowing, Mr Steve King, a highly respected solar access expert was engaged by the applicant to review shadow impacts cast by the proposed building onto neighbouring properties.

It should be noted that Mr King has already been involved with the original project for this site as part of Land and Environment Court proceedings of *Prolet Constructions Pty Ltd v Canterbury City Council [2014] NSWLEC 1021*.

In reviewing this current DA scheme, Mr King, through detailed envelope modelling with the assistance of the project architect, Mr. Ross Howieson, has been able to measure the permissible building envelope, comparing the envelope to the proposed GFA, allowing him to conclude that the proposed building only occupies a total of 46% of the permissible building envelope. This aspect is quite critical in conforming with objective (b) of the height control in that the eastern wing of the building (Garnett Street end) is well within the allowable envelope, thereby increasing solar access to the neighbouring properties at 8 and 10 Garnet Street of a morning in mid-winter.

See Steve Kings Overshadowing Impact analysis accompanying this submission as well as the ground floor to Level 6 Envelope Area and GFA drawings prepared by Ross Howieson Architect demonstrates this view.

Mr King's Overshadowing Impact Assessment also compares the overshadowing of the building that was considered by the Land & Environment Court, *Prolet Constructions Pty Ltd v Canterbury City Council [2014] NSWLEC 1021*, the overshadowing generated by a permissible building height envelope and the overshadowing cast by the proposed building that forms part of the current DA scheme.

The envelope study demonstrates that the proposed development with a 46% building envelop minimises overshadowing to conform with the objective of the Building Height development standard. See Table 1.

Table 1

COMPARISON OF ENVELOPE AREA TO GFA			
	GFA (m2)	ENVELOPE (m2)	GFA (% of envelope)
GROUND	950	2422	39%
LEVEL 1	1298	2422	54%
LEVEL 2	1235	2422	51%
LEVEL 3	925	2223	42%
LEVEL 4	811	1625	50%
LEVEL 5	676	1416	48%
LEVEL 6	396	1204	33%
TOTAL	6291	13734	46%

There is no public open space nearby.

Objective (c) is to support building design that contributes positively to the streetscape and visual amenity of an area.

The building design contributes positively to the streetscape, in this respect Godden, MacKay, Logan Heritage Consultants have reviewed the architectural design and have expressed full support. An addendum to their original 2014 Heritage Impact Assessment in support of the design accompanies the application.

The building design will unify a section of the streetscape with a single architectural scheme. The development will modernise and thereby contribute to the visual amenity of the area with the additional storey emphasising the street corner consistent with fundamental urban design principles.

Objective (d) is to reinforce important road frontages in specific localities.

New Canterbury Road is an important road frontage in the Local Centre. The development will reinforce the road frontage by a unifying architectural scheme incorporating 6 allotments.

As "a major development site" the Council has advised the community that it qualifies for an additional storey. This establishes unique environmental grounds justifying the variation of the development standard.

A fortiori, as it is a corner treatment, the additional height is justified.

As recommended in the Residential Flat Design Code the companion instrument to State Environmental Planning Policy 65 the building has a base, middle and top.

The proposed development is in the public interest because it is consistent with the objectives of the building height development standard as explained in the CDCP where major development sites are concerned.

The Objectives for Development within the B2 Local Centre zone

The objectives for development within the B2 Local Centre zone are as follows:

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.*

The proposal will contribute to the range of retail, business and/or community uses that will serve the needs of people who live in, work in and visit the Canterbury local area, in particular those persons in Hurlstone Park. Such uses are all proposed to be deployed on the ground floor.

The development will encourage employment opportunities in accessible locations as the increased residential density will increase the residential and employment population in Canterbury and therefore encourage employment to service the needs of this increased population.

The location is highly accessible being on New Canterbury Road, a deemed classified road. New Canterbury Road is a transport corridor along which public transport services operate. The increased residential and working population on this site brought about by the approval of this development application will maximise use of public transport (both rail and bus services) and bicycle use is encouraged. Walking will also be encouraged as residents utilise nearby retail facilities and public rail and bus services on foot, reducing the need for the use of motor vehicles to come to or leave Hurlstone Park.

The development has a capital investment value of over **\$20 million** and will facilitate and support further investment in the B2 Local Centre zone. It will involve in itself economic growth and will facilitate further economic growth by encouraging others to invest in the revitalisation of the land adjacent to the New Canterbury Road corridor. The development is entirely consistent with the objective of facilitating development for an active diverse and well-designed local centre.

Accordingly, the JRPP as the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 (3) and that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.



Allan Caladine
Town Planning Consultant
Caladines Town Planning Pty Ltd

20 July 2015

PLANNING circular

PLANNING SYSTEM

State environmental planning policies

Circular	PS 08-003
Issued	9 May 2008
Related	Circular B1 issued 17 March 1989

Variations to development standards

The purpose of this circular is to remind councils to complete quarterly returns on variations to development standards using State Environmental Planning Policy No. 1—Development Standards or similar provision under the Standard Instrument for principal local environmental plans, where the Director-General's concurrence may be assumed.

This circular also notifies councils of arrangements where the Director-General's concurrence may be assumed for exceptions to development standards under environmental planning instruments that adopt clause 4.6 (or the former clause 24) of the Standard Instrument, or any similar clause providing for exceptions to development standards.

Monitoring variations to development standards

Introduction

The Department's Circular B1, issued on 17 March 1989, requested that councils monitor the use of the Director-General's assumed concurrence under State Environmental Planning Policy No. 1—Development Standards (SEPP 1) on a quarterly basis.

This reporting requirement remains effective.

Monitoring of variations to development standards is important in that it enables the Department and councils to obtain an overview of the manner in which the established development standards are being varied and whether the assumed concurrence is being used as intended. This enables councils and the Department to determine whether development standards are appropriate, or whether changes are required. It also establishes a central record of value to all councils.

Variations to development standards under clause 4.6 of the Standard Instrument for principal local environmental plans (or similar provision) should be reported in the same manner as those required under SEPP 1.

Reporting on the use of variations to development standards

Councils are therefore reminded to keep accurate records of the use of SEPP 1, or clause 4.6 of the

Standard Instrument (or similar provision) from 1 April 2008. An updated reporting form is attached.

The quarterly report from 1 April to 30 June 2008 should use this format and is to be forwarded to the Department by 31 July 2008. Subsequent reports should be submitted on a quarterly basis from then on (ending September, December, March and June). Quarterly reports are to be emailed to developmentstandards@planning.nsw.gov.au within four weeks of the end of the quarter.

The Department will integrate reporting on variations to development standards into the 2009–10 Local Development Performance Monitoring requirements.

Notification of assumed concurrence

Introduction

This notification is to inform councils that arrangements for the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 (or the former clause 24) of the Standard Instrument or a similar clause providing for exceptions to development standards.

Local environmental plans that adopt the Standard Instrument will repeal the application of SEPP 1 for the land to which the plan applies. The Director-General has decided to notify councils that they may assume the Director-General's concurrence under environmental planning

instruments that adopt clause 4.6 (or the former clause 24) of the Standard Instrument, or similar clause, which provide for exceptions to development standards.

Notification of assumed concurrence of the Director-General under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument

- (1) Under clause 64 of the Environmental Planning and Assessment Regulation 2000, council is notified that it may assume the Director-General's concurrence for exceptions to development standards, subject to paragraphs (2) and (3), in respect of all applications made under:
 - (a) clause 4.6 (or the former clause 24, or any future amended version of this clause) of the Standard Instrument (Local Environmental Plans) Order 2006, or
 - (b) any other clause that is based on a substantially similar format and has a substantially similar effect to the clause described in (1)(a),where such a clause is adopted in an environmental planning instrument to provide for exceptions to development standards.
- (2) Council may assume the Director-General's concurrence in respect of an application to vary a development standard relating to the minimum lot size for the erection of a dwelling on land zoned RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 (or equivalent zone) only if:
 - (a) only one allotment does not comply with the minimum area, and
 - (b) that allotment has an area equal to or greater than 90% of the minimum area specified in the development standard.
- (3) This notification may be varied or revoked by further written notice provided by the Director-General.

Notification does not apply to SEPP 1

To avoid any doubt, this notification does not vary existing notifications to councils for assumed concurrence of the Director-General in respect of applications under SEPP 1.

Further information

Links to SEPP 1 and the Standard Instrument can be found on the Department of Planning's website at: <http://www.planning.nsw.gov.au>.

If you have further enquiries, please phone the Planning Information Centre 02 9228 6333 or email information@planning.nsw.gov.au.

Note: This and other Department of Planning circulars are published on the web at www.planning.nsw.gov.au/planningsystem/practicenotes.asp.

Authorised by:

Sam Haddad
Director-General

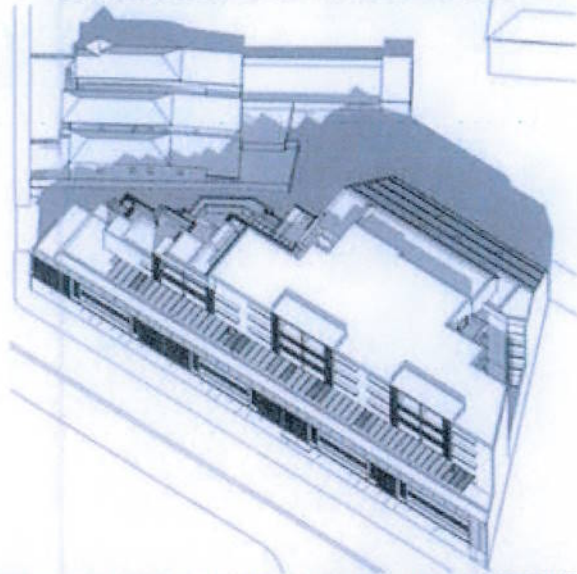
Important note

This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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**SUPPLEMENTARY OPINION
OVERSHADOWING IMPACT**



**PROPOSED MIXED USE DEVELOPMENT
570 - 576 New Canterbury Road Hurlstone Park
21 July 2015**

Signed,

A handwritten signature in blue ink that reads "Steve King". The signature is stylized with a large, looped "S" and "K".

Steve King

STEVE KING
CONSULTANT
11 Clovelly Road Randwick NSW 2031 Australia
PHONE 0414385485

1.0 PRELIMINARIES

1.1 I provide this supplementary report for the proposed mixed use development at 570 - 576 New Canterbury Road Hurlstone Park, as an expert opinion, specifically relating to:

- overshadowing impact on Nos. 8, 10 and 12 Garnet St Hurlstone Park.

This Supplementary Report is to be read with my Summary Expert Opinion of 17 May 2015.

1.2 My qualifications and experience are included at 2.0 *Credentials* of the previous report.

2.0 OVERSHADOWING ANALYSIS: METHODOLOGY

2.1 The digital 3D models

2.1.1 As set out previously, I use the *Trimble SketchUp* software package. The SketchUp software prepares the shadow projections by reference to accurate solar geometry.

The model was prepared by the architects and supplied to me digitally in an export format from the architects' Revit CAD software. I have undertaken a summary check of sufficient topographical and building dimensions of the 3D digital model, by reference to dimensions from the plans and sections, to feel confident to rely on the general accuracy of the modelling for the purpose of this analysis.

I have independently geolocated the model, and applied the direction of True North by reference to the cadastral grid north.

2.1.2 I have examined shadows every hour between 9am and 3pm on June 21, for the following models:

- **'LEC scheme'**. The proposed building on the subject site, as before the Land and Environment Court in the matter of LEC 10884/2014 Prolet Constructions Pty Ltd vs Canterbury City Council. This building was designed with respect to a 'side setback envelope'.
- **'Rear setback envelope'**. A DCP compliant building envelope generated with the assumption that the boundary to No.8 Garnett St. is a 'rear setback', as determined in the LEC appeal.
- **'New DA amended scheme'**. The design of the building as submitted for the current DA (which includes the proposal for the additional apartment 6.06).

2.2 The 3D views

2.2.1 My previous report included 'views from the sun' comparisons, including the 'New DA amended scheme', on an hourly basis on June 21.

2.2.2 In this *Supplementary Report* I illustrate the shadows from a fixed aerial view point, to more easily interpret the extent of shadow on the POS of the three nominated properties, as projected by the three models described above.

3.0 CONCLUSION

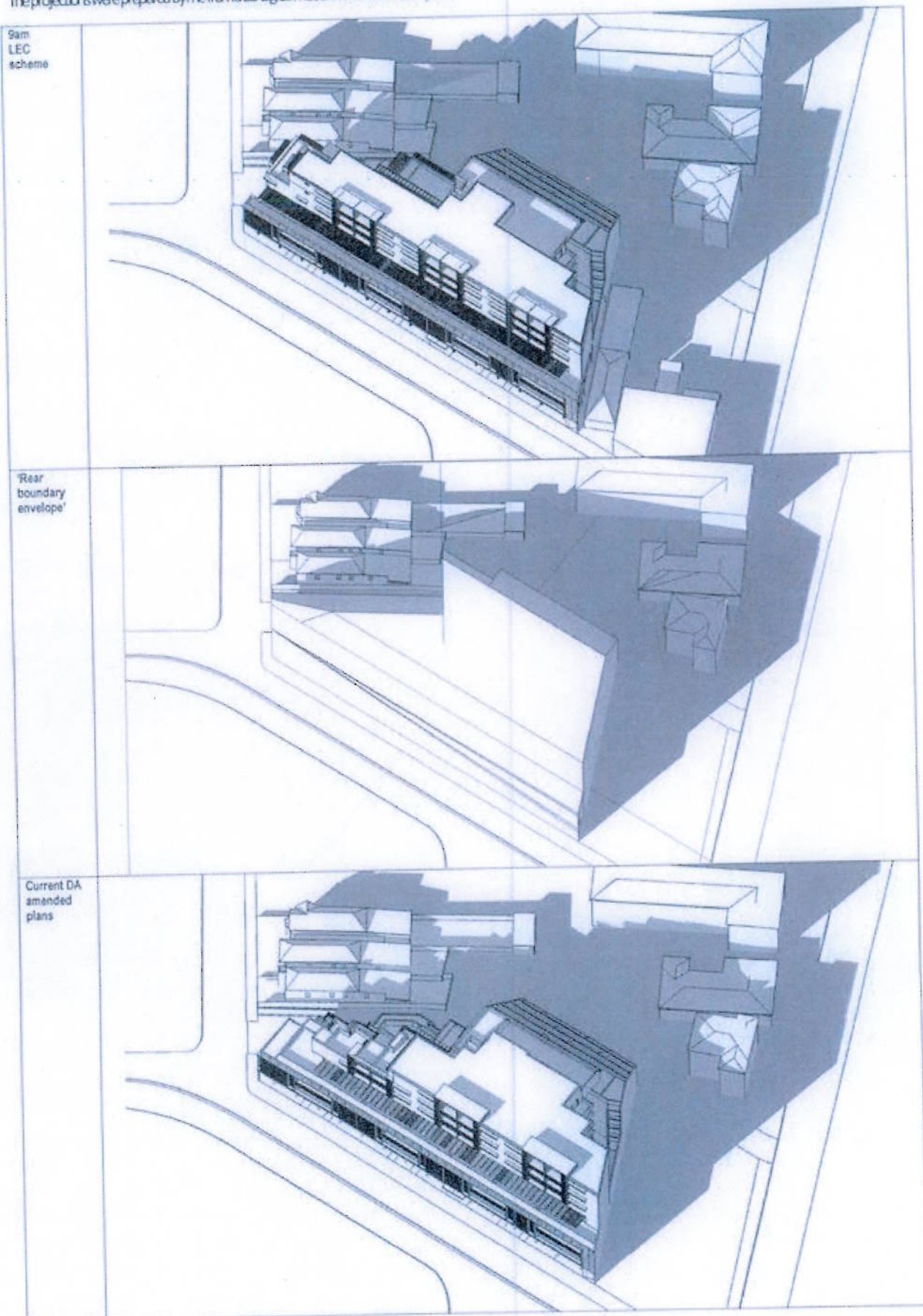
3.1 Overshadowing analysis outcomes

In Appendix A, I attach comparisons of the shadows on an hourly basis from 9am to 3pm on June 21. When I compare the three models described above, I find:

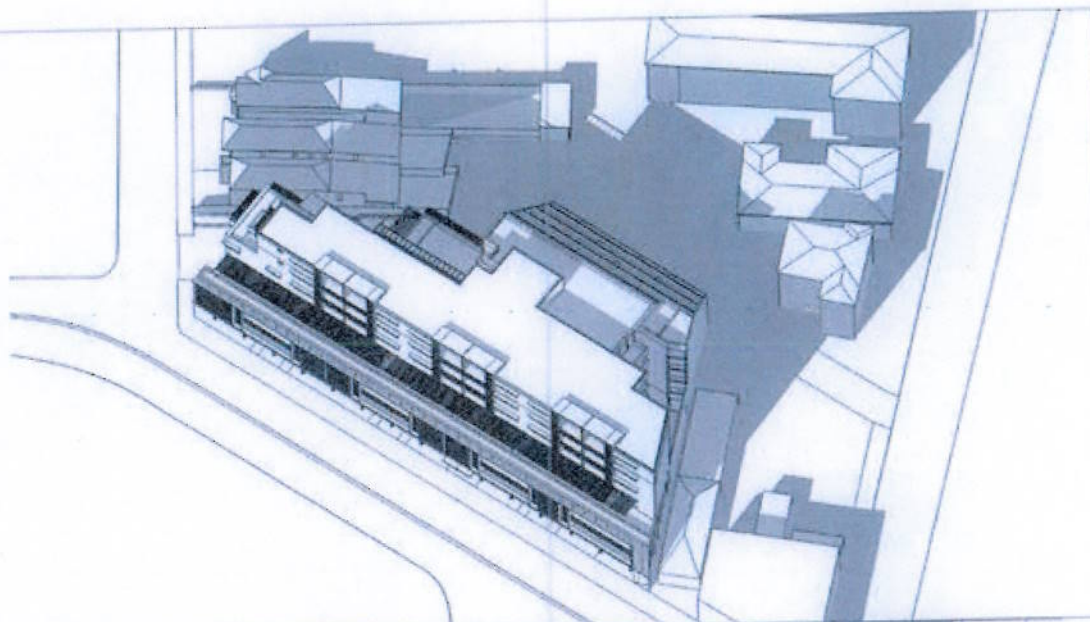
- At all times on June 21, overshadowing impact of the **current DA proposal as amended is less than that of the DCP compliant 'rear setback envelope'**,
- which in turn is necessarily **less than that of the 'LEC Scheme'**, given that that design was prepared with regard to a larger 'side setback envelope'.

A0 APPENDIX: COMPARISON OF OVERSHADOWING IMPACTS

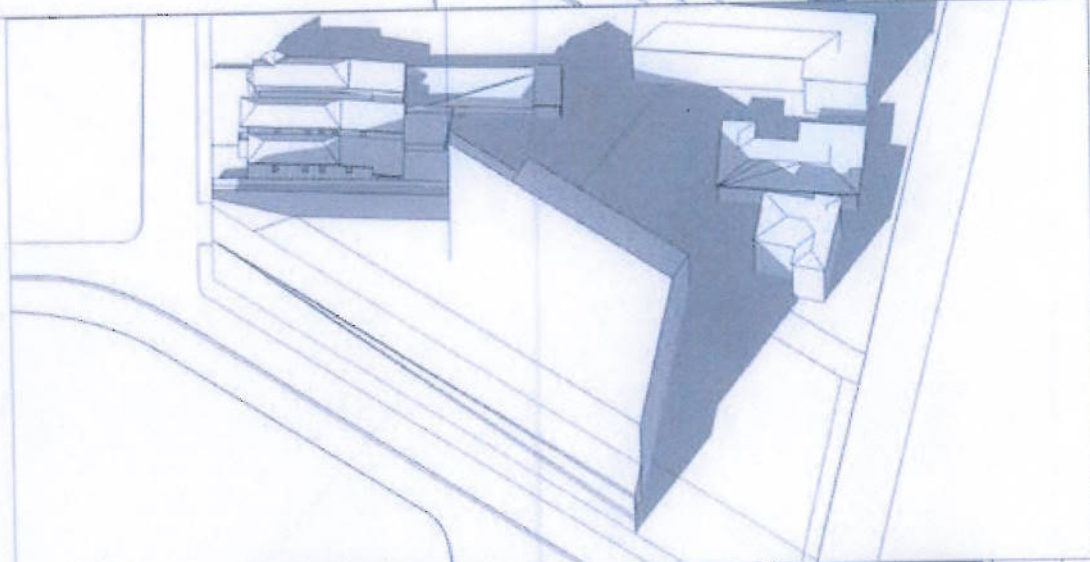
The projections were prepared by me from a 3D digital model in Trimble SketchUp v8.



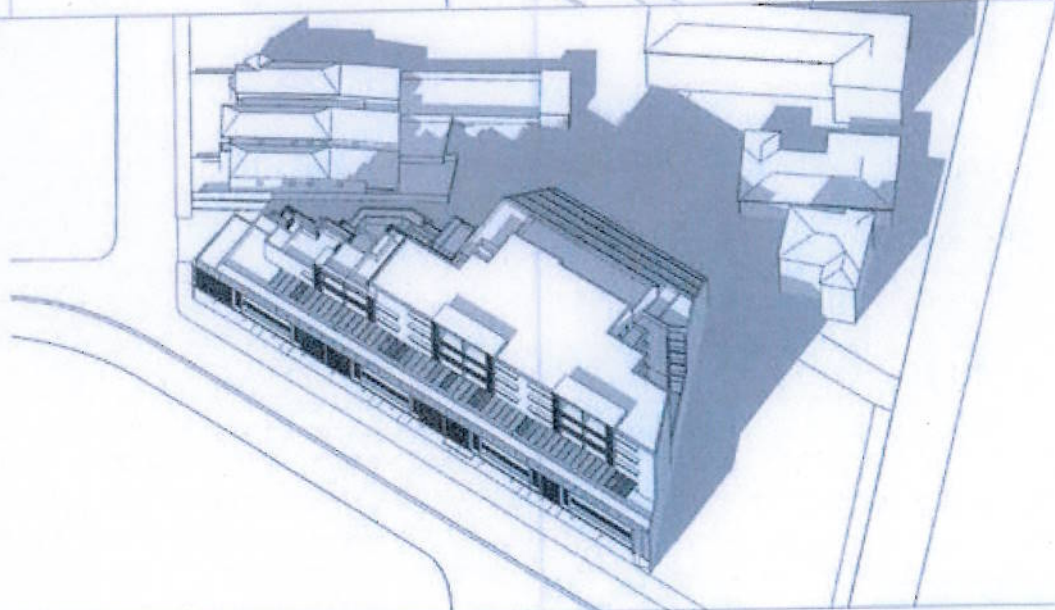
10am
LEC
scheme



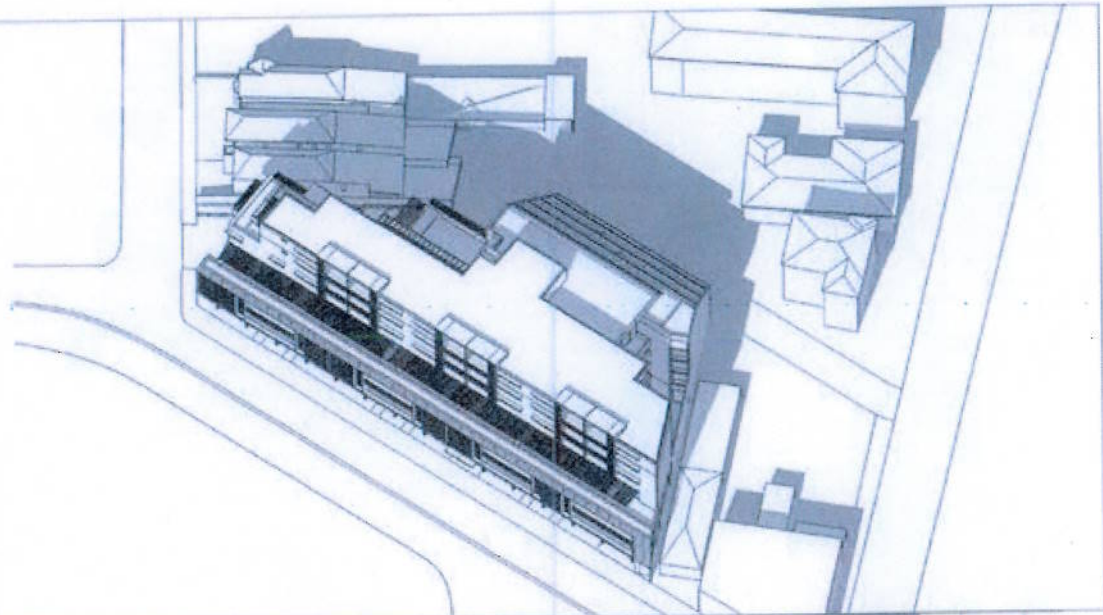
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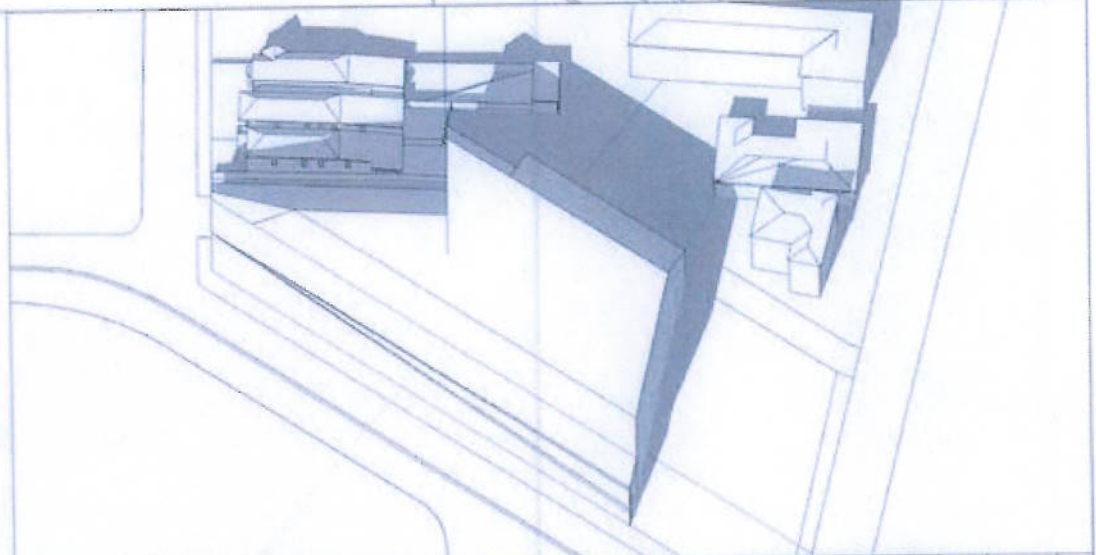
Current DA
amended
plans



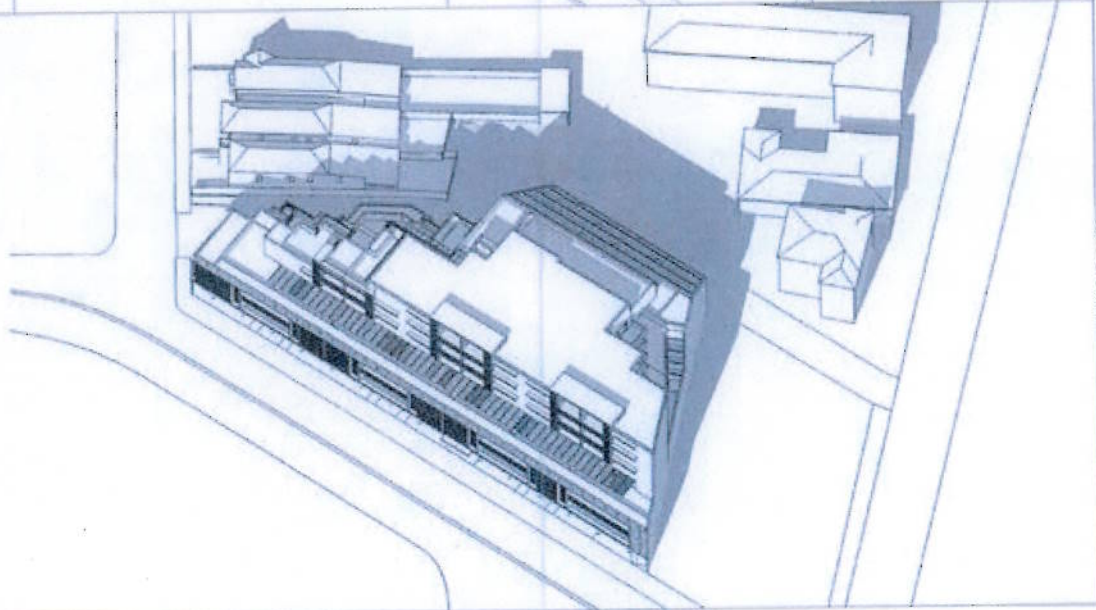
11am
LEC
scheme



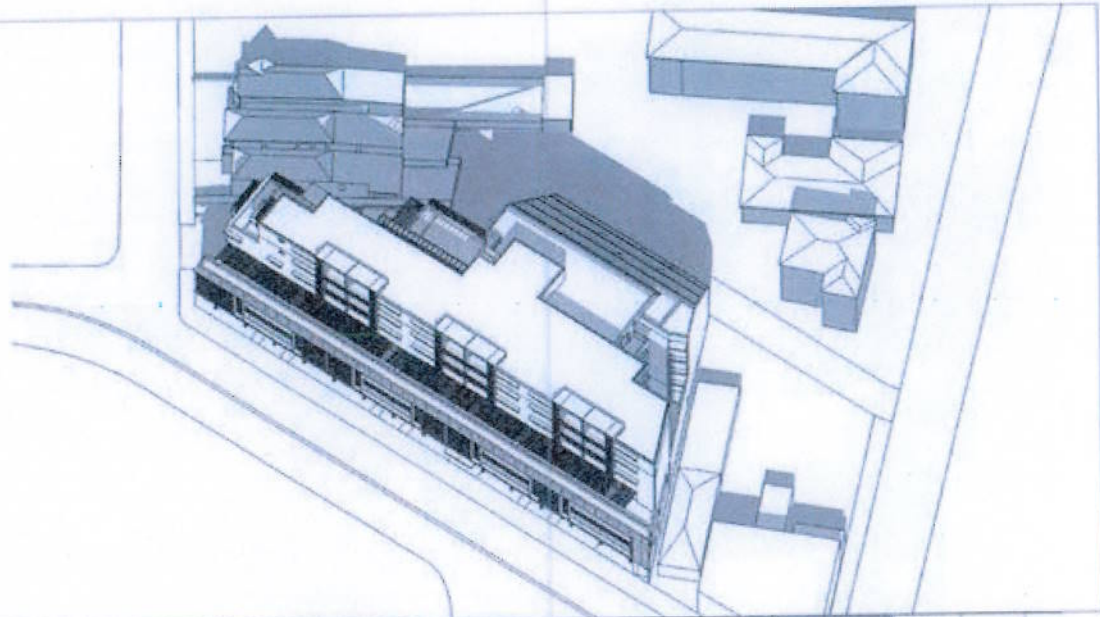
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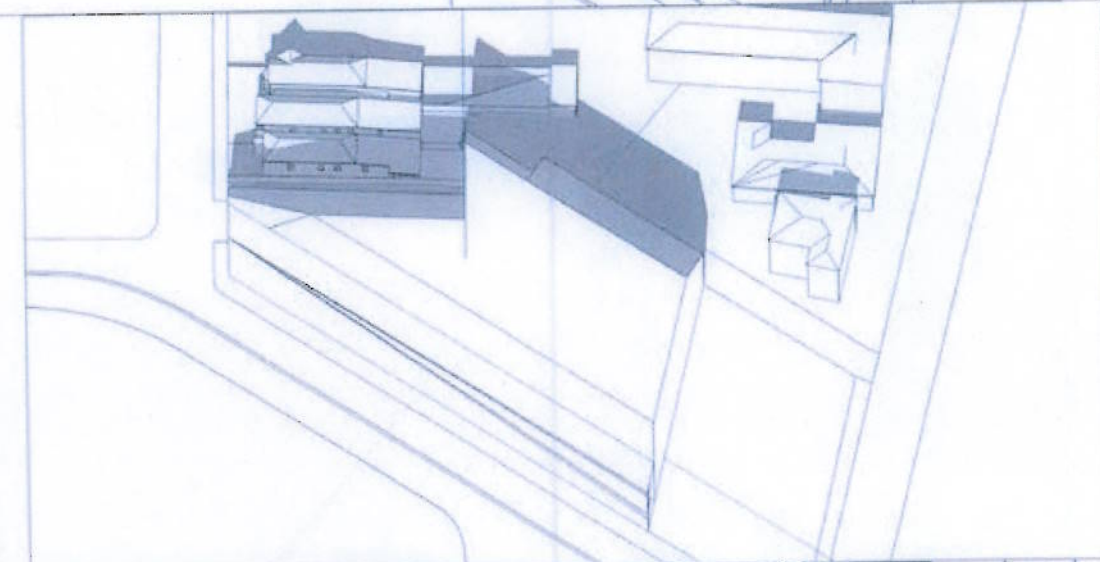
Current DA
amended
plans



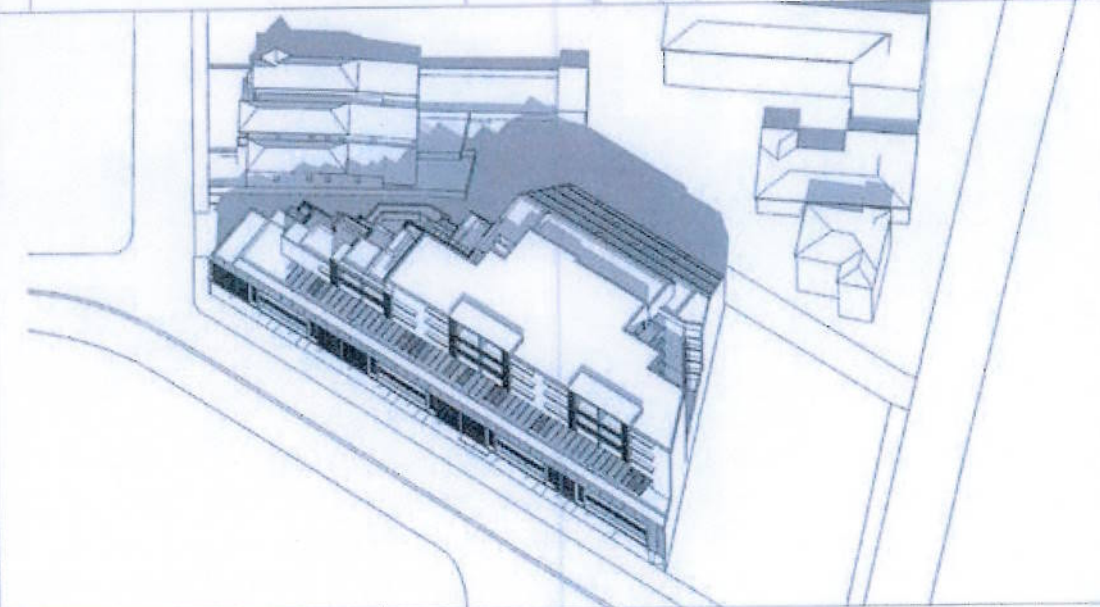
12pm
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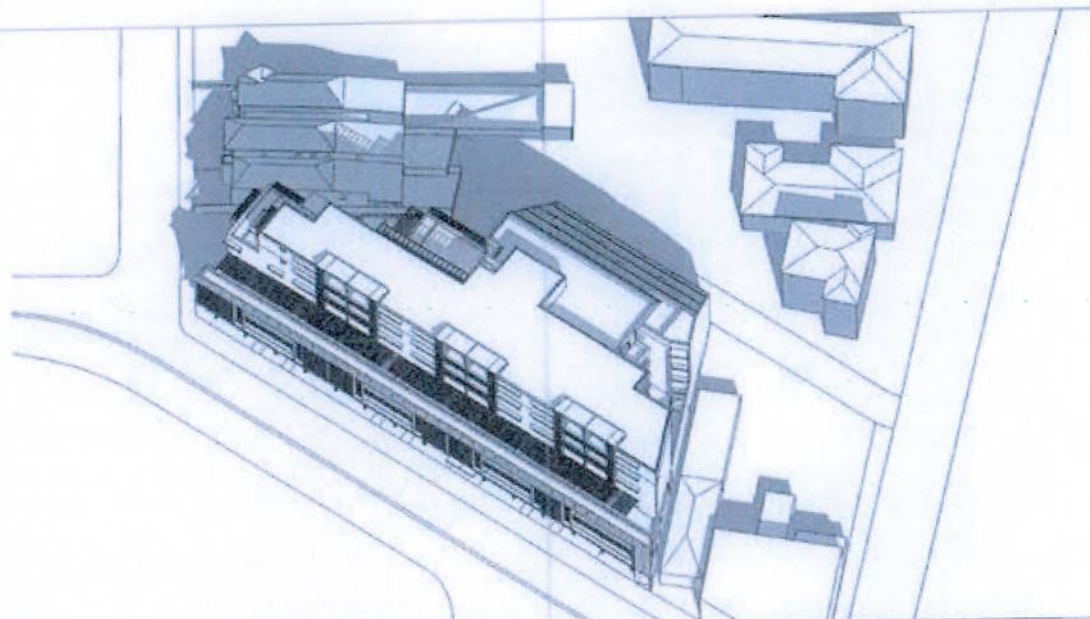
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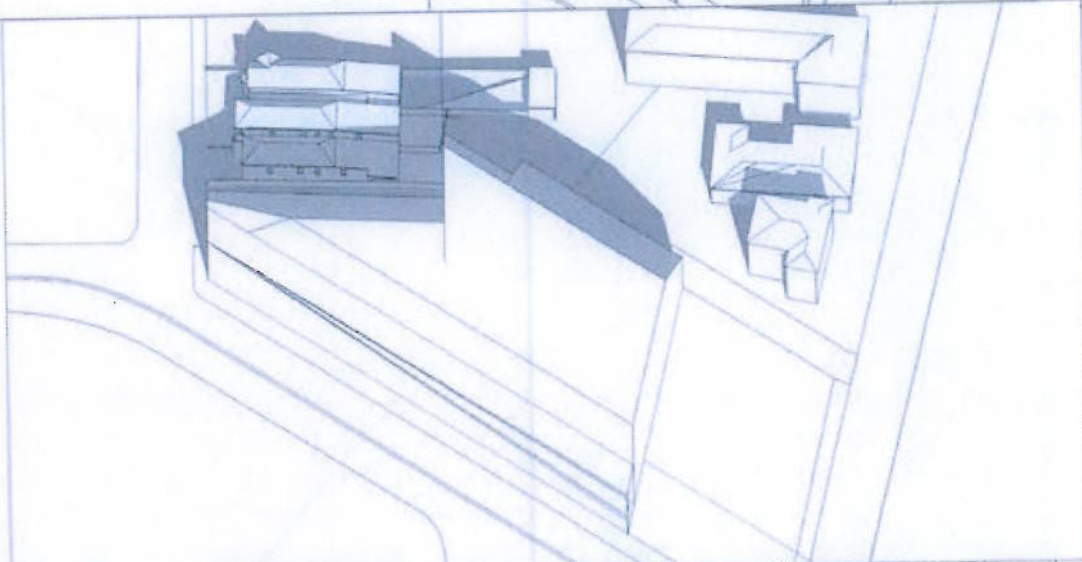
Current DA
amended
plans



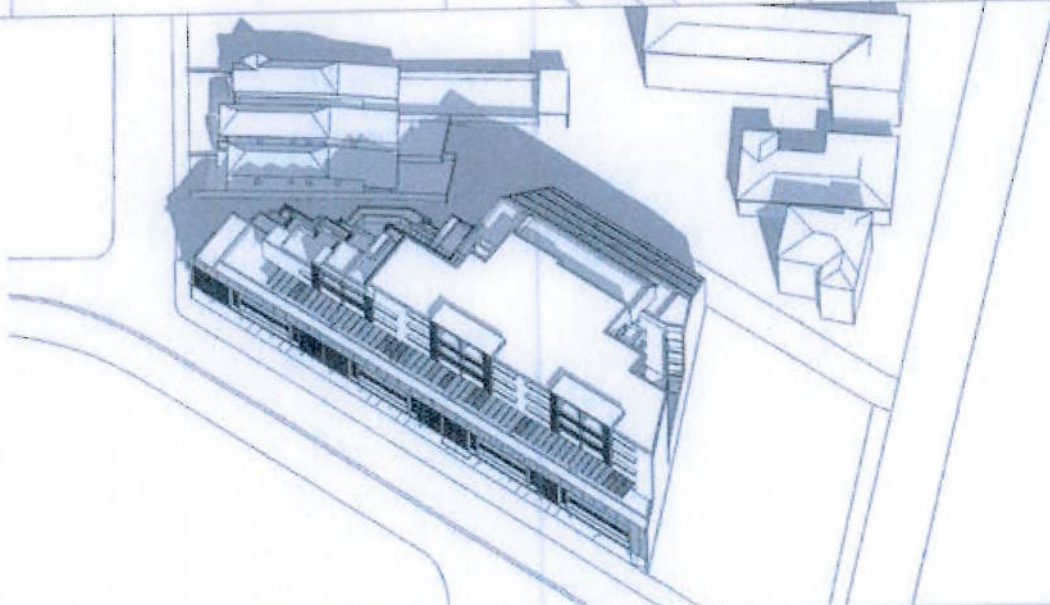
1pm
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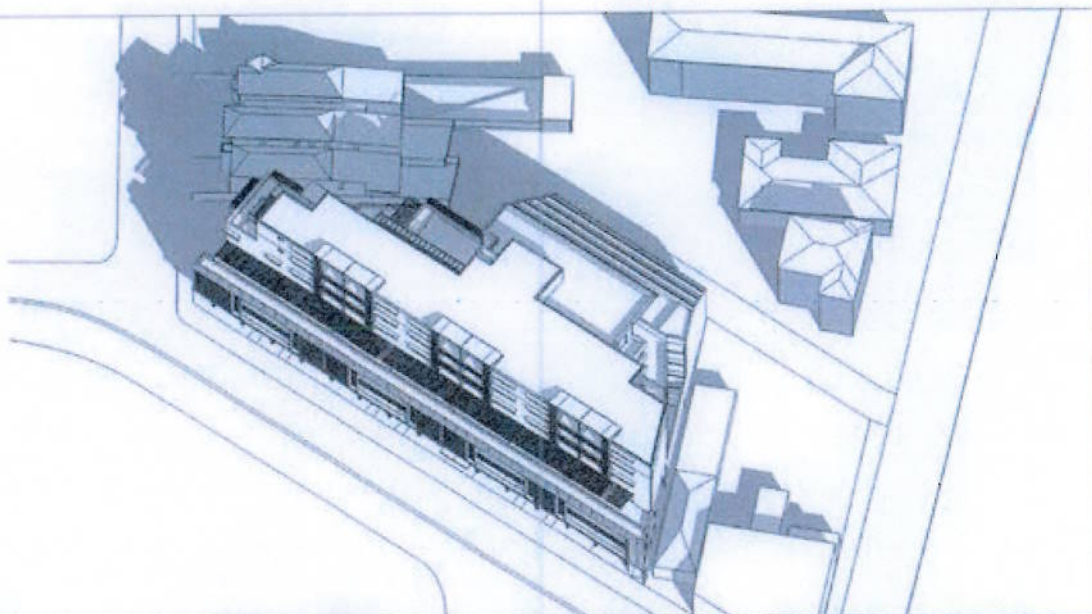
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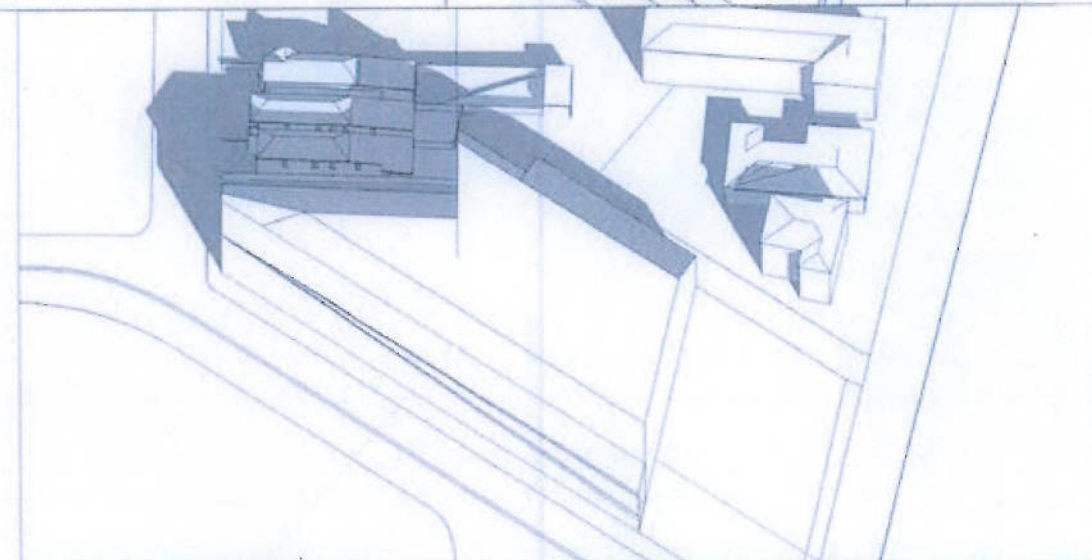
Current DA
amended
plans



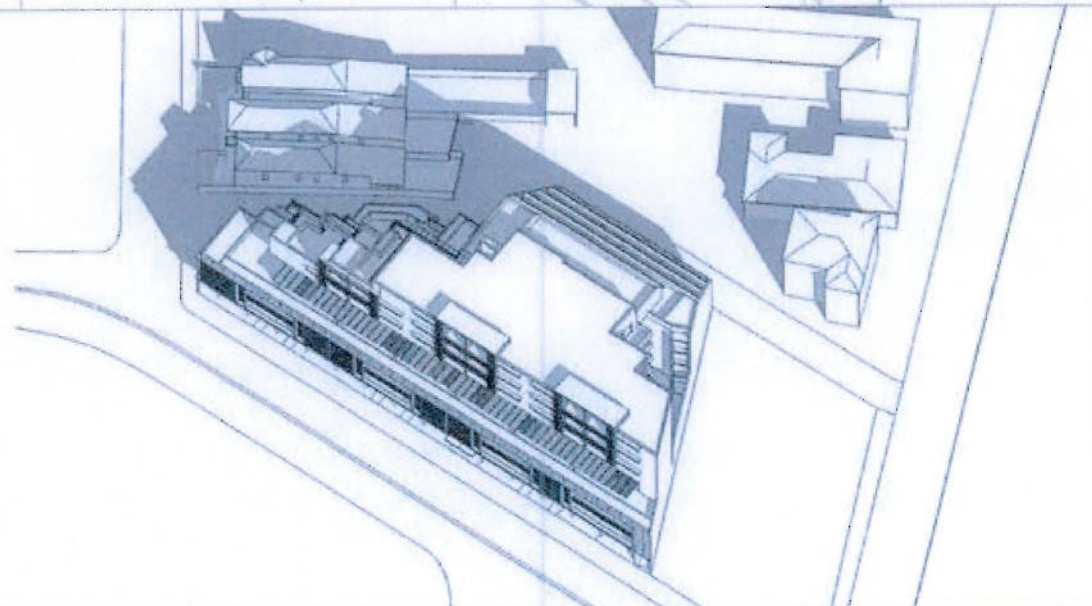
2pm
LEC
scheme



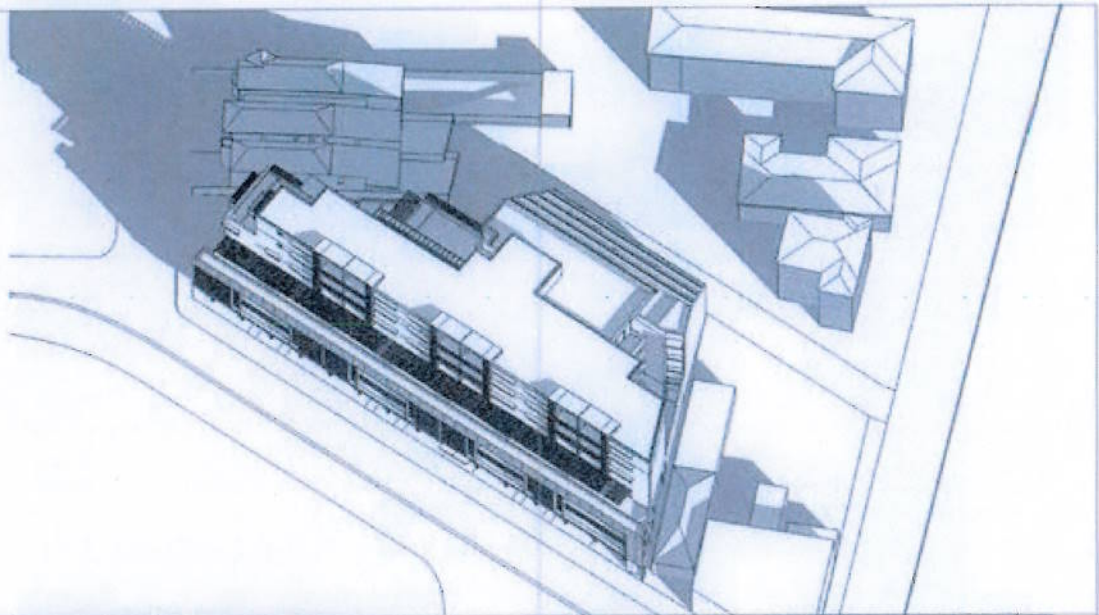
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boundary
envelope'



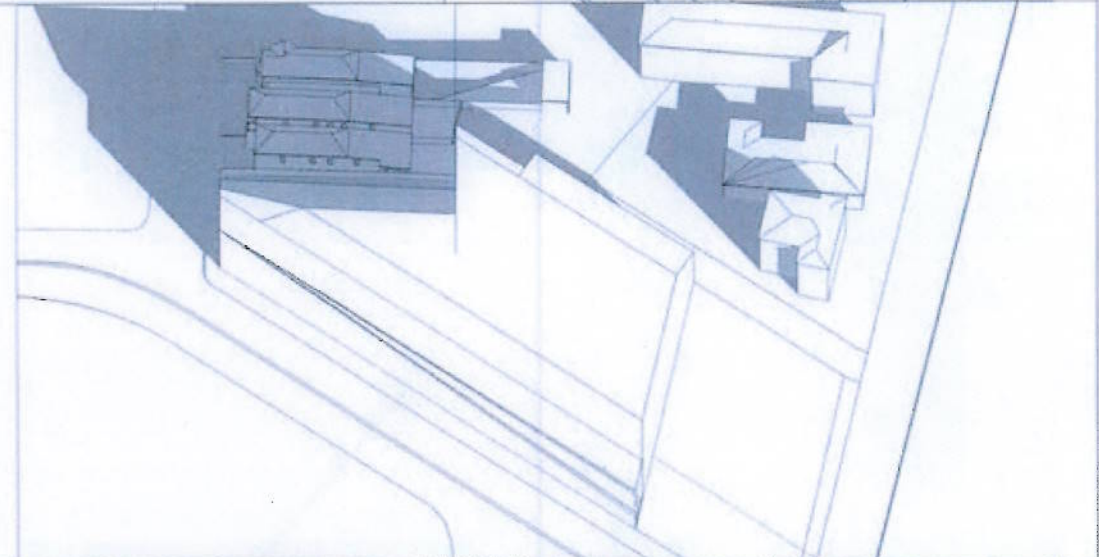
Current DA
amended
plans



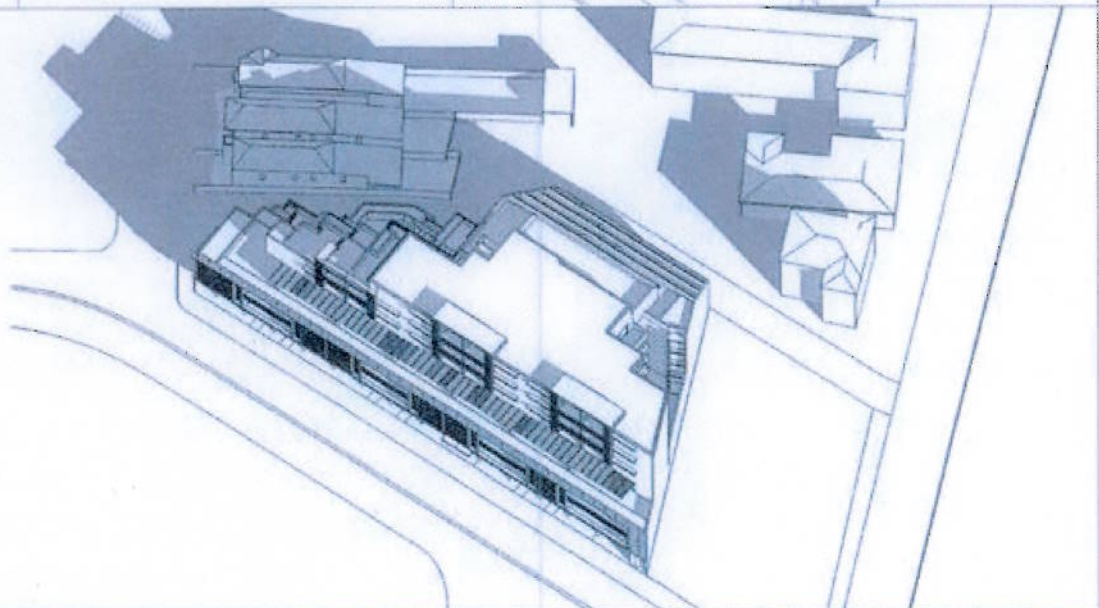
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LEC
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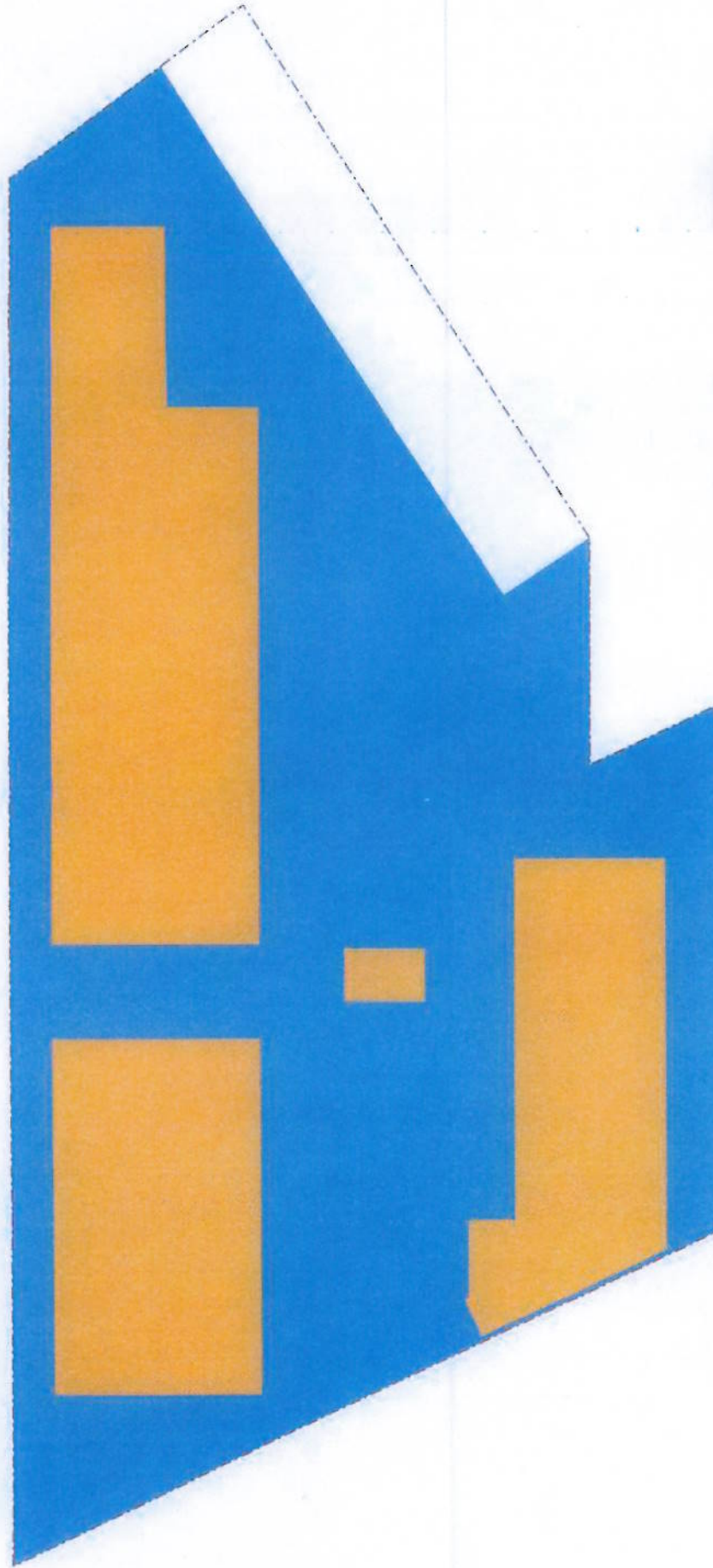
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boundary
envelope'



Current DA
amended
plans



CITY OF CANTERBURY	
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<input type="checkbox"/> CC	6.6 - 1.5
<input type="checkbox"/> BC	2.3 JUL 2015
<input type="checkbox"/> CDC	
<input type="checkbox"/> PCA	
<input type="checkbox"/> PCD	
RECEIVED	



GFA = 950 SQ.M.

ENVELOPE AREA 2422 SQ.M.

GROUND FLOOR



ROSS HOWESON ARCHITECTS
100/102 NEWCASTLE ROAD LINDFIELD NSW 2057
T 02 9411 1988 F 02 9411 1033 E INFO@ROSSHOWESON.COM.AU

CLIENT
HURLSTONE DEVELOPMENTS PTY LTD

PROJECT
PROPOSED MIXED USE DEVELOPMENT
570-574 NEW CANTERBURY ROAD
HURLSTONE PARK NSW

DRAWING TITLE
GROUND FLOOR GRAFV ENVELOPE

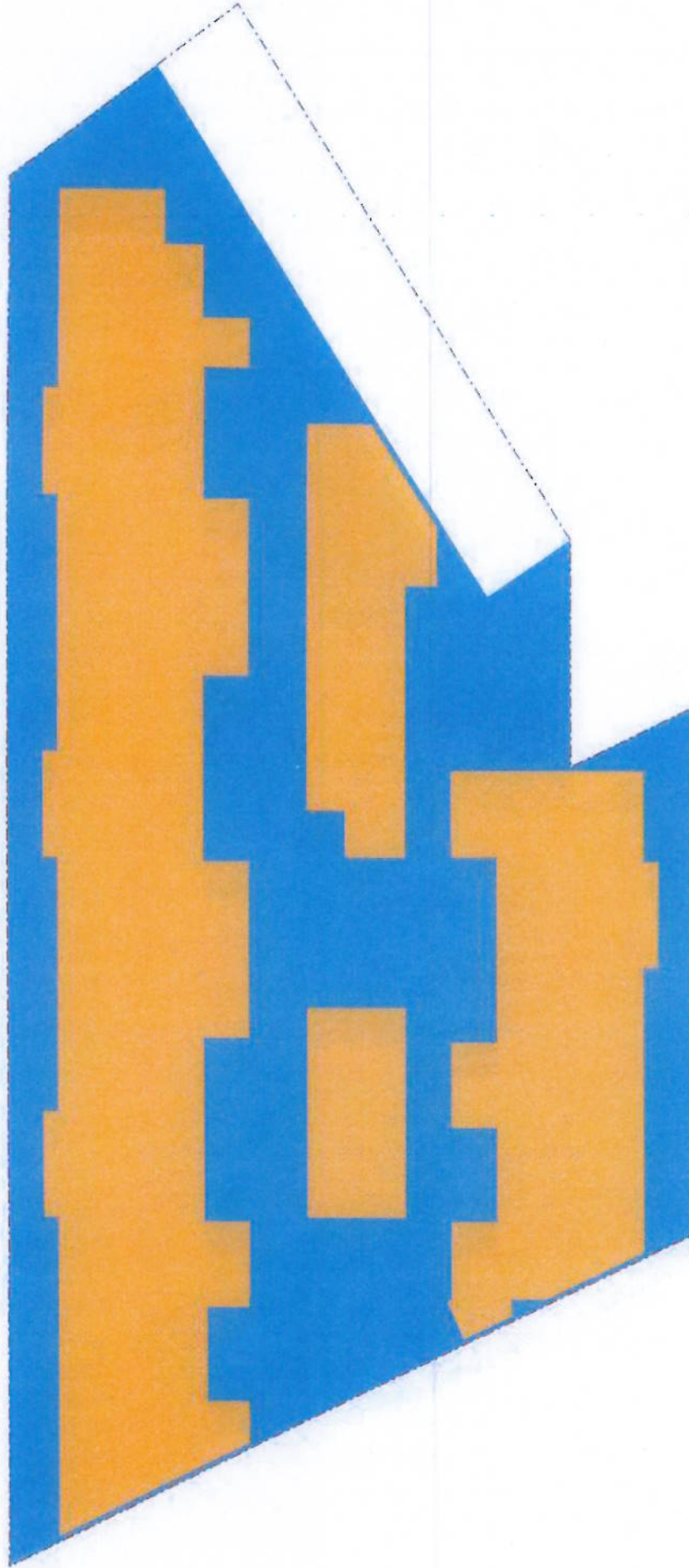


PROJECT	432	701	DA-B	DATE
				11.05.2016

CITY OF CANTERBURY

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<input type="checkbox"/> CC	66 - 15	23 JUL 2015
<input type="checkbox"/> RC		
<input type="checkbox"/> CDC		
<input type="checkbox"/> PCA		
<input type="checkbox"/> PCD		


RECEIVED



GFA = 1298 SQ.M.

ENVELOPE AREA 2422 SQ.M.

LEVEL 1



RHS HOWESON ARCHITECTS
 218 BULWARRA ROAD ULTIMO NSW 2007
 PH: (02) 9550 1111 FAX: (02) 9550 1112
 WWW.RHSARCHITECTS.COM.AU

HURLSTONE DEVELOPMENTS PTY LTD
 PROPOSED MIXED USE DEVELOPMENT
 570-574 NEW CANTERBURY ROAD
 HURLSTONE PARK NSW

LEVEL 1 GFA ENVELOPE

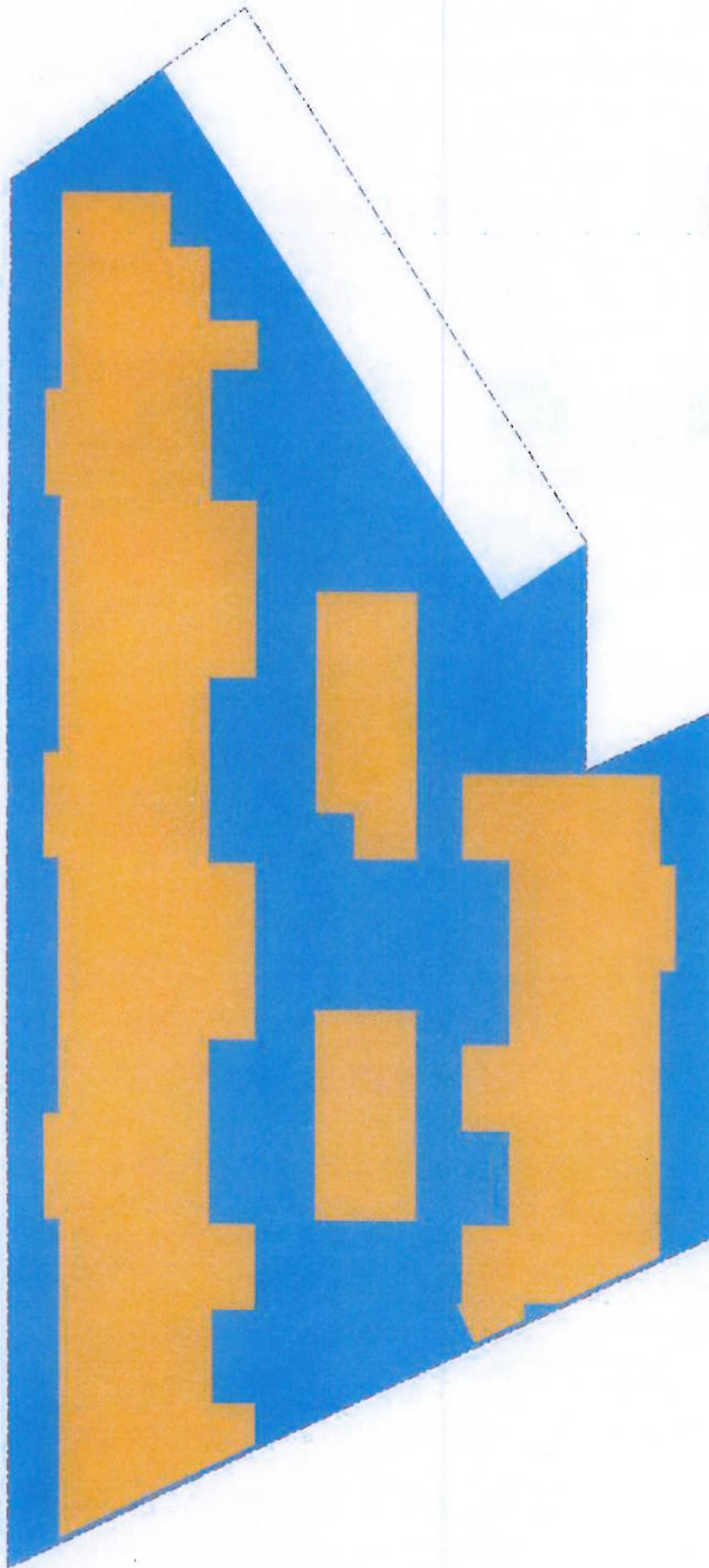
PROJECT	DA/PCD	REVISION	DATE
432	702	DA-B	11.05.2015

CITY OF CANTERBURY

Application No: 66-15 Date: 23 JUL 2015

☒ CC
☐ RC
☐ EDC
☐ PCA
☐ PCD

RECEIVED



GFA = 1235 SQ.M.

ENVELOPE AREA 2422 SQ.M.

RIA ROSE HOWISON ARCHITECTS
 215 BALMAIN ROAD ULTIMO NSW 2007
 PH: (02) 9550 1234 FAX: (02) 9550 1235
 WWW.RHARCHITECTS.COM.AU

HURLSTONE DEVELOPMENTS PTY LTD

PROPOSED MIXED USE DEVELOPMENT
 570-574 NEW CANTERBURY ROAD
 HURLSTONE PARK NSW

LEVEL 2 GFA ENVELOPE



432 703 DA-B

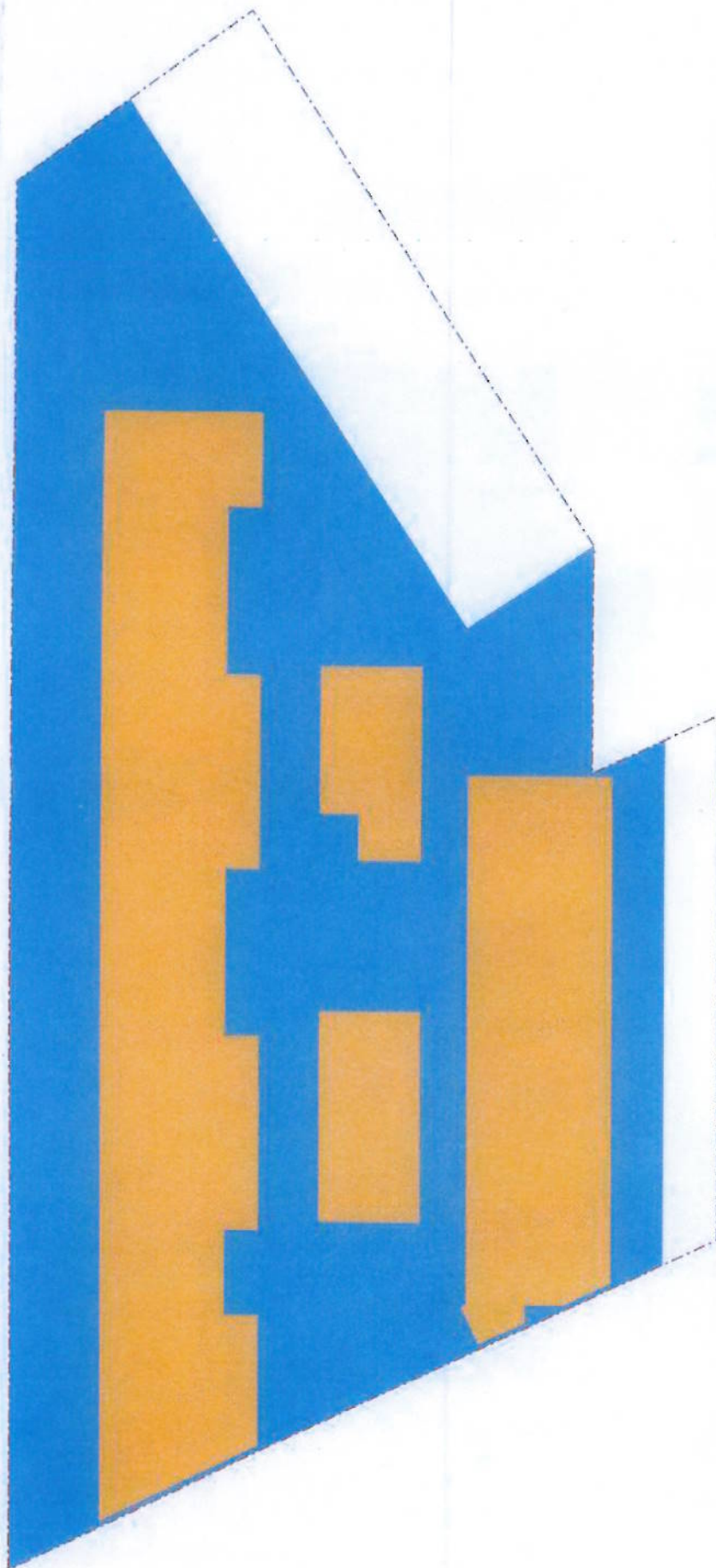
11/05/2015

LEVEL 2

CITY OF CANTERBURY

☒ DA Application No. Date
☐ CC 6.6 - 1.5 2.3 JUL 2015
☐ HC
☐ COC
☐ JTA
☐ PCO

RECEIVED



GFA = 925 SQ.M.

ENVELOPE AREA = 2223 SQ.M.



ROSS NOWIESON ARCHITECTS
 27/8 SILVERDA ROAD, ULTIMO NSW 2007
 PHONE: (02) 9550 1111 FAX: (02) 9550 1112 EMAIL: ross@rossnowieson.com.au

HURLSTONE DEVELOPMENTS PTY LTD

PROPOSED MIXED USE DEVELOPMENT
 570-574 NEW CANTERBURY ROAD
 HURLSTONE PARK NSW

LEVEL 3 REF ENVELOPE



PROJECT: 432 704 DA-B

DATE: 11.05.2015

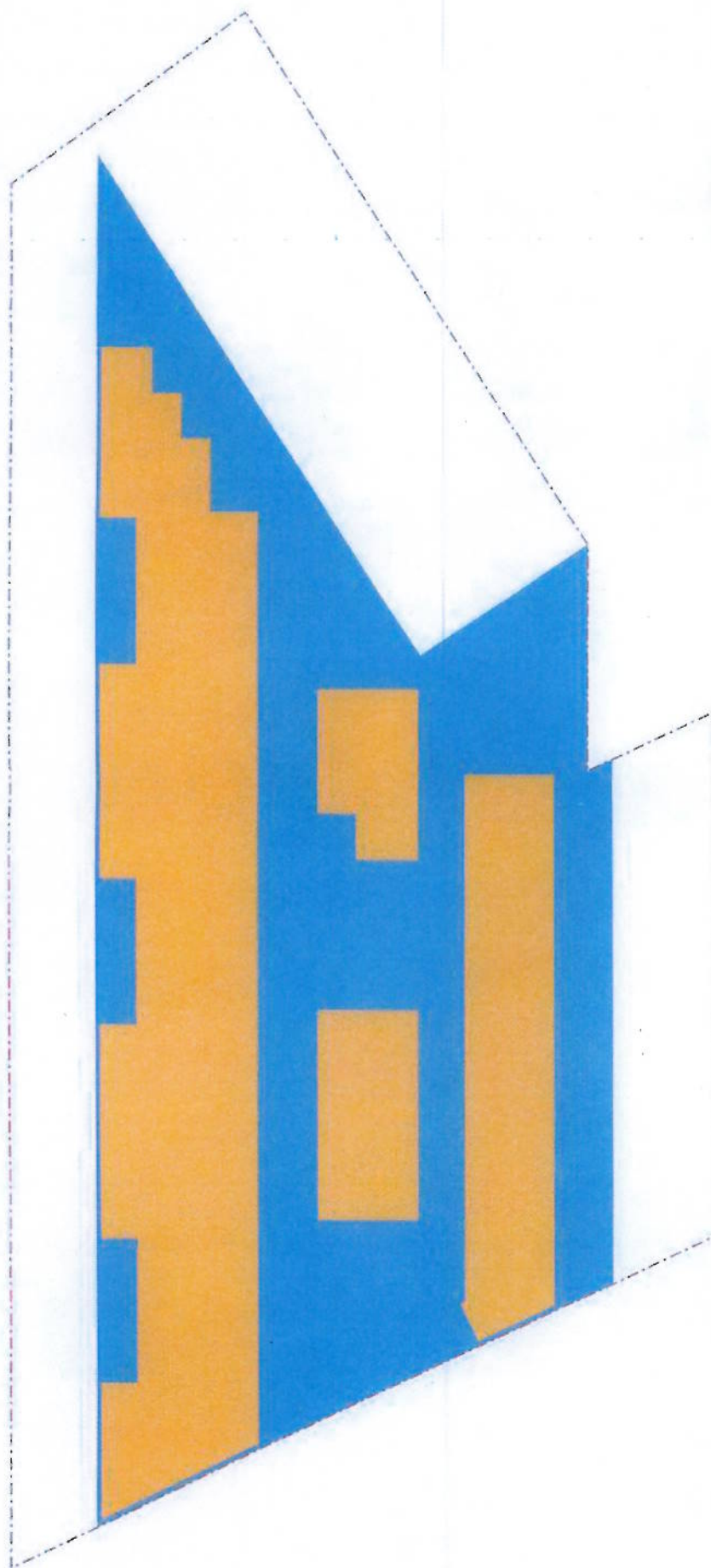
LEVEL 3

CITY OF CANTERBURY

Application No. **66-15** Date **23 JUL 2015**

☒ AWA ☐ CC ☐ DC ☐ CDC ☐ PCA ☐ PCD

RECEIVED

[illegible]

HURLSTONE DEVELOPMENTS PTY LTD

PROPOSED MIXED-USE DEVELOPMENT
570-574 NEW CANTERBURY ROAD
MURLSTONE PARK NSW

LEVEL 4 GRADE 4 OPS



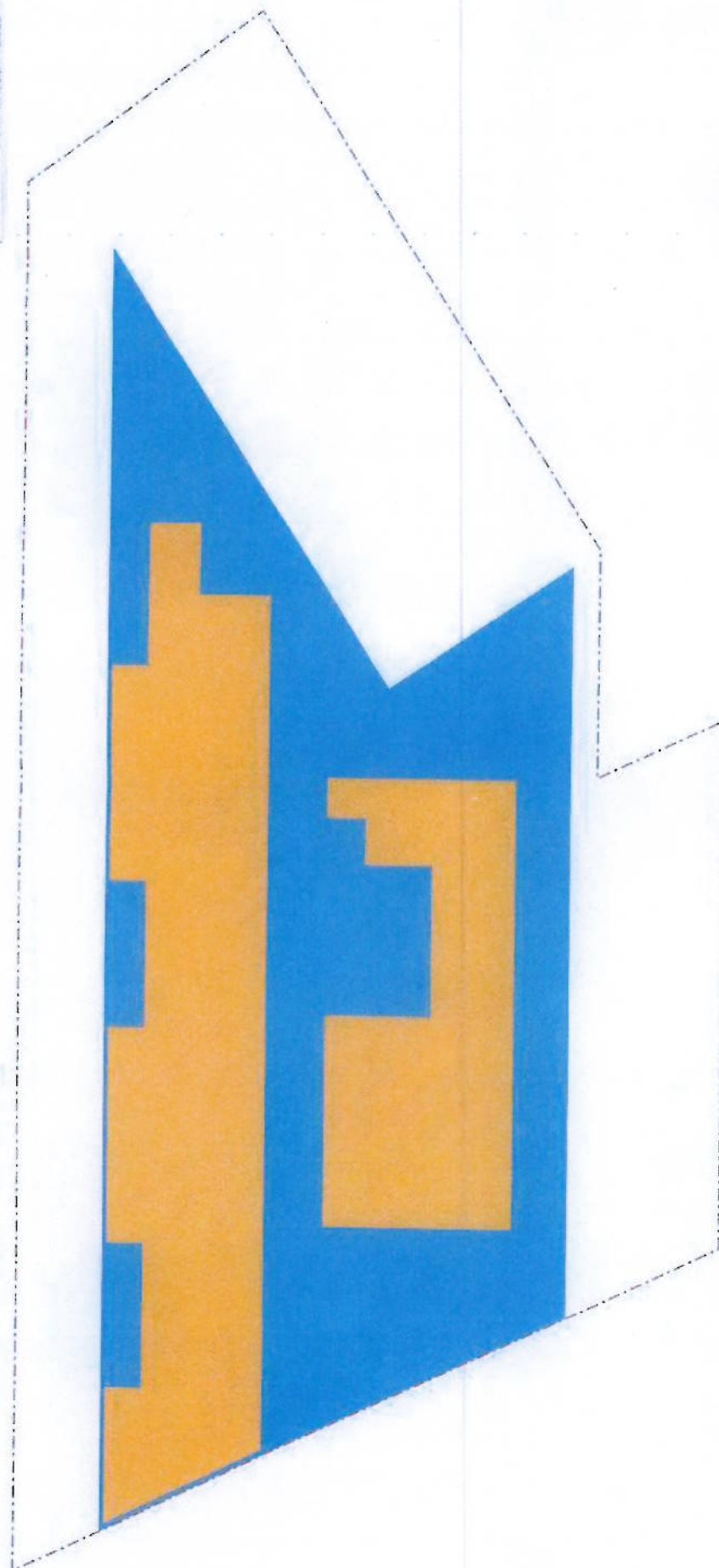
11.05.2015

CITY OF CANTERBURY

DA Application No: 66-15 Date: 23 JUL 2015

☒ CC
☐ DC
☐ KDC
☐ PCS
☐ PCD

RECEIVED



GFA = 676 SQ.M.



ENVELOPE AREA = 1416 SQ.M.

LEVEL 5



ROSS HOWESON ARCHITECTS
 40/41 STATION STREET, SYDNEY NSW 2001
 T: 02 9551 1111 F: 02 9551 1112 E: ross.howeson@ria.com.au

HURLSTONE DEVELOPMENTS PTY LTD

PROPOSED MIXED USE DEVELOPMENT
 570/574 NEW CANTERBURY ROAD
 HURLSTONE PARK NSW

LEVEL 5 GFA/ENVELOPE

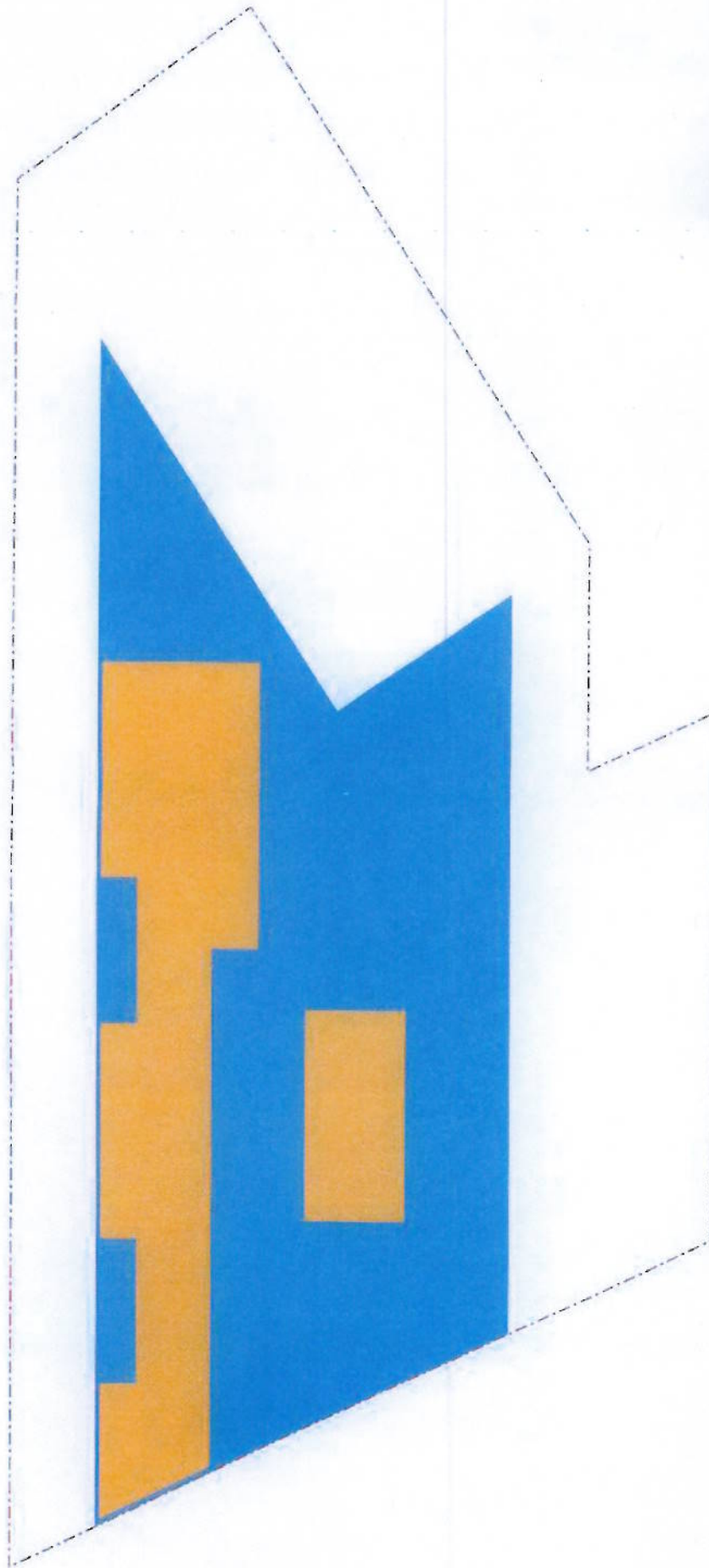


PROJECT	DA/NO	REVISION	DATE
432	706	DA-B	11/05/2015

CITY OF CANTERBURY

<input checked="" type="checkbox"/> DA	Application No	Date
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<input type="checkbox"/> DC		
<input type="checkbox"/> CSC		
<input type="checkbox"/> PCN		
<input type="checkbox"/> MCD		

RECEIVED



RIA ROSS HOWESON ARCHITECTS
 218 BULLWARRA ROAD ULTIMO NSW 2007
 PHONE: 02 9550 1234 FAX: 02 9550 1235
 EMAIL: info@rosshoweson.com.au

HURLSTONE DEVELOPMENTS PTY LTD

PROPOSED MIXED USE DEVELOPMENT
 570-574 NEW CANTERBURY ROAD
 HURLSTONE PARK NSW

PROJECT NO. 15
LEVEL 6 GFA ENVELOPE

PROJECT	NO. AND	SECTION	DATE
432	707	DA-B	11.05.2015

GFA = 396 SQ.M.

ENVELOPE AREA = 1204 SQ.M.

LEVEL 6