

<b>ITEM</b>	<b>47 Woodville Road, CHESTER HILL</b>
	<b>Demolition of existing structures and construction of a three (3) storey residential flat building comprising of thirty-seven (37) residential units, basement car parking and associated landscaping lodged under State Environmental Planning Policy (Affordable Rental Housing) 2009</b>
<b>FILE</b>	<b>DA-1144/2014 - North Ward</b>
<b>ZONING</b>	<b>3(b) Business – Other Centres</b>
<b>DATE OF LODGEMENT</b>	<b>28 October 2014</b>
<b>APPLICANT</b>	<b>Baraz Construction Pty Ltd</b>
<b>OWNERS</b>	<b>Leafvale Holdings Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$9,708,629.00</b>
<b>AUTHOR</b>	<b>Development Services – (Monica Samuel)</b>

### **SUMMARY REPORT**

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated value of \$9,708,629.00 which exceeds the capital investment threshold of \$5 million for Affordable Housing under Schedule 4A(6)(b) of the *Environmental Planning and Assessment Act, 1979*.

Development Application No. DA-1144/2014 proposes the demolition of existing structures and construction of a three (3) storey residential flat building comprising of thirty seven (37) residential units, basement car parking and associated landscaping.

DA-1144/2014 was lodged with Council on 28 October 2014 and has been assessed against a number of controls which have been superseded while the application was under assessment. However, Council adopted savings provisions in various controls allowing the old instruments to still apply to the application.

The application has been assessed against the following:

- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *Deemed State Environmental Planning Policy (SEPP) – Georges River Catchment;*
- *Bankstown Local Environmental 2001;*
- *Draft Bankstown Local Environmental Plan 2015*
- *Bankstown Development Control Plan 2005*

The application is compliant with the above planning policies, except for variations to the BDCP 2005, Part D4 in regards to storey limit and setback to the side boundaries of an allotment. The assessment of the development application has found that these variations are justified in the circumstances of this case, in the context of both the overall development and the surrounding locality.

The application was advertised and notified for a period of twenty one (21) days, from 12 November 2014 to 2 December 2014. Following the submission of amended plans and details, the application was re-advertised and notified for a further period of twenty one (21) days, from 28 October 2015 to 17 November 2015. During these advertising and notification periods, four (4) submissions were received, which raised concerns relating to:

- Traffic and parking impacts:
  - Increased traffic to the area and congestion
  - Loss of on-street parking
- Waste / garbage collection:
  - Location of the garbage room
- Consultation with Roads and Maritime Services:
  - Whether or not the RMS has been consulted
  - Location of the proposed driveway

## **POLICY IMPACT**

This matter has no direct policy implications as the proposal complies with BLEP 2001 and BDCP 2005, with variations limited to the BDCP 2005, Part D4 in regards to storey limits and setback to the side boundaries of an allotment. The development achieves good urban design and is considered appropriate in the context of the site, and would not set a precedence for development elsewhere in the LGA.

### **FINANCIAL IMPACT**

This proposed matter being reported has no direct financial implications.

### **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions

### **ATTACHMENTS**

A - Plans

B - Conditions of Consent

## **DA-960/2012 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 47 Woodville Road, Chester Hill and at the time the development application was lodged with Council was zoned 3(b) Business – Other Centres. The site is currently used for commercial purposes as a car rental depot/motor vehicle sales yard. The site has a total area of 2,283.46sqm and a frontage width of 46 metres to Woodville Road. To the north of the site adjoins Alpha Pathway which provides pedestrian access from Woodville Road to Alpha Street, located to the east of the site.

To the north of Alpha Pathway is a service station with vehicular access obtained from Woodville Road. To the south of the site is a vacant allotment, currently zoned SP 2 Infrastructure – Educational Purposes. Council is currently in receipt a development application for this site. Development Application No. DA-1308/2015 proposes the construction of a new public school for special needs, which is currently under assessment. To the east of the site is Alpha Street, typically occupied by single and two storey dwellings; and dual occupancies.



## **PROPOSED DEVELOPMENT**

The Development Application proposes the demolition of existing structures and construction of a three (3) storey residential flat building comprising of thirty seven (37) residential units, with basement car parking and associated landscaping, lodged under *State Environmental Planning Policy (Affordable Rental Housing) 2009*, and will involve the following works:

- Site preparation works and site excavation to provide one (1) level of basement parking for a total of thirty seven (37) parking spaces for residents, including two (2) disabled car spaces and twenty five (25) bicycle spaces.
- Construction of a three (3) level building containing thirty seven (37) units, comprising of eight (8) x studio units, two (2) x one (1) bedroom units, twenty six (26) x two (2) bedroom units, and one (1) x three bedroom unit.
- Landscaping and paving at ground level.

Vehicular access to the basement car park is provided from Woodville Road via an entry/exit driveway ramp located at the north western corner of the site.

A perspective of the proposed development from Woodville Road is attached below.



Eight (8) of the proposed units will be allocated as Affordable Rental Housing Units, which equates to 20% of units and 22% of the total gross floor area of the development. A condition of consent will be imposed to ensure those units are allocated as affordable rental housing units, supported by way of a restriction on title.

### **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

#### **Environmental planning instruments [section 79C(1)(a)(i)]**

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

Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless:

- a) *It has considered whether the land is contaminated, and*
- b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*



- c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The development site has a history of use for commercial purposes as a car rental depot/motor vehicle sales yard and the subject application proposes to use the site for residential purposes. The applicant has submitted a detailed *Site Investigation Report, prepared by Environmental Investigations Australia Pty Ltd (EI), Report E22827 AA\_Rev0, dated 12 January 2016*, which concludes:

*“Based on findings of the ESI and with consideration of the Statement of Limitations (**Section 13**), EI concludes that widespread contamination was not identified and the site is considered suitable for the residential development provided the following recommendations, outlined in **Section 12**, are implemented.*

*Based on the findings of this investigation, the following recommendations are provided:*

- Prior to site demolition, carry out a Hazardous Materials Survey on existing site structures to identify potentially hazardous building products that may be released to the environment during demolition;*
- Any material being removed from site (including virgin excavated natural materials (VENM)) should be classified for off-site disposal in accordance the EPA (2014) Waste Classifications Guidelines; and*
- Any materials being imported to the site should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM”.*

This report was also referred to Council’s Environmental Health Officer for review who concurs with the findings of the report and confirms the soundness of the assessment. The subject site is considered suitable for the proposed residential use and therefore, satisfies the provisions of SEPP 55.

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) aims 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 standards’*. Division 1 (Clauses 10 to 17 inclusive) of the ARHSEPP applies to development for the purposes of a residential flat building. An assessment of the proposal against the applicable Clauses of Division 1 is provided below.

Clause	Requirement	Proposal	Complies
10 – Development to which Division applies	1(a) the development concerned is permitted	The proposal is identified as ‘Residential Flat	Yes

	with consent under another environmental planning instrument, and	Building' which is permitted with Council consent under the BLEP 2001 in the 3(b) Business zone.	
	1(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u> .	The development is on land that does not contain a heritage item nor is it in the vicinity of a heritage item.	Yes
	(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.	The site is located within 130 metres walking distance of the Woodville Road bus stop and within 900 metres of Yennora Train Station which satisfies; 'accessibility' requirements under ARHSEPP.	Yes
	(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	-	N/A
11,12 (Repealed)	-	-	-
13 Floor space ratios	(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purpose of affordable rental housing is a least 20 per cent.	22% of the gross floor area is to be used for the purpose of affordable housing.  The units that have been identified to be used as affordable units are as follows: Ground floor: G04, G06, G08 Level 1: 102, 103, 107, 108 and 111	Yes
	(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for	Permitted floor space is 1:1, plus Y  Where $Y = AH / 100$  $AH = 20\% \text{ or } 0.2:1$	Yes



	any form of residential accommodation permitted on the land on which the development is to occur, plus:	Total permissible = 1.2:1  Total proposed = 1.09:1	
	ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. $Y = AH \div 100$	-	N/A
14 Standards that cannot be used to refuse consent  Site and solar access requirements	<b>(a) Repealed</b>	-	-
	<b>(b) Site Area</b> Minimum 450sqm	2283.46sqm	Yes
	<b>(b) Landscaped Area</b> at least 30 per cent of the site area is to be landscaped	33.9% is to be landscaped	Yes
	<b>(c) Deep Soil Zone</b> 15% of total site area	19.6% of the total site area contains deep soil zones	Yes
	<b>(d) Solar Access</b> Min 70% of dwellings to receive min 3hrs solar access between 9am and 3pm in mid-winter	89% of the dwellings receive required solar access	Yes
<b>(2) General</b>	<b>(a) parking</b> at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	<ul style="list-style-type: none"> <li>• 1 bed x 10 (0.5 spaces each unit) = 5 spaces</li> <li>• 2 bed x 26 (1 space each unit) = 26 spaces</li> <li>• 3 bed x 1 (1.5 spaces each unit) = 1.5 spaces</li> </ul> Total spaces required = 32.5 (33)  Total spaces provided = 37	Yes
	b) dwelling size <ul style="list-style-type: none"> <li>• 50 square metres in the case of a dwelling having 1</li> </ul>	All units meet the minimum requirements	Yes

	bedroom, or <ul style="list-style-type: none"> <li>• 70 square metres in the case of a dwelling having 2 bedrooms, or</li> <li>• 95 square metres in the case of a dwelling having 3 or more bedrooms.</li> </ul>		
15 Design Requirements	Consideration of Seniors Living Policy: Urban Design Guidelines for Infill Development	The Seniors Living Policy is not applicable as <a href="#">State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</a> applies	N/A
16A Character of Area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the area.	<p>The site is zoned 3(b) Business – Other Centres in which residential flat buildings are permitted.</p> <p>The building is considered to be compatible with the existing character of the locality and reflective of the desired future character given the active urban environment is characterised by Woodville Road, a mix of uses adjacent to the site and the subject site is zoned 3(b) – Other Centres.</p>	Yes
17 Must be used as affordable housing for 10 years	The dwellings are to be used for the purposes of affordable housing and managed by a registered community housing provider	A condition of consent will be imposed to ensure compliance with this clause.	Yes
18 Subdivision	Land on which development has been carried out may be subdivided with consent of the consent authority	Subdivision is not sought as part of DA	N/A

As demonstrated above, the proposal complies with all of the requirements contained within Division 1 (Clauses 10 to 17 inclusive) State Environmental Planning Policy (Affordable Rental Housing) 2009.

Clause 13 of ARHSEPP permits a floor space ratio (FSR) bonus for infill affordable housing development which varies according to the proportion of the proposed development to be used for affordable housing purposes. The applicant has nominated 8 of the proposed 37 units, which equates to 20% of units and 22% of the total gross floor area of the development is to be used for this purpose.

In accordance with Clause 30 of the BLEP 2001, the site would normally be subject to a maximum FSR of 1:1. Under the provisions of Clause 13 of the ARHSEPP, the proposal is subject a maximum FSR of 1.2:1.

The application proposes a total FSR of 1.09:1, which complies with the applicable floor space ratio.

### **Deemed State Environmental Planning Policy (SEPP) – Georges River Catchment**

It is considered that the proposed development will not significantly impact on the environment of the Georges River, either in a local or regional context. The proposal is considered to meet the aims and objectives of the Georges River Catchment (SEPP).

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

In assessing an application that contains four or more self-contained dwellings in a building of at least three storeys in height, Council is required to consider the provisions of SEPP 65. SEPP 65 aims to improve the design quality of residential flat buildings and provides an assessment framework, the Residential Flat Design Code (RFDC) for the assessment of applications under which this is considered. The proposal is consistent with the design quality principles contained within the policy, which promotes development that is of good design, appropriate context, scale and density given the desired future character of the area.

Clause 50(1A) of the EPA Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This document has been submitted and is considered to satisfy the submission requirement.

The SEPP requires the assessment of any Development Application for residential flat development against the ten (10) design quality principles and the matters contained in the publication “Residential Flat Design Code”. As such, the following consideration has been given to the requirements of the SEPP.

#### **1. Context**

The site is located within zone 3(b) Business – Other Centres, the objectives of which seek:

- (a) *to encourage the provision of retail, business, community, service and entertainment facilities to serve residential areas in the catchment of the zone, without detracting from the primary role of the Bankstown CBD, and*
- (b) *to promote the redevelopment of older centres and those in decay, and*
- (c) *to enable residential development in business zones, whether or not in conjunction with commercial activity, to promote activity and services in those zones.*

The immediate surrounding area is characterised by a mixture of residential development types, ranging from single dwelling development to residential flat development; and commercial development types i.e. service stations; and educational establishments. The proposal is considered to be compatible with the existing and future character of the area, and will contribute to the quality and identity of the immediate area.

## 2. Scale

The proposed development is compliant with the applicable floor space ratio and consistent with all other planning policies. It is considered that the scale of the development is consistent with that envisaged by the planning controls.

## 3. Built form

As stated above the proposed development is considered to be consistent with the desired future character of the area in terms of its bulk and scale. The design of the development is appropriate for the site and the proportions of the building and its overall design and treatment is considered acceptable.

## 4. Density

The proposed development has a total FSR of 1.09:1 which complies with the maximum permitted 1.2:1 floor space ratio.

## 5. Resources

The development is subject to State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and requires a BASIX Certificate to be obtained. The development achieves satisfactory performance in respect to BASIX measures of energy efficiency, water conservation and thermal comfort.

The development satisfies open space, deep soil zones, natural ventilation and solar access requirements and provides a mix of bedroom sizes consisting of studios, one, two and three bedroom units, including eight adaptable units, providing a range of choice and housing affordability.

## 6. Landscape

The development provides approximately 775.44m<sup>2</sup> of landscaping and common open space on the ground level which is accessible at the ground floor of the development.

## 7. Amenity

The development satisfies natural ventilation, solar access and privacy requirements. It also provides a suitable mix of unit types.

## 8. Safety and Security

Physical and visual barriers provide separation between public and private spheres. Residential dwellings which address Woodville Road, as well as the provision of intercom and security services which allow for surveillance to be achieved. Further, the main entrance is clearly visible in the front façade and there is a clear definition between public and private spaces.

## 9. Social dimensions

The site is located within a 3(b) – Business zone and the development provides an appropriate mix of unit sizes and types to cater for the community's lifestyle and housing needs.

## 10. Aesthetics

The overall appearance of the proposed development is considered acceptable.

In addition to the above 'Design Quality Principles' the application general conforms to the key 'rules of thumb' contained in the Residential Flat Design Code, as outlined in the table below.

<b>'RULE OF THUMB'</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>Building separation</b> 12m separation between buildings 3 to 4 storey.	<p>The proposed is 3 storeys in height. The development provides a building separation of 12m between buildings.</p> <p>The development provides a minimum setback of 4.2m to the northern boundary which adjoins Alpha Pathway.</p> <p>The development provides a minimum setback of 3m to the southern boundary which adjoins a vacant allotment zones SP2</p>	Yes

	<p>Infrastructure – Educational Purposes.</p> <p>The development provides a minimum setback of 5m to the eastern boundary.</p>	
<p><b>Communal Open Space</b> 25% - 30% of the site area is to be communal open spaces.</p>	25% of the site area is dedicated as communal open space.	Yes
<p><b>Apartment layout</b> Studio – min. 35m<sup>2</sup> 1 bed – min. 50m<sup>2</sup> 2 bed – min. 70m<sup>2</sup> 3 bed – min. 95m<sup>2</sup></p>	All units meet the minimum requirements.	Yes
<p><b>Balcony depth</b> Min. 2m depth to primary balconies.</p>	All primary balconies have minimum 2m depth.	Yes
<p><b>Floor to ceilings heights</b> 2.7m</p>	3m	Yes
<p><b>Internal circulation</b> Max. 8 units accessed from a single corridor.</p>	Minimum 3 to maximum 6 apartments accessed from a single corridor.	Yes
<p><b>Solar Access</b> 70% of units receive 3 hrs solar access between 9am – 3pm midwinter.</p>	89% of units receive 3hrs direct solar access between 9am – 3pm midwinter.	Yes
<p><b>Natural Ventilation</b> 60% of the units should be naturally cross ventilated.</p> <p>25% of the kitchens should have access to natural ventilation</p>	<p>65% of units are naturally cross-ventilated.</p> <p>78% of kitchens have a window within 8m of the kitchen.</p>	<p>Yes</p> <p>Yes</p>

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

Schedule 3 of the Infrastructure SEPP lists types of development that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network (including classified roads). The proposed development does not exceed the threshold listed in Schedule 3 of the SEPP however the proposal seeks direct access onto a classified road and has been referred to RMS for comment (Pursuant to Section 138 of the Roads Act, 1993).

The RMS has reviewed the proposed development and raised no objection, subject to certain conditions of consent addressing matters including car parking layout,

manoeuvring, stormwater and civil works and potential impacts on RMS assets, and impacts during construction. These requirements have been included in the attachment to this report as recommended conditions of consent.

Clause 102 of the Infrastructure SEPP also required consideration to be given to acoustic impacts on proposed residential units where development is to occur adjacent to roads where the average number of vehicle movements per day exceeds 40,000. Woodville Road is an arterial road where the vehicle movements per day exceed 40,000. The applicant has submitted an acoustic report which has been reviewed by Council's Environmental Health Officer who concurs with the findings and recommendations made within the report which will be imposed as recommended conditions of consent.

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

BASIX Certificate No. 581691M\_03, dated Monday 15<sup>th</sup> June 2015, accompanies the Development Application. The Certificate details the thermal, energy and water commitments which are also detailed on the submitted plans. The proposal satisfies the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and is supported in this instance.

### **Bankstown Local Environmental Plan 2001 (BLEP 2001)**

At the time of lodgement of this development application, the Bankstown Local Environmental Plan 2001 (BLEP 2001), was in force while a draft Local Environmental Plan had been publically exhibited. The savings and transitional provisions contained within Clause 1.8A of the BLEP 2015 has the effect of limiting consideration of the provisions contained within the BLEP 2001 and the exhibited draft.

The following clauses of the Bankstown Local Environmental Plan 2001 are relevant to the proposed development and were taken into consideration:

- Clause 2 – Objectives of this plan
- Clause 11 – Development which is allowed or prohibited within a zone
- Clause 17 – General environmental considerations
- Clause 19 – Ecologically sustainable development
- Clause 30 – Floor space ratio
- Clause 32 – Access for people with disabilities
- Clause 48 – Objectives of the Business zones

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of BLEP 2001.

### **Draft environmental planning instruments [section 79C(1)(a)(ii)]**



The draft Bankstown Local Environmental Plan 2015 (BLEP 2015) was published on 5 March 2015. As the subject DA was lodged in October 2014, the Draft BLEP 2015 had been publicly exhibited and applies to the subject site, hence the draft instrument is a matter for consideration under Section 79C(1)(a)(ii) of the EP&A Act 1979. While the draft instrument proposes the introduction of some additional provisions, in the most part, the draft BLEP 2015 provides for an administrative conversion of BLEP 2001 to the standard instrument LEP template.

With respect to the proposed development, it is considered that the proposal remains consistent with the aims and objectives of the draft instrument. The draft instrument will alter the definition of gross floor area, with the area to be calculated from the internal face of external walls, whereas the former LEP measures gross floor area from the outer face of the external walls, meaning overall FSR will be reduced under the draft instrument.

In accordance with the savings and transitional provisions of the BLEP 2015, applications lodged prior to the gazettal of the instrument are to be assessed as if the new instrument had not commenced.

#### **Development control plans [section 79C(1)(a)(iii)]**

State Environmental Planning Policy (Affordable Rental Housing) 2009 prevails over a number of the controls contained within the Bankstown Development Control Plan 2005 (BDCP 2005). The following table provides an assessment of the application against the relevant controls contained within the BDCP 2005 for residential flat development where the SEPP remains silent.

STANDARD	PROPOSED	BDCP 2005 PART D4 – BUSINESS ZONES	
		REQUIRED	COMPLIANCE
Frontage	46m - Woodville Rd	30m	Yes
Storey Limit	3 storeys	2 storeys	No
Side and rear setbacks	4.2m – North boundary (side) 3.0m – South boundary (side) 5.0m – East Boundary (rear)	5m for all storeys	No
Solar Access	89% (33 of 37 units)	70% of units to receive 3 hours to a living area window	Yes
Adaptable Units	8 units	8 units	Yes

As the table demonstrates, the application is seeking variation to storey limit and side setback requirements in accordance with the controls contained within Part D4 of the Bankstown Development Control Plan 2005.

#### **Storey Limit**

At the time of lodgment the proposed development failed to comply with Clause 4.4, Part D4 of BDCP 2005 which specified that the maximum number of storeys for development in neighborhood centres is 2 storeys.

However, at the Ordinary Council Meeting held on 28 April 2015, Council resolved to amend Part D4 – Business Zones as follows:

**Storey limit (not including basements)**

**2.4** Development must comply with the storey limit that corresponds with the maximum building height shown for the site on the Height of Building Map as follows:

<b>Maximum building height as shown on the Height of Buildings Map (Bankstown LEP 2015)</b>	<b>Storey limit (not including basements)</b>
11 metres for the following neighbourhood centres: <ul style="list-style-type: none"> <li>• 255A–257 Hector Street Bass Hill</li> <li>• 259 Hector Street Bass Hill</li> <li>• 360–366 Hector Street Bass Hill</li> <li>• 826 Hume Highway Bass Hill</li> <li>• 884–906 Hume Highway Bass Hill</li> <li>• 207–231 Miller Road Bass Hill</li> <li>• 35–55 Arlewis Street Chester Hill</li> <li>• 172 Hector Street Chester Hill</li> <li>• 178 Hector Street Chester Hill</li> <li>• 63–79 Middleton Road Chester Hill</li> <li>• 81–91 Miller Road Chester Hill</li> <li>• 68–70B Miller Road Chester Hill</li> <li>• 27 Woodville Road Chester Hill</li> <li>• 35 Woodville Road Chester Hill</li> <li>• <b><u>47 Woodville Road Chester Hill</u></b></li> <li>• 101–109 Denman Road Georges Hall</li> <li>• 21A–25A Hector Street Sefton</li> <li>• 251 &amp; 253 Hector Street Sefton</li> </ul>	<b><u>3 storeys (no attic)</u></b>
11 metres for all other neighbourhood centres	2 storeys (plus attic)
14 metres	4 storeys (no attic)

Amended Part D4 of the DCP does not apply to the development application, however, it is indicative to the proposal and is considered reasonable. The proposal is a 3 storey development and complies with the current storey limit requirement in the DCP and height limit requirement in the BLEP as specified in the above table.

**Side and Rear Setbacks**

Clause 4.11, Part D4 of BDCP 2005 specifies that for building walls with a window or balcony in residential flat buildings where the dwellings are not attached to a shop or office, the minimum setback to the side and rear boundaries of an allotment is 5 metres for all storeys. The development seeks setbacks of 4.2 metres to the northern boundary and 3.0m to the southern boundary. Setback encroachments along the northern elevation adjoins Alpha Pathway, with encroachments along the southern elevation adjoining a vacant allotment zoned SP 2 Infrastructure – Educational Purposes.

The applicant has prepared a planning justification to the variation to setback requirements, arguing on the following grounds:

- *It is consistent with the objectives of Section 4 – Neighbourhood Centres of BDCP. In particular, amenity for residents and adjoining neighbours is retained at a high standard through the use of recessed balconies on the lower levels and the apartment layout providing principal living areas away from the east elevation.*
- *The proposal results in improved amenity relative to the existing structures and signage on the site, which form a visual barrier.*
- *Landscaping will assist in screening the boundary to further minimise any amenity impacts or opportunity overlooking.*

Despite the non-compliance of the side setbacks, no privacy impacts are generated from the proposed development as the site adjoins a public pathway to the north and a vacant allotment zoned SP 2 Infrastructure – Educational Purposes to the south. Development Application No. DA-1308/2015 proposes the construction of a new public school for special needs, which is currently under assessment for the property known as No. 49 Woodville Road, Chester Hill. DA-1308/2015 proposes an outdoor sports oval which will adjoin the subject site to the south and is considered to have minimal privacy impacts should consent to the development be granted.

#### **Planning agreements [section 79C(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

#### **The regulations [section 79C(1)(a)(iv)]**

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

#### **Any coastal zone management plan – [section 79C(1)(a)(v)]**

The development site is not within the coastal zone, and hence considerations are not applicable in this instance.

#### **The likely impacts of the development [section 79C(1)(b)]**

Based on the assessment contained in previous sections of this report, it can be concluded that the proposed development will have an acceptable impact on the locality.

### **Suitability of the site [section 79C(1)(c)]**

The proposed development is permitted with consent on the subject site, and represents a built form that is compatible with the existing and desired future character of the locality. The site is considered suitable for the proposed development.

### **Submissions [section 79C(1)(d)]**

The application was advertised and notified for a period of twenty one (21) days, from 12 November 2014 to 2 December 2014. Following the submission of amended plans and details, the application was re-advertised and notified for a further period of twenty one (21) days, from 28 October 2015 to 17 November 2015. During these advertising and notification periods, four (4) submissions were received, which raised concerns relating to:

- Traffic and parking impacts
- Waste / garbage collection
- Consultation with Roads and Maritime Services

These issues are discussed in further detail below.

#### **Traffic and parking impacts**

- *Increased traffic to the area and congestion*
- *Loss of on-street parking*

The proposed development provides a total of thirty seven (37) parking spaces, including two (2) disabled car spaces and twenty five (25) bicycle spaces within the basement. The car parking requirements under the ARH SEPP are based on the total number of units proposed and the number of bedrooms within each unit. The minimum number of parking spaces required is thirty three (33). As such, any potential impact on the availability of on-street car parking on Alpha Street and within the locality is considered reasonable and does not warrant refusal of the development application.

Vehicular access to the basement car park is provided from Woodville Road via an entry/exit driveway ramp located at the north western corner of the site which allows access to the basement to be clear of visual obstructions and is not considered likely to result in traffic safety issues. Further, the RMS have reviewed the proposed development and raise no objection, subject to certain conditions of consent addressing matters including car parking layout, manoeuvring, storm water and civil works and potential impacts on RMS assets, and impacts during construction. These requirements have been included in the attachment to this report as recommended conditions of consent. The application has also been reviewed by Council's Roads and Infrastructure department, and is considered to be acceptable.

#### **Waste / garbage collection**

- *Where do the garbage containers go?*

The waste / garbage room for the proposed development is located at the north east corner of the site. The development requires 4 x 1100L bulk garbage bins and 8 x 1100L bulk recycling bins. The bins will be collected by Council from the adjoining rear cul-de-sac in Alpha Street via the rear laneway. Further, Council's Resource Recovery Officer has reviewed the application and raised no objection, subject to certain conditions of consent addressing matters including layback to the roadway, design details of the garbage room, and sufficient setback to the rear property boundary.

### Consultation with Roads and Maritime Services

- *Whether or not the RMS has been consulted.*
- *Location of proposed driveway.*

As detailed previously in sections of this report above consultation has been made with the RMS.

### **The public interest [section 79C(1)(e)]**

The public interest is well served by the provision of well-designed affordable housing and the proposed development would not contravene the public interest. The proposed development responds appropriately to the requirements of the SEPP 65 Residential Flat Design Code, as well as the relevant standards and controls contained in the Bankstown Local Environmental Plan 2001 and the Bankstown Development Control Plan 2005. Matters raised in the public submissions have been satisfactorily addressed, and it is considered that there will be no unreasonable impacts on the locality.

### **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* and the relevant specific environmental planning instruments, including:

- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *Deemed State Environmental Planning Policy (SEPP) – Georges River Catchment;*
- *Bankstown Local Environmental 2001;*
- *Draft Bankstown Local Environmental Plan 2015*

- *Bankstown Development Control Plan 2005*

The proposed development represents an appropriate building form for the site and the relevant planning controls have been appropriately responded to. No significant or unresolved matters have been raised in the public submissions, and the proposal is not considered to have any unacceptable or unreasonable impacts on the surrounding locality.

**RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions.

**CONDITIONS OF CONSENT**

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-1144/2014, submitted by Baraz Construction Pty Ltd, accompanied by Project No. 10.14, Drawing No. A1200, A1201 & A1503, dated 11 September 2015, Revision C and A1202, A1203, A1204, A1500, A1501, A1502, A1504, A1505, A1506, A1700, A1701 & A1702, dated 17 August 2015 Revision B, prepared by Ghazi Al Ali Architect Pty Ltd and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.

- 4) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
  - a) The landscape plans shall be amended so that all planted trees are not less than 75 Litre pot size.
- 5) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 6) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove the trees identified on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 7) A Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with Council's relevant DCP. The plan shall be prepared by a suitably qualified professional and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate.
- 8) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or 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 and building, driveway or landscape design. A Notice of Requirements must be issued prior to the release of the Construction Certificate.



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

- 9) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 10) Prior to issue of a Construction Certificate, a Long Service Levy payment of 0.35% of the value of the work, is required to be paid to Council on behalf of the Long Service Levy Corporation prior to issue of the Construction Certificate.
- 11) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$9,708,629 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94 Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 13) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
  - a) A heavy duty VFC of maximum width of 6.0 metres at the property boundary.
  - b) Drainage connection through an underground OSD discharging to Council's system.
  - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - d) Repair of any damage to the public road including the footway occurring during development works.
  - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be

made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 14) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 20140271 – SW02, SW03 & SW06 , Revision – B dated 15/06/2015 prepared by S & G Consultants Pty Ltd. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 15) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 16) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 17) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.
- 18) The proposed development is on land adjacent to an arterial road. The approved buildings shall be erected to comply with Australian Standard 3671 "Acoustics-Road Traffic Noise Intrusion, Building Siting and Construction" and Australian Standard 2107 "Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors." Evidence of compliance with such standards shall be submitted with the Construction Certificate Application with a report prepared by a suitably qualified acoustic Consultant. The

Construction Certificate plans shall include all of the attenuation measures recommended in the Acoustics Report. The development shall be constructed to include all of the recommended attenuation measures and the acoustic consultant shall certify that all recommendations have been incorporated into the development prior to the issue of the Occupation Certificate.

- 19) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 20) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

#### A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Traffic Authority's requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of

vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RTA Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 21) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

#### A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

#### WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath i.e. Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.bankstown.nsw.gov.au](http://www.bankstown.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 22) The developer shall apply, to Council via the Work Permit process, to relocate the existing bollards, within Alpha Pathway, at the Alpha Street entrance, prior to the issue of the Construction Certificate. The developer shall relocate the bollards, in like and kind, to the Council's satisfaction. The developer shall bear all costs to relocate the bollards to the Council agreed location.

- 23) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 24) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 25) Stormwater runoff from within the property shall be collected and controlled by means of an on site detention system in accordance with Council's Development Engineering Standards. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the south western corner of the site and from there to the new kerb inlet pit to be constructed over existing storm water main along Woodville Road. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's Development Engineering Standards. The final stormwater drainage plan shall also be generally in accordance with the concept plan no : 20140271 – SW02, SW03 & SW06 , Revision – B dated 15/06/2015 prepared by S & G Consultants Pty Ltd. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

- 26) For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 20% and shall comply with AS 2890.1. The profile shall be drawn at a reduction ratio of 1 to 20 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.
- 27) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 28) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property

adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

- 29) Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Part 2 of SEPP No. 65.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION**

- 30) The erection of a building / subdivision works in accordance with this development consent must not be commenced until:
- a) Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and
  - b) The person having benefit of the Development Consent has appointed a 'principal certifying authority' (PCA), and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and
  - c) The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.
- 31) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 32) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 33) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 34) Prior to commencement, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 35) Prior to the commencement of any building work a fence shall be erected along the property boundaries of the development site, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the site. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high.



All fencing is to be maintained for the duration of the construction to ensure that the site is secured and privacy of the adjoining properties is not compromised.

Where the development site is located within 3m of a public place then a Class A or Class B hoarding shall be constructed appropriate to the works proposed. A Works Permit for such hoardings shall be submitted to Council for approval prior to the issue of any Construction Certificate.

- 36) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 37) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with part 6 of that Act, such a contract of insurance must be in force before any building work authorised to be carried out by this consent commences.
- 38) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates (not being council) has given the Council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that act,
  - b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above requirements becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the council) has given the council written notice of the updated information.

This clause does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

39) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted during and outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building, or in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the State's building laws.

40) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to Bankstown City Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Bankstown City Council:
  - (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
  - (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a

satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning 9707 9410, 9707 9412 or 9707 9635.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
  - l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
  - m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
  - n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
  - o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
  - p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- 41) The application must be submitted to the appropriate Sydney Water Officer to determine whether the development will affect Sydney Water infrastructure (i.e. Sewer mains, easements, etc). If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- 42) A dilapidation report for the dwellings located to the north and east of the site is to be completed and submitted to the Principal Certifying Authority prior to the excavation work commencing on the site. The report shall include details of the structural conditions of the existing buildings. On the completion of the proposed work, and prior to the issue of the final compliance certificate, a

certificate prepared by an appropriately qualified engineer, to the effect that no damage has resulted to the adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or satisfactory agreement for rectification of the damage, is to be made with the affected person/s, as soon as possible and prior to occupation of the development

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 43) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 44) The building work must be carried out in accordance with the requirements of the Building Code of Australia, the provisions of the relevant Australian Standards and the approved plans.
- 45) Prior to the floor slabs being poured, an identification report prepared by a registered surveyor shall be submitted verifying that the proposed slab's finished floor level and siting to the property boundary conforms with the approved plans.
- 46) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 47) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 48) If the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 49) If the development involves an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense:
  - a) Protection and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage.
- 50) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining

property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.

- 51) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 52) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 53) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 54) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate.
- 55) All works carried out on site shall be in accordance with the recommendations and conclusion outlined in the report by Environmental Investigations Australia Pty Ltd (EI) EI Report No E22827 AA\_Rev0 dated 12 January 2016, as follows:
  - a) Prior to site demolition, a Hazardous Materials Survey on existing site structures is required to be carried out and submitted to Council to identify potential hazardous building products that may be released to the environment during demolition.
  - b) Any materials being removed from site (including virgin excavated natural materials (VENM)) should be classified for off-site disposal in accordance with EPA (2014) *Waste Classification Guidelines* and be disposed of to an appropriate EPA licensed waste facility.
  - c) Any material being imported to the site should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM.
- 56) Any new information which comes to light during works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.
- 57) If unexpected materials are unearthed, works are to cease until the situation is evaluated and an appropriate response determined by the applicant which is agreed to by Council. Council may also request that a NSW EPA accredited

site auditor or occupational hygienist is involved to assist with the assessment of the new contamination information.

- 58) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise, or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997.
- 59) The developer shall ensure there are no obstructions at the front of the holding area that will restrict the removal of the receptacles upon garbage pick-up. The storage room door is to be removed and small juts are to be provided in each corner to stop bins rolling out the garbage room at entry way.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 60) The use of a building in accordance with this Development Consent must not be commenced until Council or the PCA has issued an Occupation Certificate for the building and site works.
- 61) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 62) Thirty-seven (37) off street car spaces being provided in accordance with the submitted plans. This shall comprise:

Thirty five (35) residential spaces  
Two (2) Disabled space

All car parking spaces shall be allocated and marked according to these requirements.

- 63) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 64) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 65) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 66) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant



indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 67) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65.
- 68) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 69) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 70) A copy of the Work Permit Compliance Certificate shall be submitted to the Principal Certifying Authority, prior to the issue of the Occupation Certificate.

71) The Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority before occupation of the development.

72) Tree Planting: On-Site

The developer shall plant replacement trees as per the landscape plan subject to the following conditions:

- i. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.7 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order.
- ii. The tree is to be planted no closer than 3.5metres from the wall of any approved dwelling on the property.
- iii. The tree shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils standard specification.
- iv. The tree shall be planted prior to the issue of an occupation certificate.
- v. The tree shall be maintained for the life of the development.

73) For 10 years from the date of the issue of the occupation certificate:

- a. Unit numbers G04, G06, G08, 102, 103, 107, 108 & 111 must be used for the purposes of affordable housing, and
- b. all accommodation that is used for affordable housing must be managed by a registered community housing provider.

A restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property, in accordance with section 88E of the [Conveyancing Act 1919](#), that will ensure that the requirements of this condition are met.

## **ROADS AND MARITIME SERVICES CONDITIONS**

74) A strip of land has previously been acquired for road along the Woodville Road frontage of the subject property, as shown by blue colour on the attached aerial – “X”.

All buildings or structures, together with any improvements integral to the future use of the site are clear of the Woodville Road, road reserve (unlimited in height or depth).

- 75) The redundant driveway shall be removed and replaced with kerb and gutter to match existing.
- 76) The design and construction of the gutter crossing on Woodville Road shall be in accordance with Roads and Maritime requirements. Details of this requirements should be obtained from Roads and Maritime Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 77) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any work.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

- 78) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/2001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 79) The proposed development should be designed such that road traffic noise from Woodville Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007.
- 80) A Road Occupancy Licence should be obtained from Roads and Maritime for any works that may impact on traffic flows on Woodville Road during construction activities.
- 81) During construction all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Woodville Road.
- 82) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- 83) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Woodville Road.
- 84) All vehicles are to enter and leave the site in a forward direction.
- 85) All vehicles are to be wholly contained on site before being required to stop.
- 86) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.