

No	Date	Support	Submission Comments	Main Issues
			<ul style="list-style-type: none"> <li>Encourage redevelopment of old buildings</li> <li>Encourage industry, home based business and mixed residential development</li> </ul>	<ul style="list-style-type: none"> <li>Encourage industry, home based business and mixed residential development</li> </ul>
6	19/01/09	Neutral	<ul style="list-style-type: none"> <li>Concerned with the traffic problem in the area – narrow end of Alfred Street</li> <li>Asks what will happen with Alfred street and if parking will be allowed outside homes.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic problems</li> <li>Car parking on Alfred Street</li> </ul>
7	27/01/09	Objection	<ul style="list-style-type: none"> <li>Taller than 4 storeys will severely impact the neighbouring houses by dramatically increasing traffic, noise and by casting shadows on existing yards and homes</li> <li>Logistics company noise levels had a negative impact on residents – will bulky goods business be any different?</li> <li>Traffic is going to dramatically increase on today's levels</li> <li>Height study – doesn't take a cross section in relation to houses that back onto canal where Seniors Living is planned.</li> <li>Shadow diagrams – incorrect in terms of buildings that currently exist and direction of shadows at some timeframes.</li> <li>Need to add street names on drawings to confirm orientation or include a clearly marked North direction indicator.</li> </ul>	<ul style="list-style-type: none"> <li>Height impact on neighbours</li> <li>Cross section across canal query</li> <li>Traffic Increase</li> <li>Noise levels</li> <li>Shadow diagrams</li> </ul>
8	30/01/09	Objection (32 signatories/ residents)	<ul style="list-style-type: none"> <li>Concerned with impact of "Lot 4 Residential Area" – particularly privacy, environment and financial value of properties.</li> <li>Believe that 3 storey height will directly overlook backyards/homes leaving residents with no privacy.</li> <li>Believe it will directly cast a constant shadow, obscure view of surroundings, deprive of sunlight.</li> <li>Believe it will devalue properties due to increased noise, impact on neighbourhood character.</li> <li>Want assurance that Asbestos contamination has been fully investigated before development begins – there is no reference in report to this.</li> <li>Want to know if boundary along Viking Street has been investigated and cleared for Soil and Groundwater Contamination.</li> <li>Suggest lowering the height to 2 storeys and not placing any windows on the walls adjoining Viking street boundary.</li> </ul>	<ul style="list-style-type: none"> <li>Lot 4 Residential impact - Height</li> <li>Privacy</li> <li>Shadowing</li> <li>Devalue property</li> <li>Asbestos contamination</li> <li>Soil and groundwater contamination</li> <li>No direct access to amenities on site</li> </ul>
9	31/01/09	Objection	<ul style="list-style-type: none"> <li>Object to height of buildings – 8 storeys in centre and 4 on perimeter will be overbearing for residents</li> </ul>	<ul style="list-style-type: none"> <li>Height</li> <li>Neighbourhood</li> </ul>

No	Date	Support	Submission Comments	Main Issues
			<ul style="list-style-type: none"> <li>• Aged care facility roof is 15 metres above my window line</li> <li>• Does not fit the area</li> <li>• Will change the suburb – from quiet to claustrophobic</li> <li>• Substantial increase in traffic – too much for local traffic.</li> <li>• Increased noise due to the bulky goods outlet</li> </ul>	<ul style="list-style-type: none"> <li>• Character</li> <li>• Traffic increase</li> <li>• Noise increase</li> </ul>
10	01/02/09	Objection	<ul style="list-style-type: none"> <li>• Strongly object to current plans, they will create significant disruptions.</li> <li>• Proposed development will significantly degrade the current traffic issues.</li> <li>• Very narrow existing streets limited to the amount of traffic they can carry – there is not enough room for two cars to pass each other when vehicles are parked on both sides.</li> <li>• The “non Sunbeam” traffic is significantly greater than it was 10 years ago when Sunbeam was fully operational.</li> <li>• Traffic report does not consider the amount of ‘heavy vehicle’ traffic the roads will have to cater for and the fact this traffic will be running 24 hrs, 7 days a week.</li> <li>• The night of the resident development consultation the consultants stated there was no clear strategy to address the traffic implications.</li> <li>• If the site was rebuilt as industrial, as per original documentation by Parkview 3 July 2001, the industrial traffic could be easily catered for.</li> <li>• Residents must be provided with a detailed plan on how additional movement of vehicles would be catered for.</li> <li>• Traffic issues need to be re-considered and resolved before any approvals are given.</li> <li>• Accept that current site is not pleasant to look at – aged architecture.</li> <li>• Concern with the height of the proposed buildings.</li> <li>• Little mention is made regarding the height of the existing dwellings compared with the proposed development.</li> <li>• In the surrounding area there are no obvious buildings above 3 storeys high. 5 -7 stories will look completely out of character for the area and impact on resident's privacy and is unacceptable.</li> <li>• Proposed buildings should retain current heights to match surrounding areas.</li> <li>• Current low density environment enjoys low levels of crime.</li> <li>• The more people located in one small area, the higher the crime statistics.</li> <li>• A strategy to address this must be considered.</li> <li>• Please reject this proposal and ask them to consider building commercial</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic increase</li> <li>• Traffic type and timeframe</li> <li>• Industrial uses OK</li> <li>• Height concern</li> <li>• Privacy</li> <li>• Neighbourhood</li> <li>• Character</li> <li>• Crime Increase</li> <li>• Commercial uses OK</li> </ul>

No	Date	Support	Submission Comments	Main Issues
11	02/02/09	Objection	<p>premises.</p> <ul style="list-style-type: none"> <li>Strongly disapprove with the plans of the re-development.</li> <li>There was not much traffic when Sunbeam was operating.</li> <li>Council narrowed our street and only one car can pass at a time and mirrors get knocked off.</li> <li>This redevelopment would make it harder for us to get out of our driveway and turn our street into a busy road.</li> <li>More cars would be extremely dangerous for small children and the general public.</li> <li>Concerned about the amount of people living in such a small area, there is always trouble – look at Minto and Macquarie Fields area.</li> <li>Value of property would go down with such a development.</li> <li>The nursing home and self care area public transport is not convenient for these people.</li> <li>The strain on the public hospital would be enormous, already have to wait 4 hours to be seen – would our hospital cope with a gastro outbreak?</li> <li>We already have vandalism in the area and with extra people who is going to pay for their vandalism?</li> <li>Shopping centre would create extra cars and they would use Jarrett Street all hours of the day.</li> <li>Would like to know if the existing schools would be able to cope with potential children that would move into the development – already they schools use demountables as there is not enough room. More demountables would take away playground space and lead to more childhood obesity.</li> <li>Disagree that noise would not change – it would increase with more cars and more people living here.</li> <li>The childcare centre would create more noise.</li> <li>Needs to be more study put into this before anything goes ahead.</li> <li>Many people in area are elderly – should do a door to door survey. Web site is confusing and terminology of application is very hard to understand.</li> <li>Please reconsider</li> </ul>	<ul style="list-style-type: none"> <li>Traffic increase</li> <li>Traffic dangerous</li> <li>Crime increase</li> <li>Property value</li> <li>Public Transport</li> <li>Public hospital strain</li> <li>Vandalism</li> <li>Schools capacity</li> <li>Noise</li> <li>More study needed</li> <li>Consultation issues</li> </ul>
12	02/02/09	Objection	<p>[almost identical to Submission 11 above - additional comment below]</p> <ul style="list-style-type: none"> <li>I am elderly and can find it hard to get into a public hospital I will have no chance with all these extra people you want to put into this area.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic increase</li> <li>Traffic dangerous</li> <li>Crime increase</li> <li>Property value</li> </ul>

No	Date	Support	Submission Comments	Main Issues
13	30/01/09	Objection	<ul style="list-style-type: none"> <li>• Objection in strongest possible terms.</li> <li>• Inappropriate scale and density in relation to surrounding allotments. Out of character with existing area.</li> <li>• Sunbeam factory has been a benign neighbour for more than fifty years.</li> <li>• Inadequate consideration of design parameters and appropriateness of design features.</li> <li>• Development should be totally redesigned to remain in keeping with the surrounding areas, reduce the number of dwellings.</li> <li>• Excessive height, seven storeys will become a blight on the landscape.</li> <li>• Proposed seven storey building must be abandoned and other residential development limited to three stories (or the current height of the existing building).</li> <li>• Individual landowners should be consulted over their overshadowing concerns.</li> <li>• Serious invasion of privacy of existing landowners with hundreds of windows overlooking backyards etc. Intolerable!</li> <li>• Redesign residential developments to limit the number of outward facing windows.</li> <li>• Question the need for the development – the area is already well serviced for bulky goods (ie Bankstown), also well serviced with child care centres and after school care and a number of nursing homes and retirement villages in the area.</li> <li>• Proposed bulky goods centre must be abandoned and child care / senior citizens seriously reconsidered.</li> <li>• There appears to be no provision for any significant area of public space or community facilities.</li> <li>• At least one third of the land area must be preserved as public space, open to the community and provision of an indoor community facility and outdoor facility such as playing fields.</li> </ul>	<ul style="list-style-type: none"> <li>• Public Transport</li> <li>• Public hospital strain</li> <li>• Vandalism</li> <li>• Schools capacity</li> <li>• Noise</li> <li>• More study needed</li> <li>• Consultation issues</li> <li>• Scale and density</li> <li>• Neighbourhood Character</li> <li>• Design</li> <li>• Height</li> <li>• Privacy</li> <li>• Overshadowing</li> <li>• Property value</li> <li>• Transport and parking plan</li> <li>• Noise</li> <li>• Air pollution</li> <li>• Open space provision</li> <li>• Community / recreational facilities</li> <li>• Flora and fauna protection</li> <li>• Hours of work</li> <li>• Traffic</li> <li>• Public Transport</li> </ul>

No	Date	Support	Submission Comments	Main Issues
			<ul style="list-style-type: none"> <li>Negative impact on land values. Developer must contract Valuer-General to make a study of impact on land values.</li> <li>Developer must compensate owners at sale where land values are found to be reduced.</li> <li>Lack of adequate access, roads, transport, traffic and parking plan for the site</li> <li>Excessive noise and air pollution during demolition and construction.</li> <li>Substantial noise barriers up to three stories in height must be constructed and EPA to monitor the demolition and construction noise daily.</li> <li>Residents to be notified in writing at least seven days before any commencement of particularly noisy work.</li> <li>Effective dust amelioration measures must be implemented and monitored by the EPA.</li> <li>Inadequate site contamination remediation and investigation of the presence of asbestos.</li> <li>Proposed truck movements appears excessive, they must be limited to industry standards and monitored by RTA.</li> <li>Hours of work appear excessive, must be limited to 0700-1500 Monday-Friday and 0700-1200 Saturday, with no work on Sundays or Public Holidays.</li> <li>No plan for the protection of existing flora and fauna on the site. Significant trees must be preserved and maintained and a fauna survey undertaken.</li> <li>Protest the timing and duration of the exhibition stage – most residents on holidays, difficult to address at any length.</li> <li>Proposal will increase traffic volumes exponentially. A new traffic plan must be created to address traffic flows and congestion.</li> <li>Construction traffic will lead to major damage to local roads; developer must be responsible to meet cost of maintenance.</li> <li>Provision of parking is inadequate on site.</li> <li>Number of access points to development is inadequate.</li> <li>Viking St must be retained as a cul-de-sac.</li> <li>Development site is not well served by public transport. Developer must negotiate with STA to provide additional bus routes and fund a mini-bus shuttle 7 days a week to Campsie and Bexley North train stations.</li> </ul>	

## **APPENDIX D. PREFERRED PROJECT REPORT**

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## APPENDIX E. ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS) AND OTHER CONTROLS

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To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the concept plan and project applications.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No. 55 -Remediation of Land
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy No 64 – Advertising and Signage
- Standard Instrument (Local Environmental Plans) Order 2006 (for definitions only)
- Canterbury Planning Scheme Ordinance 1970

Other controls to be considered in the assessment of the proposal are:

- Canterbury Council DCPs
  - Development Control Plan No. 25 – Child Care Centres
  - Development Control Plan No. 28 – Flood Management and Flood Proofing
  - Development Control Plan No. 9 – Non Residential Buildings Adjoining Residential Zones
  - Development Control Plan No. 13 – Multiple Unit Development Code
  - Development Control Plan No. 45 – Landscape
  - Development Control Plan No. 20 – Carparking
  - Development Control Plan No. 48 – Waste Management
- State Plan and Metropolitan Strategy
- Draft South Subregional Strategy
- Draft Centres Policy
- Residential Flat Design Code 2002

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(1) in Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as the DGRs and Section 75I(2)(e) of the Environmental Planning and Assessment Act, 1979 require the proponent to address such standards and provisions and the Department to duly consider them. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment as follows.

### **1. State Environmental Planning Policy (Major Development) 2005**

The proposal was declared a Major Project as discussed in **Section 4.1** of this report.

Under Schedule 1, Group 5 of the MD SEPP, residential, commercial or retail projects with a capital investment value (CIV) of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives may be declared as a Major Project under Part 3A of the EP&A Act. The project proposes residential, commercial and retail uses with a CIV of \$298 million and will provide up to 1497 full time employment opportunities.

Section 75M of the EP&A Act outlines that the Minister may authorise a concept plan for a site and that a single application may be made for approval of a concept plan for a project and for approval to carry out any part or aspect of the project. In which case, environmental assessment requirements, public consultation and reports under Division 2 and Division 3 with respect to the project may be combined. This project utilises this provision by applying for concept plan approval for the whole site and project application for one stage of the development.

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

The site has been the subject of a number of contamination investigations and assessment has indicated the presence of soil and groundwater contamination. The site has undergone extensive remediation to make it

suitable for the current and approved use. The proponent's site auditor advises that further work is required in order for the site to be made suitable for the proposed uses as outlined in the report by Environ dated 1 May 2009 in Amended Appendix 22 of the Preferred Project Report (PPR).

A condition of approval is recommended to be included that requires an Evaluation and Assessment Plan to be prepared by a suitably qualified and experienced consultant prior to the commencement of site redevelopment, to be implemented before and during development. This plan should address the issues/activities outlined in the aforementioned report and an EPA-Accredited contaminated site Auditor should review and provide comment on the plan and then prepare a Site Audit Report and Site Audit Statement certifying suitability of the site for the proposed uses. As mentioned earlier in the report it is also considered that all remediation works shall be carried out as a part of Stage 1 of the proposal.

Based on these recommendations it is considered that the site can be made suitable for the proposed development and thus satisfactorily meet the requirements of SEPP 55.

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

The EA provides a detailed assessment of the proposal against State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings (SEPP 65) as well as building envelopes and indicative floor plans for the various unit types that would enable a preliminary assessment against this SEPP. The proposal as modified by conditions can comply with the 10 principles of SEPP 65.

#### ***Ten Principles of Design***

##### ***Principle 1: Context***

The proposed uses are reasonably consistent with the surrounding residential and industrial context, which comprises detached one and two storey residential dwellings and 2 to 3 storey light industrial warehouse and manufacturing units. Further afield there taller multi-unit housing developments and commercial premises. The development will contribute to improving the quality and identity of the area, appropriately respond to issues of bulk and scale, building envelopes and orientation across the site. The site is located in proximity to several public transport routes, recreational facilities, schools and a hospital making it suitable for a mixed use development.

##### ***Principle 2: Scale***

The Concept Plan proposes several residential flat buildings, ranging from 3 to 8 storeys. Generally the scale of the development at the boundary responds appropriately to existing development in surrounding lots. Taller buildings are proposed in the centre of the development where impacts to adjoining residential uses will be lessened and the buildings at the boundaries of the development provide a transitional scale of 3 to 5 storeys with setbacks. The Department did however raise concern with the additional storey added to the buildings for the PPR application on Lot 2 and building 5A. The increase in height erodes the effective transition of the development and 5 storeys at the boundary is not suitable for an allotment adjacent to a single storey dwelling.

Accordingly, it has been recommended that the Determination limit the height of the buildings back to the proposed heights established in the EA. With these modifications the Concept Plan is satisfactory with respect to the principle of scale.

##### ***Principles 3: Built Form***

The Concept Plan establishes an extension of the existing street patterns that feed into and through the site dividing it into five precincts in a clear and legible way. Building separation and orientation allows for visual privacy while taking advantage of distant and local views and proposed setbacks are in accordance with the City of Canterbury DCP 13. The built form defines the public domain with the use of appropriate fencing and landscaping.

The lower rise residential buildings at the north east and north western boundaries of the site (Lots 3 and 4) provide a built form that is sympathetic and respectful of the scale of the adjoining neighbourhood and act as a transition to the taller buildings in the centre of the development.

The proposed residential flat building on Lot 3, subject to the current Project Application, comprises a number of linked elements, some with pitched roofs, and utilises materials common to the area such as face brick. The dynamic fence at the child care centre indicates a clear change in use from the residential use adjacent.



It is recommended as a condition that the buildings proposed on Lot 2 provide an increased building separation in accordance with SEPP 65 to ensure an adequate built form is provided. It is also recommended that the height of the buildings on Lot 2 and building 5A be in keeping with the EA to ensure an effective transition between the development and the site is provided.

**Principle 4: Density**

The density of the overall development on the site is relatively high for the locality but provides for a mix of uses and the opportunity to develop a 'village centre' where a critical mass can support retail, commercial and community uses with jobs and services close to where people live.

The residential building on Lot 3 has an acceptable density at an FSR of 1.55:1 and a mix of units with 1, 2 or 3 bedrooms.

The Concept Plan and Project Application is satisfactory with respect to the principle of density.

**Principle 5: Resource, energy and water efficiency**

Utilising a site well serviced by infrastructure and in proximity to transport links, retail, education, recreation and employment uses is an efficient use of resources. Use of rainwater and stormwater is proposed for irrigation of landscaped areas and the car wash bay and solar panels are proposed to provide hot water to the apartments.

The general location and orientation of the buildings maximises sunlight, daylight and ventilation to reduce reliance on artificial heating and cooling. Building design and indicative apartment layout enables crossover apartments, which maximise natural ventilation and solar access.

Solar access to apartments and courtyards have been tested so that most apartments receive in excess of 2 hours of sunlight to primary living areas and the private open space areas receive 2 hours sunlight in excess of 50% of its area during mid-winter.

The Concept Plan makes a commitment to a range of ESD initiatives to be considered at future Project Application stages.

The proposal is considered satisfactory with regard to the principle of resource, energy and water efficiency.

**Principle 6: Landscape**

The proposal contains plans for a substantial public park in the centre of the development designed to have lawn and landscaped areas on raised podiums and areas of heavy traffic are protected. Paths will relate to the buildings and pedestrian traffic desire lines. The park will allow for passive recreation and small gatherings.

Landscaping at the residential building on Lot 3 allows for a distinction between private and common space and the child care centre has a number of play areas with shade cover and soft fall areas.

The proposal is satisfactory with regard to the principle of landscaping.

**Principle 7: Amenity**

The Concept Plan seeks to optimise amenity in terms of solar access, ventilation, views and outlook, private open space and access to public open space. It is recommended that an increased setback be provided to buildings within Lot 2 and that a minimum 5m setback be provided on Lot 4 to minimise impacts on amenity.

The layout, mix and size of apartments of the building on Lot 3 propose apartment layouts that demonstrate the building footprints, location and envelope intends to maximise residential amenity.

**Principle 8: Safety and Security**

In general, the concept design allows for good passive surveillance of the road networks, and public and private open space areas on the site. Attention will need to be given to the issue of safety and security in the detailed design of future project application(s) with respect to the proposed basement car parking areas, as well as entry points for apartments from the public open space and public domain areas.

**Principle 9: Social Dimensions and Housing Affordability**

The Concept Plan will increase housing choices within the Campsie/Clemton Park area. A mix of apartment types is proposed as shown in the indicative apartment layouts, to encourage a diverse social mix within the area and to sustain a vibrant community. At least 20% of the apartments offered are of a smaller size and

their proximity to employment opportunities and communal and retail amenities ensure an appropriate location for affordable housing.

### **Principle 10: Aesthetics**

The proposed residential building on Lot 3 is a contemporary design, with the break up in the façade improving the scale and pitched roofs and face brick respecting local character. The exterior of the child care centre clearly identifies this use and provides an interesting element to the streetscape.

The specific detail of the buildings proposed within the Concept Plan will be assessed as part of future project specific applications.

### **Residential Flat Design Code**

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb" which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the Code.

The Project Application for residential flat development on Lot 3 has been assessed against these development controls as follows:

- The Code advises that 25% of the site should be deep soil zone, however none of the site will be natural ground due to the proposed excavation. 23% of the site is not affected by underground basements however, some of this space is proposed to be utilised for courtyard areas, letter boxes, garbage storage and building entry. Accordingly, the development does not comply with the rule of thumb and will need to utilise storm water treatment measures to achieve the objective.
- The Code recommends 25-30% communal open space be provided to such a development. However, due to the provision of a child care centre which has specific open space requirements the site only achieves 17 % communal open space. The development also only provides an average of 20m<sup>2</sup> private open space (the smallest being 9m<sup>2</sup>) where the Code requires a minimum of 25m<sup>2</sup>. However, this Project Application is part of a Concept Plan which incorporates the provision of a public park 20m from the site as part of later stages of the site redevelopment and on this basis is considered to be reasonable.
- A Crime Prevention Through Environmental Design (CPTED) Assessment has been undertaken which detailed the developments compliance with the principles of CPTED. This assessment satisfies the Code requirement for a crime risk assessment.
- The Code provides building separation requirements in order to maximise visual privacy between residential flat buildings and other residences. For buildings up to 4 storeys, 12m is required between habitable rooms and balconies, 9m between habitable rooms/balconies and non-habitable rooms, 6m between non-habitable rooms. The plans indicate that the closest point of the residential flat building is 19m from the nearest residential building on adjoining land. Accordingly, the development complies with the building separation requirements
- The Code requires greater than 20% barrier free access to apartments. All apartments are accessible by lift directly from the parking area and the lifts are also accessible from Troy Street barrier free. Accordingly, the development complies with this requirement.
- The Code recommends that no single aspect apartments should be greater than 8m in depth. All habitable rooms within the development meet this requirement, however some bathrooms exceed 8m from a window. The provision of mechanical ventilation to these rooms would improve these apartments though their installation is not mentioned in the BASIX certificate.
- The development does not meet the storage requirements set out by the Code and as condition of proposal the proponent should be required to investigate the possibility of providing additional storage facilities within each unit.
- The Code requires 70% of apartments to receive at least 3 hours of sunlight to living spaces in midwinter. The development complies with this provision with 72% receiving 3 hours of sunlight or more.
- The Code recommends that a maximum of 10% of apartments should be single aspect facing south east. In this proposal 14 apartments have single aspect towards the south east, of these 4 have openable double glazed skylights. Accordingly, 17% of units are single aspect to the south east without a sky light. However, as the Proponent has demonstrated a high standard of ESD is proposed for the development including solar panels on the roof and the use of materials with a high thermal mass, the requirements of the RFDC are considered to be satisfied.
- In accordance with the Code a range of apartment sizes has been provided, with each having a balcony with a depth of no less than 2m. Ceiling heights to all habitable rooms are not less than 2.7m and no more than eight units are accessible from a core corridor. Ground floor units fronting Troy Street have separate entries and accessible units re provided in accordance with the Australian Standard. Vehicle

driveways are located away from pedestrian access, minimum standards for cross ventilation are achieved and roofing is proposed to be colour bond for better water collection.

The proposed Project Application is generally consistent with the aims and provisions of the Code, and any inconsistencies will be addressed by way of conditions of consent.

The level of detail provided for the Concept Plan does not enable an assessment of compliance of the finer details within SEPP 65 at this stage. As a condition of consent it is to be highlighted that the residential buildings on Lot 2 will need to comply with the minimum setback requirements, as it is evident at this stage that there is a non-compliance. However, further assessment of residential buildings within the Concept Plan, is to be undertaken as part of future project specific applications.

#### **4. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The proposal achieves the aims of the SEPP in that it will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, will make efficient use of existing infrastructure and services and is on land adjacent to land zoned for urban purposes.

The use is compatible with surrounding land uses, is expected to be reasonably well located in relation to public transport, shops and other services once the development is finalised. It utilises generous setbacks and landscaping to ensure any adverse impacts in respect of its bulk, scale and built form are mitigated. The PPR has amended the location and number of buildings on Lot 5 to be outside the Cup and Saucer Creek channel floodway (but within the 100 year ARI provisional low risk hydraulic hazard area) and therefore not considered to be within *environmentally sensitive* land for the purposes of the Housing for Seniors or People with a Disability SEPP. The car parking for these buildings is proposed at grade and will be affected by low risk flooding during a 100 year flood which is considered to be an adequate use within a flood zone.

#### **5. State Environmental Planning Policy (Infrastructure) 2007**

Schedule 3 of the SEPP requires traffic generating development to be referred to the RTA. The RTA has raised concerns regarding intrusion of traffic on local streets and the impact on existing movements in these streets and requested that a TMAP be prepared. They also request disabled parking, traffic calming, pedestrian crossings and roads to accommodate buses. The proponent has responded to the issues raised by the RTA and the RTA is satisfied that the development will adequately cater for traffic and movement in and around the site.

#### **6. State Environmental Planning Policy (BASIX) 2004**

A BASIX Certificate has been provided for the residential building on Lot 3 as per the SEPP BASIX requirement for multi-unit housing. See Appendix 33 of the Proponent's EA. The building achieved the targets for Water, Thermal Comfort and Energy.

#### **7. State Environmental Planning Policy No 64 – Advertising and Signage**

The Proponent claims that the signage will be of high quality design and will not detract from the amenity of the area, however no specific signage details have been provided. Accordingly, signage details are to be approved by Council and are to be in accordance with SEPP 64. An advisory note is proposed reflecting this in the project approval.

#### **8. Canterbury Planning Scheme Ordinance (CPSO) 1970**

The site is located in the Canterbury local government area and is zoned 4(b) Light Industrial over the entirety of the site. The 4(b) Light Industrial zone allows for light industrial and some ancillary uses.

Bulky goods premises are not expressly prohibited within the zone, unless they are considered "shops". Fruit, chemist, confectionary and milk bar, fish and chip, newsagents, opportunity, smallgoods, sandwich, tobacconists and hairdressers shops are permissible as are health consulting rooms and a recreation facility. Multiple unit housing, child care centres and commercial premises are prohibited development, as are all other shop types.

The Proponent has discussed how the development relates to other parts of the CPSO in their EA (pages 63-73) and highlights that the proposed uses, heights and floor space does not generate any adverse impacts on surrounding properties in terms of privacy or overshadowing. They note that the proposal does not comply with the current FSR or height controls for the site but argue that the proposal achieves an appropriate bulk and scale for a site of this size creating a new character in the locality that provides housing choice, new jobs and services within walking distance of where people live.

The proposal does not comply with most of the elements of the Canterbury CPSO 1970. The proposal has been considered on its merits and is considered to be reasonable. An order will make the proposed new land uses permissible within each corresponding lot.

#### **9. Canterbury Council Development Control Plans (DCPs)**

- **Development Control Plan No. 25 – Child Care Centres**

Currently under the CPSO, child care centres are not permissible on the site. Clause 80 of the Environmental Planning and Assessment Regulations 2000 gives effect to apply for approval of a Concept Plan for a project even if any project or part of a project is prohibited under an Environmental Planning Instrument (EPI). The proposed project is the subject of an authorisation by the Minister to apply for approval of a Concept Plan pursuant to Section 75M of the Act.

The proposed child care centre will accommodate the increasing demand for child care places through the provision of placement for 75 children, with the following allocation of places:

0-2 years of age = 20 places

2-3 years of age = 15 places

3-5 years of age = 40 spaces

The child care centre is 636m<sup>2</sup> and is designed over one storey with a similar sized area (643m<sup>2</sup>) of soft fall areas, turf and astroturf play surfaces. The proposed bulk, height and landscaping is considered compatible with the scale of the surrounding area.

Eight parking spaces are provided in the basement of the building for staff. Five on street parallel parking spaces are proposed in Troy Street which provide direct, level access to the child care centre. The centre will be staffed by 15 persons and will operate from 7am -7pm Monday to Friday. The location and orientation of the play areas and proposed hours of operation will ensure that the amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site. The design of the child care centre has regard to the Children Services Regulation (CSR) 2004 and a licence from DOCS will be sought at CC stage.

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

The stormwater modelling undertaken by the Proponent indicates there is no increase in flows from the site discharging into the Cup and Saucer channel and that the proposed development on Lot 5 would result in no significant increase in flooding. The ground floor of the proposed development is above the PMF level. It is recommended that a Flood Emergency and Evacuation Plan be prepared for Lot 5 and that the detailed design stage of the buildings on the lot be subject to further assessment to ensure that any changes would not adversely impact on flood regimes.

- **Development Control Plan No. 9 Non Residential Buildings Adjoining Residential Zones**

The proposed non-residential building on Lot 1 Bulky Goods/Commercial adjoins a residential zone. It complies with the Building Height Plane and Setbacks and overshadowing to adjoining properties is minimised as shown in shadow diagrams provided by the Proponent.

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

The proposed residential building on Lot 3 generally complies with the objectives of this DCP including minimum site frontage, major road vehicle access points, space between buildings, space for recreation, landscaped areas, private open space, rear boundary setbacks, minimal impact on neighbours due to bulk, shadows, privacy and views, privacy between dwellings, building design, car parking, noise management, drainage, road standards, and facilities.

The proposal does not comply with minimum front boundary setback, however the overall layout of the development is acceptable.

- **Development Control Plan No. 45 Landscape**

The Proponent has provided a Landscape Plan and Landscape Design Report that addresses the provisions of DCP No. 45. The principles of ESD and biodiversity have been incorporated, and the design, management, construction and maintenance aspects of landscaping at the site have been considered appropriately.

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

The aims and objectives of this DCP has been considered as part of the Traffic Impact Assessments prepared as part of the project application. An appropriate level of parking is required, though at a rate slightly below Council requirements in response to the DGRs request to minimise parking on site. The

overall parking provision allows for multiple purpose trips and the opportunity for off-peak sharing of spaces. Bicycle parking has been proposed at Lots 1 and 3 and a car wash bay is provided in the basement of Lot 3.

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

The Proponent has provided a Waste Management Plan for Lots 1 and 3 outlining the arrangements for waste management at each location and for each type of use and is generally in line with the DCP no. 48.

#### **10. Draft South Subregional Strategy**

Detailed consideration of the Draft South Sub Regional Strategy is at Section 5 of the Director General's Report.

#### **11. Draft Centres Policy**

Detailed consideration of the Draft Centres Policy is at Section 5 of the Director General's Report.

#### **12. Ecologically Sustainable Development Principles**

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** - The social, environmental and economic impacts of the proposal are positive and the development would provide a positive reuse of the site for employment, commercial, retail and residential use. The environmental impacts of the development are appropriately mitigated as discussed in this report. The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal as recommended for approval will not compromise benefits or opportunities to others. The development will also improve landscaping on the site and assist in creating a benchmark for further revitalisation of the locality.
- **Precautionary Principle** – The EA is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. The proponent has demonstrated that the development design and appropriate mitigation measures will be implemented to prevent any detrimental environmental impacts. The project actually provides for substantial improvements to the environmental qualities of the site after its previous use for industrial purposes. Mitigation measures are outlined in the proponent's Statement of Commitments and/or the recommended conditions of approval. No significant climate change risks are identified as a result of this proposal. The proposed development is not inconsistent with the principles contained in the Floodplain Development Manual, will not detrimentally increase potential flood affectation on other developments or property, will not result in an increased risk to human life, and is unlikely to result in additional economic and social cost.
- **Inter-Generational Principle** – The site's redevelopment for residential, commercial and retail use incorporating ecologically sustainable design principles and implementation of environmental management practices to be employed during construction of the new development, will ensure that the environment is protected for future generations.
- **Biodiversity Principle** – There is no threat of serious or irreversible environmental damage as a result of this proposal. The proposal does not impact upon biological diversity or ecological diversity. The site has been previously developed for intensive industrial uses and has a low level of environmental sensitivity.

- **Valuation Principle** – The proposal seeks to promote new residential, commercial and retail development adjacent to existing urban areas by maximising reliance on existing infrastructure, and enabling residents to live near work, leisure and other opportunities. The proposal will provide some relatively affordable residential properties in an existing urban area. The project will deliver a significantly improved environment that will have greater economic, ecological and community value than the current and previous incarnations of the site.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including but not limited to collection of rainwater for landscaping, benchmarking buildings against BASIX, solar shading devices, maximizing cross ventilation through cross-over apartments, apartment layout to maximise solar access, roof forms to capture natural light and ventilation and use of high thermal mass materials.

Contributions are also to be paid to assist Council in providing long term services to the community. Consequently, the Department is satisfied that the proposal is consistent with the principles of ESD.

## APPENDIX F. STATEMENT OF COMPLIANCE

### SECTION 75I(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

<i>Section 75I(2) criteria</i>	<i>Response</i>
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA is located at <b>Appendix B</b> and response to submissions (PPR) is located in <b>Appendix D</b> of this report.
Any advice provided by public authorities on the project;	All advice provided by public authorities on the project for the Minister's consideration is set out in <b>Section 6</b> of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	An assessment of the impact of the SEPPs on the development proposal is provided in <b>Appendix E</b> of this report.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division;	An assessment of the development relative to the prevailing environmental planning instrument is provided in <b>Appendix E</b> of this report.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety. The proposal adequately complies with the DGRs.

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Clause 8B of the EP&A Regulation 2000 as follows:

<i>Clause 8B criteria</i>	<i>Response</i>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in <b>Sections 5 and 6</b> of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in <b>Section 5</b> of this report.
The suitability of the site for the project	The project represents a redevelopment of an underutilised site within an established urban area for mixed uses suitable for the locality.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in <b>Section 6</b> of this report and <b>Appendix C</b> .

## **APPENDIX G. RECOMMENDED CONDITIONS OF APPROVAL/ MODIFICATIONS**

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