

## DEVELOPMENT ASSESSMENT COMMITTEE

**DAC032.02 - 08 4-6 COLERIDGE STREET, RIVERWOOD - DEMOLITION OF EXISTING HOUSES AND ANCILLARY STRUCTURES AND CONSTRUCTION OF A THREE (3) STOREY RESIDENTIAL FLAT BUILDING WITH BASEMENT CAR PARKING AND STRATA TITLE SUBDIVISION**

<b>APPLICANT PROPOSAL</b>	Mr K Vegners Demolition of Existing Houses and Ancillary Structures and Construction of a Three (3) Storey Residential Flat building with Basement Carparking and Strata Title Subdivision
<b>ZONING</b>	Zone 2 - Residential
<b>APPLICABLE PLANNING INSTRUMENT/S</b>	Hurstville Local Environmental Plan 1994, Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment, Draft Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, State Environmental Planning Policy No. 55 - Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Development Control Plan - LGA Wide - No. 1, Section 3.1 - Carparking, Section 3.2 - Subdivision, Section 3.3. - Access and Mobility, Section 3.4 - Crime Prevention through Environmental Design, Section 6.3 - Riverwood Residential Flat Building
<b>HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE</b>	
<b>OWNERS</b>	Eastern Red Enterprises Pty Limited
<b>EXISTING DEVELOPMENT</b>	Two (2) dwelling houses and ancillary structures
<b>COST OF DEVELOPMENT</b>	\$2,550,000.00
<b>REASON FOR REFERRAL TO COUNCIL</b>	Variation to Development Control Plan No. 1 and submissions received
<b>REPORT AUTHORS</b>	Development Assessment Officer, Mr R. Guirguis
<b>FILE NO</b>	08/DA-376

### EXECUTIVE SUMMARY

1. The application is seeking approval for the demolition of existing dwelling houses and ancillary structures and construction of a three (3) storey residential flat building with basement carparking and strata title subdivision.
2. The proposal complies with Hurstville Local Environmental Plan 1994. However, it represents variations to Development Control Plan No. 1 in relation to the maximum required floor space ratio and the adopted built form.

3. Two submissions were received in relation to the proposed development.

**RECOMMENDATION**

THAT the application be granted a deferred commencement consent in accordance with the conditions included in the report.

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## **REPORT DETAIL**

### **DESCRIPTION OF THE PROPOSAL**

The application is seeking approval for the demolition of the existing dwelling houses and ancillary structures and construction of one (1) x three (3) storey residential flat building, strata title subdivision and basement parking.

The proposal seeks to consolidate the existing two allotments for the construction of one residential flat building. The building is in the shape of an "I" with a north/south orientation and side court yards.

The subject site has a north to south orientation which is considered to be the common arrangement along Coleridge Street Riverwood.

The subject residential flat building will consist of 3 levels and a basement car park. The residential levels will provide 15 apartments categorised as 12 x 2 bedrooms apartments and 3 x 3 bedroom apartments. Each apartment contains bathroom, living, dining, kitchen and internal laundry facilities.

Provisions have been made within the basement level for twenty-four (24) residential car spaces with a minimum of 6 cubic metres of storage space per unit provided. Four (4) visitor's spaces including a wash bay are also proposed. There are 2 disabled residents garages provided with access via a stair lift from basement to ground floor level directly to adaptable apartments. Common areas within the site are all wheelchair accessible.

Access to the proposed basement is provided via single driveway from Coleridge Street with the basement clearances range in height from 2.3m -3.1m

The proposed "I" shaped building will provide an east and a west facing side courts being adjacent to the vertical spine of the "I". This design was considered by the applicant to be the optimum design for the subject site due to its narrow frontage of 24.38m to Coleridge Street.

The proposal in its current form provides apartments that vary between 84 sqm to 103 sqm in area with provisions for secure storage to all and security access to residence, front entrances and internal walkway.

There are four (4) existing trees located on site including one (1) Red Ironbark located along the southern boundary (front). The proposal provides additional native landscaping throughout the site to be replanted in more suitable positions. All trees are proposed to be removed as part of this development.

### **BACKGROUND**

06 Aug 08      Development Application lodged.

13 Aug 08      Application placed on notification and advertised, referrals undertaken. Two

(2) submissions were received in relation to the proposed development.

- 04 Sept 08 Application considered by the Design Review Panel
- 10 Oct 08 Application referred to RailCorp for Concurrence in accordance with State Environmental Planning policy (Infrastructure) 2007
- 29 Oct 08 A meeting was held with the applicant to discuss the comments provided by the Design Review Panel
- 30 Oct 08 The applicant submitted a written response validating the rational behind the proposed design
- 30 Oct 08 RailCorp has reviewed the application and granted concurrence subject to the imposition of the deferred commencement conditions provided.
- 13 Nov 08 Final assessment undertaken

## **DESCRIPTION OF THE SITE AND LOCALITY**

The site comprises two (2) allotments being Lot 51 and Lot 52, DP16391. The site is a rectangular shaped site with a combined frontage of 24.38m to Coleridge Street and an area of 1278.12 sqm. The site is located on the northern side of the street. Existing on the site are 2 dwelling houses with ancillary structures.

Adjoining the site to the west is a residential flat building development known as 8-12 Coleridge Street which contains 2 x 3 storeys "C" shaped dwellings running from east-west along the width of the site with a central east-west corridor separating the two buildings. There are also 2 dwelling houses in a battleaxe arrangement to the east, all of which are bound by State owned Railway corridor from the south. Located at the rear of the site are 2 dwelling houses with a primary frontage to Josephine Street. The area is low-medium density residential in character.

## **COMPLIANCE AND ASSESSMENT**

The development has been inspected and assessed under the relevant Section 79C (1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

### **1. Environmental Planning Instruments**

#### Hurstville Local Environmental Plan

The land is zoned residential and the proposal is permitted within the zone. The proposal meets the zone objectives.

#### Clause 14 – Tree Preservation Orders

Four (4) trees are proposed to be removed as part of this proposal. One of the trees is located towards the southern boundary (front), three (3) of the trees are located in the centre of the site and within the perimeters of the proposed footprint and the remaining tree is located along the eastern boundary towards the rear of the property.

No objections were raised by the Tree Management Officer subject to the replanting of four (4) native trees in more suitable positions on the property. This is recommended as a condition of consent.

#### Clause 15 – Services

The site is adequately serviced by the relevant utility services necessary to support residential flat development. The proposed residential flat buildings and basement parking can be accommodated over the existing infrastructure. Storm water is to discharge to the existing 1.2m wide drainage located on the western neighbouring site (8-12 Coleridge Street) and adjacent to the top western corner of the site of the subject site.

#### Clause 22 – Excavation and Filling of Land

Excavation and filling of land is necessary as part of the proposal to:

- \* Accommodate basement level for parking and storage for the residential apartments;
- \* Provide a suitable driveway gradient for vehicles and disabled access throughout the site.

The proposed excavation and filling of the site are not considered to have any detrimental impact on the drainage patterns, soil stability or the future use of the site. Conditions have been imposed requiring the need for geotechnical and dilapidation reports to ensure the protection of any adjoining property.

#### Clause 22A – Acid Sulphate Soils

The site is not affected by acid sulphate soils

#### State Environmental Planning Policy (Infrastructure) 2007

Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007 requires the application to be referred to RailCorp for concurrence. RailCorp has reviewed the proposed development and advised that concurrence is granted subject to the attainment of the following deferred commencement conditions:

- \* Geotechnical and structural report that meets RailCorp's requirements as detailed in RailCorp's "Standard Brief"
- \* Construction methodology with details pertaining to structural support during excavation
- \* Track monitoring requirements during excavation and construction phases.

- \* Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor
- \* A rail safety plan including instrumentation and the monitoring regime

State Environmental Planning policy No.65 - (Design Quality of Residential Flat Development)

State Environmental Planning Policy No.65 sets out ten (10) design principles to be considered for all residential flat buildings. Listed below are these design principles followed by the Design Review Panel and the Architect's comments in relation to the proposed design.

Principle 1 - Context

*Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.*

Design Review Panel Comments: The site is located at the end of Coleridge Street with access from a single driveway. This driveway extends to a further three properties which together face south across the East Hills Railway Line. The site is close to Riverwood Shopping Centre and is 350 meters from Riverwood Railway Station. To the west are 3-storey apartment buildings and to the east are detached cottages.

Architect/Applicant Comments: Appropriate site for development of units. Other adjoining sites are able to be developed in the future the proposed use is permissible development under HLEP1994

Development Assessment officer Comments: Concur

Principle 2 - Scale

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*

Design Review Panel Comments: The scale of the development is satisfactory in terms of height and presents a façade to Coleridge Street which is consistent in scale to other recent developments.

Architect/Applicant Comments: The proposed scale is appropriate in terms of the overall height and front facade is consistent in scale to recent developments..

Development Assessment officer Comments: Concur

Principle 3 - Built Form

*Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the*

*manipulation of building elements.*

Design Review Panel Comments: The form of the proposed development follows the north south building envelope required by Development Control Plan No.1 Section 6.3.8.1 rather than the revised envelope (requiring two east west building envelopes with a central courtyard) for which Council formally resolved to amend Development Control Plan No.1 Section 6.3 on 28 September 2005. The central courtyard has been successfully introduced in the redevelopment of the adjacent site at 8-12 Coleridge Street, albeit a wider site with a frontage of approximately 36 meters compared to the frontage of the subject site which is 24 meters.

Considering the previous application of the dual building envelope on the property to the west (8-12 Coleridge Street), and the similar depth of properties further west, the consistent application of this control would result in an overall built form and open space system of merit.

Furthermore, considering the presence of two detached houses to the east with the equivalent central courtyard space represented by the gardens of these houses, it is difficult not to apply this principle to the subject site. The open space corridor thus created will provide many benefits to all residents through the movement of wind and air, the appreciation of visual corridors, and the benefit of sun and sky.

In addition the 'I' shaped built form brings with it inherent difficulties with sightline, proximity between residents, overshadowing of balconies and additional overshadowing of neighbours.

Architect/Applicant Comments: The resolution by council to adopt a two building configuration with an east-west corridor was based on a recently completed development proposed by the same applicant to the adjoining site (8 – 12 Coleridge Street). This site consists of 3 allotments; the site of this proposed development consists of 2 allotments only which makes it narrower than the site previously assessed under the resolution.

The Development Control Plan states that sites can be as narrow as 18m wide for unit development. The impact of this resolution on a narrow site has not been considered as no study has been undertaken by council to test if two building form with a 1:1 FSR is achievable or if the outcome is desirable.

We have tested the outcome of complying with the resolution and have found the outcome to be undesirable in terms of building separation within the internal courtyard which will be less than 12m wide.

The reduced building separation will create poor amenity outcomes in terms of overshadowing of southern block balconies and reduced privacy between units with the central courtyard likely to be severely overshadowed. A reduction in building separation will also make the development bulky and overdeveloped.

The centrally linked section proposed in comparison helps to reduce the bulk and density along the side boundaries and reduces overshadowing of adjoining properties. By increasing the balcony to wall separation greater sightline are achieved in comparison.

Development Assessment Officer Comment: The proposed design complies with all relevant side, rear and front setbacks, required area for landscaping and is below the 12m height requirement by up to 1.1m.

Although that may not warrant the argument for having the proposed central link between the northern and southern block, it does not necessarily rule it out and it generally considers it to be a fair indication that the proposed envelope does not present an overdevelopment or a bulky design. It is important to note that whilst Council did resolve to amend Development Control Plan No 1 to incorporate two separate detached buildings as the preferred built form, that amendment to the Development Control Plan has not yet been done. The proposed amendment has not even been publicly exhibited. Whilst it is prudent to consider the resolution to Council, it should not be given determinative weight.

In the case of *Stock land Development Pty Ltd v Manly Council [2004] NSWLEC 472 revised - 01/10/2004* the planning principle established that the matters which are relevant when determining the weight to be given to a planning policy adopted by a council are as follows:

- \* The extent, if any, of research and public consultation undertaken when creating the policy;
- \* The time during which the policy has been in force and the extent of any review of its effectiveness;
- \* The extent to which the policy has been departed from in prior decisions;
- \* The compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans;
- \* The compatibility of the policy with other policies adopted by a council or by any other relevant government agency;
- \* Whether the policy contains any significant flaws when assessed against conventional planning outcomes accepted as appropriate for the site or area affected by it.

In light of the above, it is worthy to note that the east–west envelope previously adopted is based on a site specific merit and has only been only implemented once. Therefore the envelope suggested by the Design Review Panel should not be given determinative weight.

It is also worthy to note that the Development Control Plan allows variations to building envelope where proposals comply with setbacks and design objectives.

As such, a merit based assessment is necessary in this case to examine the impacts of the proposed design vs. the previously adopted design that have been raised as follows:

#### Overshadowing of own balconies and on adjoining properties

Regardless of which envelope is adopted in this case, the major difference between both designs is considered to be the central link as opposed to having a central courtyard.

Due to the site's north-south orientation, it is considered that regardless of which envelope is adopted, the southern block will experience overshadowing from the northern block. The



proposed design in its current form provides a 12m separation which is considered to be a sufficient distance to achieve the minimum required solar access to the balconies located on the southern block.

If the option of two (2) separate blocks was proposed on this site and the front and rear setbacks were complied with the two (2) buildings would have less separation in order to achieve the same floor space.

In relation to the overshadowing impact on the eastern adjoining properties, both designs are considered to have no adverse impact on the adjoining neighbours as their location dictates that they will always receive the north eastern sun before the subject site and will also receive the minimum required solar access in accordance with the relevant controls.

#### Proximity between residents

This issue has been raised referring to the apartments occupying the proposed central link. In this regards, the following have been considered as appropriate remedies provided by the proposed design:

- \* All balconies located in the central link have been recessed into the building,
- \* All balconies do not have direct views of each other
- \* All bedrooms windows opposing neighbouring balconies have highlight windows.

#### The movement of wind and air, the appreciation of visual corridors, the benefit of sun and sky and Restriction of sightline

In determining the impact of the proposed design on the above, further consideration should be given to the likelihood of any future residential flat buildings that may take place on the eastern adjoining properties to warrant the suggested consistency in adopting the east-west type envelope.

As such, there are four (4) allotments located east of the subject site with a combined shape of a right angle triangle, all of which have their full frontage bound by the railway line to the south and having access via a single driveway to each of the allotments from Coleridge Street.

Should any future approval be granted for the development of residential flat buildings on the eastern allotments that complies in full with the minimum required setbacks including the east-west envelope type, the development will inevitably result in blocking the central corridor in question due to the shape of these sites and their orientation.

Further, the proposed design is considered to allow for adequate cross ventilation by creating north – south corridors instead (where the breeze is most likely to come from). Whilst the proposed design may inhibit the existing visual corridor initially created by the single development west of the subject site, the continuation of such corridor is not warranted as it will inevitably come to an end should the allotments to the east be eventually developed as previously mentioned.

#### The Bulk of the Building

Whilst the proposed design may seem bulkier having a central link as opposed to having two separate buildings with a central corridor, it was established above that the proposal in its current form complies with all the elements (numerical controls) that dictate the desired envelope and subsequently the bulk of the design.

In this regard, it is worthy to note that the proposal when viewed from the front or rear is considered not to differ in terms of its bulk to the envelope suggested by the Design Review Panel nor that it is considered to be of a bulky nature given it complies with the required setbacks, exceeds the required landscaped area and is below the maximum specified overall height by approximately 1.1m.

It is also worthy to note that the envelope proposed by this application will appear substantially less bulky than the current in force envelope in Development Control Plan No 1, which would allow for a building wall of 38m set back only 3m from the adjoining single dwellings.

#### Principle 4 - Density

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*

Design Review Panel Comments: It is noted that the density of the proposed development exceeds the site specific FSR controls of 1:1 set down by Development Control Plan No. 1 Hurstville LGA Wide. There is some uncertainty as to the degree of non-compliance as the Architect's report indicates a marginal exceedence of 1.04:1, whilst the Council Planner's report indicates 1.4:1. By observation it would appear to be perhaps some point midway. If the building envelope is maintained for two building blocks with a 12 meters separation distance between, it should be possible for the development to attain the allowable FSR without resorting to the central element. The proposal, in the view of the Panel; however appears to be overly bulky and to represent an overdevelopment of the site, largely due to the building form

Architect/Applicant Comments: The density proposed exceeds the 1:1 FSR by 4% being 1.04:1, during the design phase it was found that a slight increase in the floor area of 2 or 3 sqm per unit, helped to improve the internal amenity of each unit, allowing for better sized bedrooms. This has not had an impact on landscaping or building setbacks which are in excess of council's requirements. We feel that it is important to ensure that good amenity is not compromised by a technical number, this is worthy of council's support as it will not have any adverse impacts.

Development Assessment officer Comments: The Design Review panel was under the misconception that the proposed FSR is 1.4:1 where the proposal only seeks an FSR of 1.04:1 as opposed to the specified FSR of 1:1. This was clarified and further assessed and considered to be a negligible variation as the extent of the 0.04:1 variation equates to an additional 3.4m per unit.

The architect argues that further reduction in the proposed FSR will compromise the internal amenities of the units.

Due to the design of the building it is considered that strict numerical compliance with the FSR control would not result in a visibly less bulky building.

#### Principle 5 - Resource, Energy, and Water efficiency

*Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.*

Design Review Panel Comments: This will be covered by BASIX.

Architect/Applicant Comments: Covered by BASIX.

Development Assessment officer Comments - The proposal have met the requirements of the provided BASIX certificate No.208033M dated 29/07/08

#### Principle 6 - Landscape

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*

Design Review Panel Comments: The landscape plan proposes a densely planted site except for an area of turf to the rear of the building. Given the narrowness of this 'common open space', it may be more appropriate to turn this into two private courtyards for the rear ground floor units.

The same could be applied to the extensive landscaped open space along the street front. Greater privacy to the ground floor bedrooms could be achieved by providing a combination of low walls and planting, complementing the entry structure.

Architect/Applicant Comments: It is proposed to density plant the site with border planting to all boundaries.

The common open space proposed is north facing for good sunlight access. The location of the common courtyard is appropriate as it was shown in the Built Form Study that if the common courtyard is located in the centre it will be heavily overshadowed. Recommendations of the panel with regards to plant selection changes and irrigation / hosecocks are supported and can be incorporated in the development conditions.

Development Assessment Officer Comments: The Design Review panel made recommendations in relation to landscaping species used, layout and the transformation of the rear turfed area into two (2) private courtyards for the ground floor units due to its narrowness.

Having private courtyard for the rear ground floor units is considered to be a desirable outcome as more often than not these areas get neglected in terms of its maintenance and a good sense of private ownership would result in this area being well maintained at all time. In addition, this arrangement is considered ideal as the rear ground floor units are allocated as

adaptable apartments.

Recommendations made by the Design Review Panel are recommended as conditions of consent and the Architect/Applicant has raised no objections in relation to the recommended changes.

#### Principle 7 - Amenity

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

Design Review Panel Comments: The proposal, as discussed under 3. *Built Form* will have a negative impact on adjacent properties as well as affect the amenity of the units contained within the development. Whilst not shown in the consultant's documents, mid-winter overshadowing at 9.00am and 3.00pm is likely to adversely impact on adjacent properties. The link component of the proposed building will also dominate the adjacent sites in terms of bulk and presence and reduce amenity of ventilation corridors and appreciation of sky and landscape continuity.

In terms of the proposed development itself, the amenity of the units contained in the frontage building will be severely impacted by the presence of the link building, limiting sunlight to living areas and verandahs, and imposing issues of privacy due to the proximity of adjacent dwellings and windows.

The development will be the lesser for not having central landscaped open space as a community facility.

Architect/Applicant Comments: The proposal, as proved in the Built Form section, when compared with council's two building form under the resolution, and in refutation of DRP comments, provides better amenity to adjacent properties and will lessen the overshadowing effects. The link component helps to relieve the amount of built form close to side boundaries therefore improves bulk and density outcomes.

Providing greater separation of balconies to walls will improve sunlight access to balconies and privacy between units. The proposed design, in refutation of DRP claims, will have more beneficial outcomes in this case given that the site is narrower than previously assessed adjoining development than the two building form adopted under council resolution. The buildings articulation allows for good cross ventilation within units and with good setbacks off side boundaries allows for good breeze corridors around the building's form.

Development Assessment Officer Comments: All matters that have been raised above have been discussed in more details under the headings of "Built form" and "density" earlier in this section of the report, and the proposal is considered to have an acceptable impact on amenity both within the development and on the adjoining properties.

#### Principle 8 - Safety and security

*Good design optimises safety and security, both internal to the development and for the public domain.*

Design Review Panel Comments: No issues in this regard.

Architect/Applicant Comments: Security key /intercoms will be provided at the front entrance gate to the common areas, lobby doors, and garage area. Balconies and windows are located to provide good visual surveillance of the street frontage and to common areas within the site.

Development Assessment officer Comments: Concur

#### Principle 9 - Social Dimensions and Housing Affordability

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.*

Design Review Panel Comments: This proposal would benefit by a cohesive central space which could provide the basis for communal interaction and amenity on the site.

Architect/Applicant Comments: A common central landscaped area is provided outside the lobby entrances, with outdoor seating for social interaction. The central landscaped area is connected via landscaped walkways to the front entrance gates, letterboxes, bin facilities and to a common outdoor area at the rear of the site which has good sunlight access for improved health and amenity of residents. Resident's have internal access to their garages via lobby stairs.

Development Assessment officer Comments:

The proposal is considered satisfactory in relation to its social context and in specific access to its social facilities. The proposal provides a communal area of approximately 100 sqm independent of any front or rear landscaped area.

#### Principle 10 - Aesthetics

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.*

Design Review Panel Comments: The proposal presents well to the street, and subject to the form of the development, represents a reasonable standard suitable for further development.

Architect/Applicant Comments: The applicant concurs with the panel's comments

Development Assessment officer Comments: Concur

#### Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. The proposal, including the disposal of stormwater, is consistent with Council's requirements for the disposal of stormwater in the catchment. The proposal is not considered to have a detrimental impact on remnant vegetation or ground

water and there are no proposed vegetated buffers associated with the proposal, as the stormwater is to be piped underground. The proposal seeks to discharge all stormwater to Josephine Street via an easement to drain water that passes through the rear of no. 8-12 Coleridge Street which has been created to benefit both the lots of the subject site. This is considered to be satisfactory.

State Environmental Planning Policy No 55 – Remediation of Land

The subject site is zoned residential and, given the types of uses permissible within the residential zones, it is considered unlikely that the land is contaminated.

**2. Draft Environmental Planning Instruments**

Draft Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The disposal of storm water from the site is considered satisfactory and consistent with the above draft regional environmental plan.

**Any other matters prescribed by the Regulations**

The Regulations prescribe the following matters for consideration for development in the Hurstville Council area:

- Safety standards for demolition and compliance with AS 2601 - 2001 apply to the demolition of any buildings affected by the proposal.

**3. Development Control Plans**

DEVELOPMENT CONTROL PLAN NO.1 SECTION 3.1 – CAR PARKING

As outlined in the table below, the proposed development complies in full with Development Control Plan No. 1 - Section 3.1 – Car Parking.

<b>DCP 1 Section 3.1 – Car Parking</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
2 storeys or more Residential Flat Buildings	1 space per 1 or 2 bedroom (24 car spaces required)	24 car spaces in the form of garages provided for 12 x 2 bedrooms and 3x 3 bedrooms apartments	Yes
Visitor	2 spaces for 3 bedrooms  1 space per 4 dwellings or part thereof	4 visitor spaces	Yes
Car wash bay	1 car wash bay	1 visitor bay allocated as car wash bay	Yes
Spaces for persons	1 space per 20 spaces	2 spaces and	Yes

with disabilities	or part thereof – 2 spaces required	allocated to adaptable units 10 and 11	
Driveway gradient	Straight ramps – 20m long or more (16.7% max)	12%	Yes

DEVELOPMENT CONTROL PLAN NO.1 SECTION 3.3 – ACCESS & MOBILITY

As outlined in the table below, the proposed development complies with Development Control Plan No 1 - Section 3.3.

<b>DCP 1 Section 3.3 – Access and Mobility</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
Adaptable dwellings	In developments containing more than 8 dwellings, 1 adaptable dwelling and 1 per 10 thereafter	2 adaptable dwellings	Yes
Access	Access to all adaptable dwellings, parking spaces and through the principal entrance of the building accordance with AS1282.2	Folding chair stair lift is provided to the adaptable units from the basement.  Disabled access is provided into the principal entrance of the dwelling.  Disabled access is provided from the principle entrance to the rear yard  Condition has been imposed requiring detailed certification of compliance at Construction Certificate stage.	Yes
Parking	1 space per 20	2 spaces per 15 provided	Yes

DEVELOPMENT CONTROL PLAN NO.1 SECTION 3.4 – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

As outlined in the table below and subject to the conditions imposed as part of this assessment, the proposal achieves the design principles of Development Control Plan No 1 Section 3.4.

DCP No. 1 Section 3.4 – CPTED	Standard	Plan	Complies
Fencing	Allows natural surveillance to street	None proposed	Yes
Blind Corners	To be avoided	Yes	Yes
Communal Areas	Provide opportunities for natural surveillance	Yes	Yes
Entrances	Clearly visible and not confusing	Yes	Yes
Site and Building Layout	<ul style="list-style-type: none"> <li>- Provide surveillance opportunities</li> <li>- Building addresses street</li> <li>- Habitable rooms are directed towards the front of the building</li> <li>- Garages are not dominant</li> <li>- Offset windows</li> </ul>	<p>Balconies serving the main living areas are all orientated towards the communal open space.</p> <p>In addition, the proposed “I” design allows for good surveillance in all directions surrounding the whole site</p> <p>This is considered satisfactory to minimise crime opportunities within the site</p>	Yes
Landscaping	<ul style="list-style-type: none"> <li>- Avoid dense medium height shrubs</li> <li>- Allow spacing for low growing dense vegetation</li> <li>- Low ground cover or high canopy trees around car parks and pathways</li> <li>- Vegetation used as a barrier for unauthorised access</li> </ul>	To be conditioned as per design review Panel recommendations	Yes
Lighting	<ul style="list-style-type: none"> <li>- Access/egress points illuminated</li> <li>- Diffused/movement sensitive lighting provided externally</li> <li>- No light spill towards neighbours</li> <li>- Hiding places illuminated</li> <li>- Lighting is energy efficiently</li> </ul>	<p>Lighting proposed along pathways throughout the site.</p> <p>Condition imposed to minimise light spill into residential portions of the dwellings</p>	Yes
Building Identification	- Clearly numbered	To be conditioned	Yes



	buildings - Entrances numbered - Unit numbers provided at entry		
Security	- Main entrances to multi-unit development utilise intercom and code/card locks for main entrance/car park	Security access to all gates and to basement car park proposed	Yes
Ownership	Use of fencing, landscaping, colour and finishes to imply ownership	Yes	Yes

DEVELOPMENT CONTROL PLAN NO.1 SECTION 6.3 – RIVERWOOD

The following is a summary of similar development applications that have been approved within Coleridge Street, and provides some background on built form variations.

- \* Council’s Development Control Plan No.1 Section 6.3.8.1 specifies a building envelope within Coleridge Street consisting of two “C” shaped residential flat buildings running north/south with their central court facing each other and forming a north-south corridor.
- \* On the 7 September 2005 the applicant has previously sought and been granted approval from Council (2005/DA-31) for the construction of two rectangular “C” shaped residential flat buildings on the western neighbouring site now known as 8-12 Coleridge street with a building envelope running east/west across the site and the central courtyards in between the buildings (contrary to the building envelope in Development Control Plan No. 13 which runs north-south) having an east-west corridor. Consequently, on the 28 September 2005 Council formally resolved to amend the Development Control Plan in relation to the building envelope however, the Development Control Plan remain unamended to date.
- \* On the 4 October 2006 Council approved a development application at 14-18 Coleridge Street with the building envelope running east-west across the site with central courtyards between the buildings (2005/DA-527) which has the same type envelope adopted by Council on the 28 September 2005 with the exception of that these east-west buildings were connected in the middle.
- \* This proposal now seeks to construct one (1) residential flat building in the shape of an “I” with a north-south orientation on the subject site known as 4-6 Coleridge Street. Although this arrangement is different to the designs previously adopted by both the applicants and Council, the applicant argues that it will result in an even better outcome based on site specific merits.

DCP 1 Section 6.3	Standard	Proposal	Complies
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<b>Riverwood DCP</b>			
Type of residential development	Apartment Building	Apartment Building	Yes
Subdivision	Amalgamation of lots required for lots 51-52 DP16391 and known as 4-6 Coleridge Street;	Strata Subdivision approval sought as part of this proposal.	Yes
Building envelope	Two (2) 'C' shaped residential flat buildings with a North-South Orientation	One(1) "I" Residential Flat Building with a north-south orientation	Yes (1)
Floor Space Ratio	1:1	1:04	No (2)
Minimum street frontage	18m	24.38	Yes
Building Height	12m or 3 storeys	10.87m 3 storeys	Yes Yes
Front setback	5.5m	5.5m	Yes
Side garden setback	3m	3m	Yes
Rear garden setback	8m	8m	Yes
Central gardens	10% of lot area	11.8%	Yes
Required access to parking	Via basement car park	Via basement off Coleridge Street	Yes
Maximum water resistant surfaces	20% of unbuilt site area	Unbuilt area= 615 sqm Hard surface areas = 109 sqm or 17.7%	Yes
Building separation	6m	12.4m-13.5m	Yes
Floor to ceiling height	2.7m (min) -3.6m (max)	2.7m-2.9m	Yes
Excavation of natural ground level	500mm for finished ground floor level	Excavation required to accommodate basement not to ensure compliance with overall height	Yes

Front fence height	1m (max)	None proposed	NA
Rear & side boundary fences	1.8m (max)	To be conditioned	Yes
Driveway type	2 separate driveways of 4m wide each or a combined width of 6m	One (1) two-way driveway at 3.6	No (3)
Privacy screens	1.8m	All balconies are recessed	Yes
Acoustic Privacy	Submission of a Noise Impact Assessment Report if site is located near a railway line, arterial or state road, under airport flight plan or near major industry	To be conditioned	Yes
Solar Access and Natural Light	Existing access to sunlight should be achieved for at least 3hrs between 9am -3pm on 21st June to windows of habitable rooms and to private open space of adjoining properties; and  Overshadowing effect of near buildings on public domain are to be considered between 10am -2pm on March 21st, June 21st and September 24th.	All adjoining windows of habitable rooms and near buildings receive the minimum required (winter) and (Summer) sunlight	Yes
Site Facilities	Provision of garbage and recycling areas; and  6m <sup>3</sup> per dwelling of storage space;  At least one (1) external clothes drying	Provisions are made in the form of 2.5m x 3.5m garbage room  Provided  To be conditioned	Yes  Yes  Yes

	area;		
	Laundry facilities must be provided		

(1) Envelope type

The proposal is for one (1) “I” shape residential flat building running north- south. The proposal differs from the envelope type specified within section 6.3.8.1 of Development Control Plan No 1 being two (2) “C” shaped dwellings running north–south.

It also differs from the east- west type envelope with 2 buildings as previously adopted by Council with the western neighbouring development on 7 September 2005

Notwithstanding the above, Council controls stipulate that consideration should be given to alternative designs and building envelopes located within the required building setbacks that meet the relevant objectives and design criteria.

The proposed envelope type is considered by the author of this report to suit the subject site when assessed against the design criteria as specified in State Environmental Planning Policy No.65. The envelope building form proposed by the applicant is considered to result in superior built form outcomes than the envelope in force under Development Control Plan No. 1. This is discussed in more details under a separate heading earlier in this report.

(2) Floor space ratio

The proposed floor space ratio is 1.04:1 as opposed to 1:1.

The variation in question represents an approximately 51 sqm difference for the whole development which is equivalent to approximately 3.4 sqm per unit.

A 3.4 sqm per unit is considered to offer better sized bedrooms and living areas without increasing the density or posing any visually detrimental impact as far as the bulk of the dwelling is concerned

Matters in relation to the proposal’s bulk and density have been discussed in more details in the assessment of the “Built form” under the heading of the State environmental Planning policy No.65 earlier in this report.

The proposal in its current form satisfies all the required setbacks, solar access, landscaping and heights requirements.

As such, the variation sought is considered to be of a negligible nature and reasonable

(3) One way driveway access

Access to the site is only available from the street via a single driveway due to the location of the arc forming the cul de sac being forward of the subject site. The site is also constrained by the location of the driveway servicing the site to the east.

The proposed driveway exceeds the requirements as set out by the Australian standards AS/NZS 2890.1-2004 (section 3.2.2) which allows for a 3m wide single driveway access to residential properties provided that:

- \* The driveway is located in a local Street and service less than 100 parking spaces;
- \* Passing opportunities are available at least every 30 m intervals

The proposed car park provides only 24 parking spaces and the length of the driveway ramp is only 12.5m long, with adequate sight distance from one end to the other. This complies with the above mentioned Australian Standard and considered satisfactory.

The two-way driveway is supported by Council's Traffic Engineer. Appropriate traffic measures have been proposed to ensure the safety of pedestrians on the footway at Coleridge Street and vehicles using the basement.

#### **4. Impacts**

##### **Natural Environment**

As discussed earlier in this report, the proposal seeks to remove four (4) trees all of which are located on site. The species, location and quantity of these trees are as follows:

- One (1) Red Ironbark located along the southern boundary (front),
- Two (2) Bottlebrush trees located towards the northern boundary to the centre of the site and within the confinement of the proposed footprint.
- One Sydney Blue gum located towards the eastern boundary (side)

The proposal provides additional native landscaping throughout the site to be replanted in more suitable positions. This arrangement is considered satisfactory.

The proposed Storm water drainage is considered to be adequate and the existing infrastructure is considered to be sufficient to sustain the proposed development and density increase.

##### **Built Environment**

The proposed dwellings to be demolished have no heritage significance nor are they in the vicinity of a heritage item. In relation to the impact on the built environment in terms of amenity, streetscape, overshadowing and the like, this is discussed in more details under the heading of State Environmental Planning policy No.65 earlier in this report.

##### Privacy

The balconies to the rear of the development are located 3m from the side boundaries. This has a potential amenity impact in terms of overlooking. A condition is recommended as part of this consent for privacy screens on the side elevations of these balconies.

### **Social Impact**

The impact of this development is considered to be positive as the proposal offers a variety of housing choices and increases the housing stock within the area.

### **Economic Impact**

There are no major economic impacts identified as a direct result of the proposed development.

### **Suitability of the Site**

The subject site is considered suitable in both size and location for the proposed residential flat building. The site is located within close proximity to Belmore Road providing easy access to local shops and Riverwood train station. As such, higher density development on the subject site is considered desirable due to its location near the service centre. The single driveway access to the subject site is considered to be an existing constraint due to the site's location being at the "no through" end of Coleridge Street. This has resulted in the proposal providing a two way single driveway leading to the basement car park. This variation has been considered acceptable and is discussed in more details under the heading "Development Control plans (Riverwood)" earlier in this report.

The subject site is not considered to be affected by overland flow, bush fire or acid sulphate soil. The site however is located within a 25m proximity to the East Hills railway line and as a result the proposal has been referred to RailCorp for their concurrence and assessment.

## **5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST**

### **Resident**

Adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. Two submissions were received in relation to the proposed development

#### Invasion of privacy

The submission received indicated concerns in relation to loss of privacy as a result of the proposed development in a general context and had no specifics in regards to certain windows, rooms, direction or the like.

Comment: In this regard, the property in question is located to the rear of the subject site in a north easterly direction with a boundary to boundary separation of approximately 12m and a dwelling to dwelling separation in excess of 25m approximately. This arrangement is considered to be adequate and generous in nature given that a 9m separation is adopted as

sufficient in accordance with Residential Flat Design Code. This is discussed in more details under the heading of Land and Environment Court Principles (Protection of Visual Privacy *Meriton v Sydney City Council [2004] NSWLEC 313*).

#### Increase in noise

The submission received indicated concerns in relation to increase in noise levels as a result of the proposed development

Comment: Noise levels are not considered to be unduly increased over the existing levels by future residents than what could be reasonably expected from a residential development of this type.

#### Will decrease the value of our family home

Property value is an issue that is considered to be outside the scope of this assessment.

#### Encroachment of building over the eastern boundary

A boundary and contours survey has been provided as part of the proposal. The survey plan provided does not show any encroachments or a variation to the existing conditions.

#### Building too close to side boundary (east)

The proposal complies with Council's requirements in relation to side setbacks and represents a 3m-8.03m side setback.

#### Land and Environment Court Planning Principles

*Planning principle: protection of visual privacy*

*Numerical guidelines for the separation of dwellings exist in the Australia-wide guideline, AMCORD; as well is in the NSW-specific Residential Flat Design Code attached to SEPP 65. AMCORD recommends a separation of 9m between habitable rooms. The Residential Flat Design Code recommends increasing separation between buildings as they get taller. For buildings up to three storeys, it suggests 12m between habitable rooms and balconies, 9m between a habitable and non-habitable room, and 6m between non-habitable rooms. Generalised numerical guidelines such as above need to be applied, taking into consideration density, separation, use and design.*

#### Density

In this regard, the density of the proposal is considered to be medium residential in character neighbouring single dwelling houses to the north (rear) and along the eastern boundary (side). Notwithstanding, it is worthy to note that neighbouring the subject site to the west is another (3) storey residential flat building in addition to other residential flat building located further in the Street.

#### Separation

In this regard, the property in question is located to the rear of the subject site in a north easterly direction with a boundary to boundary separation of approximately 12m and a dwelling to dwelling separation in excess of 25m approximately. The proposal also provides a 15m separation from the proposed central link to the eastern adjoining neighbours.

### Use

The north eastern quarters of the proposal in question comprises three (3) residential apartments with all living areas located to the east

### Design

The proposal in its current form is not considered to pose any privacy concerns due to the following reasons:

- \* Having an adequate separation of 12-25m between the proposed development and the single dwellings to the rear as opposed to the recommended 9m considering that the areas in question are from a habitable to a non habitable areas.
- \* Having highlight windows design on the north eastern section of the proposal.
- \* The north eastern quarters in question only comprises three (3) residential apartments which is not considered to be excessive density.
- \* A condition is recommended for privacy screens on the sides of the rear balconies

### **Council Referrals**

#### Manager - Development Advice

No objections were raised subject to standard conditions and the attainment of documentary evidence showing that an easement to drain water has been registered to benefit both the allotments of the subject site to drain all stormwater to Josephine Street (rear of site) prior to the application being approved.

It is believed that the easement to drain water that passes through the rear of 8-12 Coleridge Street (west of the site) has been created to benefit both the lots of the subject site however, no evidence of an easement to benefit the subject site could be found to continue the stormwater through any other property to Josephine Street.

#### Environmental Health and Building Surveyor

No objections were raised subject to standard conditions.

#### Tree Management Officer

No objections were raised in relation to the removal of four trees onsite subject to their replacement by replanting four native trees in a more suitable location on the site.

#### Crossing Engineer



No objections were raised subject to standard conditions.

Traffic Engineer

Manager – Environmental Services

No objections were raised subject to standard conditions.

**External Referrals**

Urban Design Review Panel

The Design Verification Statement and architectural plans were referred to the Design Review Panel on the 7 August 2008. The comments provided by the Panel on the 4 September 2008 are outlined under the ‘State Environmental Planning policy No.65’ heading earlier in this report.

Rail Corp

RailCorp has reviewed the proposed development and advised that concurrence is granted subject to the attainment and the imposition of a Geotechnical Report, Rail Safety Plan, Track Monitoring Details, Cross sectional Drawings, and Construction Methodology Details as deferred commencement conditions.

**6. CONCLUSION**

The proposal is residential flat building in an “I” shape running north – south that differs from the envelope suggested in council’s Development Control Plan No.1. Notwithstanding, Council has previously resolved to amend the Development Control Plan that differ from the suggested envelope.

Following a detailed assessment of the proposal, the proposed “I” shape design was considered to be appropriate for the site as it demonstrated satisfactory compliance with all relevant controls

Two submissions were received in relation to the proposed development all of which were considered in the course of the assessment.

The proposal represents two variations in relation to the floor space ratio being 4% greater than the required and the access to the site via a single driveway less than 4m. the variations are considered negligible and minor in nature and do not result in any unacceptable impacts.

The proposal in its current form is supported and considered to be reasonable as it seeks to maximise the development potential of the subject site.

**RECOMMENDATION**

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants a deferred commencement consent to Development Application 08/DA-376 for the Demolition of Existing Dwelling Houses and Ancillary Structures and Construction of a Three (3) Storey Residential Flat building, Strata Titled Subdivision and Basement Parking on Lot 51 and Lot 52 DP16391 and known as 4 and 6 Coleridge Street Riverwood, subject to the following:

- A. The applicant shall prepare and provide to Rail Corp for approval/certification the following items:
1. Geotechnical and structural report that meets RailCorp's requirements as detailed in RailCorp's "Standard Brief"
  2. Construction methodology with details pertaining to structural support during excavation
  3. Track monitoring requirements during excavation and construction phases.
  4. Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor.
  5. A rail safety plan including instrumentation and the monitoring regime
- B. Documentary evidence shall be provided that an easement to drain water has been registered to benefit both the allotments of the subject site to drain all stormwater to Josephine Street.

Documentary evidence as requested or the above information must be submitted within 12 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until written approval of the submitted information has been given by Council.

Subject to A. and B above being satisfied, development consent be issued, subject to the following conditions:

Standard conditions as approved by Council for Residential Flat Building. Excluding the following conditions: OC8, S946 (c)-(d), ST1 (g), DR1 (a)-(b), (d)-(e), Condition 38 (RTA), DD2 (e), PV7. Including the following conditions:

2. Approved Plans

<b>Plans</b>	<b>Date</b>	<b>Description</b>	<b>Drawn By</b>
Dwg No.1	07/08	Site Plan	Wayne Bentley Design Partnership
Dwg No.2	07/08	Basement Plan	Wayne Bentley Design Partnership
Dwg No.3	07/08	Ground floor Plan	Wayne Bentley Design Partnership
Dwg No.4	07/08	First Floor Plan	Wayne Bentley Design Partnership
Dwg No.5	07/08	Second Floor Plan	Wayne Bentley Design Partnership

Dwg No.6	07/08	Roof Plan	Wayne Bentley Design Partnership
Dwg No.7	07/08	Elevations	Wayne Bentley Design Partnership
Dwg No.8	07/08	Section/driveway profile	Wayne Bentley Design Partnership

Include under “To obtain a construction certificate”

3. OC(8)
  - (a) Privacy screens in the form of fixed vertical louvres angled at 45degrees skywards shall be provided on the sides of all balconies to the rear of the buildings. The screens shall have a height of 1.8m.
4. ST1 (a)-(f), (h)-(i), DR1(c)
5. An acoustic assessment is to be submitted to council prior the issue of a construction certificate demonstrating how the proposed development will comply with RailCorp’s Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor. A construction certificate must not be issued until the measures recommended in the acoustic report have been incorporated into the design.
6. Prior to the issue of a construction certificate the applicant is to procure a report on the electrolysis risk to the development from stray current, and the measures that will be taken to control that risk. The applicant is advised to consult an electrolysis expert. A construction certificate must not be issued until the measures recommended in the electrolysis report have been incorporated into the design.
7. Where a condition of consent requires RailCorp’s endorsement the Principle certifying Authority shall not issue a construction certificate or occupancy certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.
8. DR11
9. DR12 - **On-Site Detention** – to an on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:
  - (a) For events up to a 2% (depending upon the type of development) annual exceedance probability (AEP) design event as defined by Australian Rainfall and Runoff (May 1987). Maximum peak site discharge resulting from the development shall not be greater than peak site discharge, where the lots were previously occupied by a single dwelling, garage, lawn and garden.
  - (b) Where the stormwater discharge points are connected to the street gutter

system, the peak flow from the site shall not increase the width of gutter flow by more than 200mm at the design storm.

- (c) The OSD facility shall be designed to meet all safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

*"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."*

- (d) A Positive Covenant is to be created over any on-site detention facility The covenant is to be worded as follows:

*"It is the responsibility of the lots burdened to keep the "On-Site Detention" facilities, including any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The "On-Site Detention" facilities are not to be modified in any way without the prior approval of Council."*

Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant.

Full details shall accompany the application for **the Construction Certificate**

10. DR14 – Josephine Street.
11. DR15 – Josephine Street.
12. DR17 – A 1.0 metre wide easement to drain water must be created over the property adjoining the boundary to allow the discharge of all roof and surface water from the subject site to drain to the kerb and gutter in Josephine Street. The easement must be registered on title in order **to activate the development consent**.
13. BII
14. Should the Council be appointment as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following plans with details prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
  - a) Mechanical ventilation and carpark exhaust system.
  - b) Fire fighting equipment including hydrants, hose reels, sprinklers and portable fire extinguishers, smoke hazard management system, emergency lights, exit signs and warning systems.
  - c) Fire resistance levels of all building elements.
  - d) Site Treatment for Termite Risk Management
  - e) Fire Separation and Construction between Occupancies.

- f) Spandrel separation between floors.
  - g) Sound Transmission & Insulation between Occupancies.
  - h) Access facilities for people with disabilities to the adaptable units.
15. The Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with DCP No.1- Access and Mobility and AS 4299 Adaptable Housing.
  16. To minimise vibration damage or loss of support to the buildings and to the roadway in close proximity, a report shall be prepared by a qualified geotechnical engineer detailing works and procedures required to be undertaken during excavation. The report must be submitted with Construction Certificate application and the recommendations of the engineer are taken to be conditions of consent.
  17. Noise levels emitted from the mechanical exhaust system or any outdoor air conditioning unit must not exceed 5dB(A) above the background noise level when measured at any point on the boundary of the site.
  18. The location of the carpark exhaust riser must be detailed on the plan. It should be enclosed in brickwork and discharge above roof level.

Include under "Before commencing the Development"

19. The applicant is required to submit to RailCorp for its endorsement a plan showing all craneage and other aerial operations for the development prior to commencement of work
20. BC1
21. Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting the land and the buildings on the adjoining allotments must be submitted to the Principal Certifying Authority.
22. MI128
23. ST1; DR1
24. Should the Council be appointment as the Principal Certifying Authority, all structural works associated with the foundations, piers, footings, slabs and roof for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. A compliance certificate should be submitted to the Principal Certifying authority at each stage of Construction.

Include under "During Development"

25. The State Survey Mark in the gutter outside the site must be protected and is not be

disturbed during any construction work

26. All vehicles transporting soil material to and from the site as well as transporting all waste material, including demolition material, existing landfill and spoil, from the subject site must ensure that the entire load is covered by means of tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that waste material, dust or dirt particles are not deposited onto the roadway during transit. The preferred method of covering loads is with an automated “enviro-tarp”. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council’s Law Enforcement Officers. Any breach of this legislation is subject to “Penalty Infringement Notice” being issued to the drivers of those vehicles not in compliance with the regulations.
27. The principal certifying authority must carry out all critical stage inspections, as are prescribed in the Environmental Planning and Assessment Regulation, 2000, in addition to the undermentioned inspections:
  - a) All structural inspections,
  - b) All inspections necessary to determine that the appropriate conditions attached to this consent have been complied with, and
  - c) All inspections necessary to determine that the requirements of the Building Code of Australia are being met
  - d) Any additional inspection deemed necessary by the principal certifying authority.

Where Council has been appointed as the principal certifying authority, an inspection fee will be paid in accordance with the Schedule of Fees and Charges. Inspection fees are payable for each and every inspection, whether an initial inspection or follow up inspection where remedial work has been necessary. Forty-eight (48) hours notice in writing, or alternatively twenty-four (24) hours notice by facsimile or telephone, must be given to Council when specified work requiring inspection has been completed.

28. DD2 (a)-(d), (f)-(h)
29. WA2 – The following waste and recycling facilities are to be provided:
  - (a) Domestic waste: 4 x 240 litre Mobile Garbage Bin (MGB) and
  - (b) Domestic recycling: 5 x 240 litre MGB

The Waste Storage Area must house a minimum of 9 x 240 litre MGBs as indicated above. Access to the Waste Storage Area is to be unimpeded, such that there is no fence, gate or door that will prevent unrestricted access to the Waste Storage Area.

The Waste Storage Area is to be located level with all adjacent pathways and the rear of the Waste Storage Area is to be no more than fifteen (15) metres from the front boundary.

All pathways and access areas to the Waste Storage Area are to be a minimum of 1.5 metres in width.

30. The waste storage area is to be constructed so as to facilitate the servicing of all mobile garbage bins in a manner that will not impact negatively on the amenity of the surrounding area
31. Condition 82 to read: Coleridge Street
32. PV6 – 20 resident and 4 visitor.

Include under “Before occupation”

33. Four native trees must be replanted in suitable positions on the property
34. Irrigation and hose cocks for the external landscaping works should be incorporated.
35. PV17 - **Removal of Redundant Crossings and Restoration of Kerb/Gutter/Footpath** - Any existing vehicular crossings which are redundant must be removed, and the kerb (and any footpath) restored at your expense, by either prepayment to Council to:
  - (a) Construct a 1.50 metre wide x 80mm thick concrete path for the full length of the frontage of the site.
  - (b) Construct a 150mm thick concrete crossing reinforced with F72 fabric.
  - (c) Replace all redundant laybacks with kerb and guttering, and redundant concrete with grass.

Council will provide a quote for this work upon request.

**or alternatively:**

A private contractor may carry out above work subject to:

- (a) Council's conditions and specifications, including payment of asphalt infill repairs.
- (b) Payment of Council's administration fee listed in our Schedule of Fees and Charges
- (c) No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be complete **before the issue of an Occupation Certificate.**

36. On completion and prior to occupation of the building, a Compliance Certificate from the Access Consultant to the Principal Certifying Authority must be submitted to certify that the premises have been built to comply with DCP No.1- Access and Mobility, AS AS1428.1 -Design and Access Mobility, and AS 4299 -Adaptable Housing.

37. BO1; EF2
38. BASIX No. 208033M dated 29 July 2008.
39. MI27 - **Driveway Construction** - A vehicular crossing shall be provided in accordance with driveway levels defined in application number DL-01503 and with Council's *Specification for Vehicular Crossings and Associated Works* . The work may be carried out by Council (after payment of a quotation), or by a private contractor (subject to Council approval).
40. A folding wheel chair stair lift is proposed to provide disabled access between the basement car park and the adaptable units. The chair lift is not an approved method of disabled access for the purpose of the BCA and AS 1428.1. A lift that complies with AS 1735.12 must be provided or alternatively, an access consultants report must be submitted to support the alternative solution. In addition, should the chair lift be permitted, the width of the required stair must be increased to allow a 1m unobstructed path between the outer edge of the open chair lift and the stair handrail.

Include under "After occupation/Ongoing Conditions"

41. Visitor parking spaces shall be clearly sign posted and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
42. Visitor parking spaces are to be freely available at all times for the visitors of the premises.
43. A warning system, such as flashing light, to be installed at the security shutter (inside the basement car park) to alert drivers of vehicles leaving the car park of vehicles entering the car park.
44. Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1* .
45. All vehicles shall enter and exit the premises in a forward direction.
46. In view of the deficiencies in the building design and/or associated problems with the proposed use, it is recommended that prior to the issue of any consent, the following changes/amendments be incorporated in the design or the additional information must be submitted:
  - The adaptable units must be accessible and designed internally to comply with Development Control Plan No.1- Access and Mobility and AS 4299 Adaptable Housing. It may be appropriate and it is recommended that an Access Consultant certify compliance with the above requirements.
  - The location of the carpark exhaust riser should be detailed on the plan. It



should be enclosed in brickwork and discharge above roof level. There may be noise issues associated with the mechanical exhaust system.

47. PV15 - **Disabled Parking** – Two (2) parking space(s) for disabled persons must be provided /sized/marked/signposted in compliance with Australian Standard 2890.1-1993.

Include under heading “Strata Title Subdivision Conditions”

48. SU50 - Three (3) copies of the final Strata Title survey plans prepared by a Registered Surveyor shall be submitted, together with the original administration sheet(s), plus one (1) copy and any relevant 88B instrument plus one (1) copy.
49. SU51 - The structures of the building(s) that define the boundaries of all parts of the Strata Lots, including the Common Property shall be constructed in accordance with the approved plans and conditions of Development Consent No.08/DA-376 dated \*\*.

This shall include the completion of all internal driveways/ramps and hardstand areas for car spaces on the site before the release of the linen plan of subdivision.

50. SU72 - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to Building Developing and Plumbing Section of the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority/Council **prior to the release of the plan of subdivision.**

51. SU53 - Metal screw-on numbers to the front door of each occupancy shall be installed in accordance with the strata plan lot numbering.
52. SU54 - Separate letterboxes, for each unit and the Owner's Corporation, shall be erected and metal rivet-on type numbers shall be installed to each letterbox.
53. SU55 - The street number 4-6 is to be displayed in a prominent location in the front of the site.
54. SU56 - Metal numbers shall be affixed to the doors of each basement garage in accordance with the strata plan lot numbering and “Visitor Parking” signs shall be installed adjacent to any and all visitor car spaces.

55. SU57 – Each visitor car space shall be line marked with paint and “Visitor Parking” signs shall be installed adjacent to any and all visitor car spaces.
56. SU58 - Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".
57. SU59 - All courtyard fencing is to be completed on site.
58. SU60 - The location of the on-site detention facility is to be shown on the strata plans by the surveyor and suitably denoted.
59. SU61 - A screw-on professionally made sign shall be installed adjacent to the on-site detention facility. The sign shall contain the following text:

*"This on-site detention basin is subject to possible surface overflow during heavy storms."*

60. SU62 - A Positive Covenant shall be created over the on-site detention basin by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

*"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Hurstville City Council."*

Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant.

61. SU66 - Payment shall be made to Council of all outstanding fees listed in the accompanying fee schedule before the release of the linen plan of subdivision.
62. SU67 - An application for a Strata Certificate (for the endorsement and release of the final Strata plans) shall be lodged upon completion of all the abovementioned conditions.

To obtain a Strata Certificate, you must complete an application form for a Strata Certificate, pay the appropriate fee and submit the form together with any relevant plans and documentation for approval. A Strata Certificate may be obtained from Council or an Accredited Certifier.

\* \* \* \* \*

## **COMMITTEE'S DECISION**

THAT the application be granted a deferred commencement consent in accordance with the conditions included in the report.

*(Moved Clr P Sansom/Seconded Clr W Pickering)*