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# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Multi-Dwelling Housing Development

at

71-73 Viccliffe Avenue, Campsie NSW 2194

March 2023





# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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The following register of documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by HMR Planning for the NSW Land & Housing Corporation.

No	Date	Version	Change since last version	Pages
1	21.12.2022	V1	Not applicable – initial version	various
2	03.02.2023	V2	Amendments in response to LAHC comments	various
3	17.02.2023	V3	Final following internal review	various
4	06.03.2023	V4	Final following additional internal review	various

## DOCUMENT SIGN-OFF

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Having prepared the Review of Environmental Factors: <ul style="list-style-type: none"><li>I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy and Innovation, NSW Land and Housing Corporation.</li><li>I do not consider I have any personal interests that would affect my professional judgement.</li><li>I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.</li></ul>	
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# 1 Executive Summary

The subject site is located at 71-73 Viccliffe Avenue, Campsie, and is legally described as Lot 18 in Deposited Plan (DP) 35848 & Lot 20 in DP 35130.

The proposed multi dwelling housing development is described as follows:

*Removal of trees and the construction of a multi-dwelling housing development comprising 2 buildings containing 8 x 2 bedroom townhouses, with associated landscaping and fencing, surface parking for 4 cars, and consolidation of 2 lots into a single lot.*

The proposed activity is permitted on the site under the applicable local environmental planning instrument and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site and does not exceed 9 metres in height.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this Review of Environmental Factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements (IR), the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing* and LAHC's Dwelling Requirements;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning instrument and development controls of City of Canterbury-Bankstown Council;
- a BASIX certificate, NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- City of Canterbury-Bankstown Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 16 December 2022. Comments on the response are provided in Section 6.1 of this REF. One submission was received from occupiers of adjoining land. Comments on the submission is provided in Section 6.2 of this REF.



The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the implementation of the Identified Requirements of determination in *Appendix C*.

## 2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the EP&A Act is for an activity involving the removal of trees and the construction of an 8 unit multi dwelling housing development comprising 8 x 2 bedroom townhouses, with associated landscaping and fencing, surface parking for 4 cars, and consolidation of the 2 lots into a single lot at 71-73 Viccliffe Avenue, Campsie.

The activity<sup>1</sup> will be carried out by, or on behalf of, LAHC and is 'development without consent' pursuant to Section 42 of the Housing SEPP.

This REF has been prepared by HMR Planning on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulations.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

### 2.1 Summary of Proposed Activity

The proposal is detailed in the following plans, drawings and specialist reports and supporting information:

#### Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural Plans</b>				
Cover Sheet & Location Plan	DA00	02	27.01.2023	Stanton Dahl Architects
Site & Block Analysis Plan	DA01	02	27.01.2023	Stanton Dahl Architects
Development Data	DA02	02	27.01.2023	Stanton Dahl Architects
Cut & Fill Plan	DA03	02	27.01.2023	Stanton Dahl Architects
Site & External Works Plan	DA04	03	27.01.2023	Stanton Dahl Architects
Ground & First Floor Plan (Block A)	DA05	02	27.01.2023	Stanton Dahl Architects
Ground & First Floor Plan (Block B)	DA06	02	27.01.2023	Stanton Dahl Architects
Roof Plans (Block A & B)	DA07	02	27.01.2023	Stanton Dahl Architects
Elevations	DA08	02	27.01.2023	Stanton Dahl Architects
Elevations	DA09	02	27.01.2023	Stanton Dahl Architects
Elevations & Sections	DA10	02	27.01.2023	Stanton Dahl Architects
Shadow Diagrams	DA11	02	27.01.2023	Stanton Dahl Architects

<sup>1</sup> Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Shadow Diagrams – View from Sun	DA12	02	27.01.2023	Stanton Dahl Architects
Shadow Diagrams – View from Sun	DA13	02	27.01.2023	Stanton Dahl Architects
Landscape & Deep Soil Diagrams	DA14	02	27.01.2023	Stanton Dahl Architects
External Colour Selection	DA15	02	27.01.2023	Stanton Dahl Architects
Notification Plans	N01-N06	01	21.11.2022	Stanton Dahl Architects
Landscape Plans				
Landscape Plan	L01	7	27.01.2023	Botanique Design
Planting Details & Specifications	L02	7	27.01.2023	Botanique Design
Civil Plans				
Notes & Legends	C01	7	14.11.2022	Greenview Consulting
Ground Floor Drainage Plan	C02	10	27.01.2023	Greenview Consulting
Site Stormwater Details Sheet 1	C03	8	27.01.2023	Greenview Consulting
Easement Plan	C04	2	14.11.2022	Greenview Consulting
Easement Sections	C05	3	14.11.2022	Greenview Consulting
Specialist Reports				
BASIX Certificate	1317245M_02	-	14.11.2022	Greenview Consulting
NatHERS Certificate	0008174560	-	14.11.2022	Greenview Consulting
Arborist's Impact Assessment and Tree Management Plan	7750.1	-	14.11.2022	Redgum Horticultural
Access Report	22324	4	14.11.2022	Vista Access Architects
BCA Design Compliance Assessment	P210021	1	20.11.2022	BCA Vision
Geotechnical Site Investigation Report	10530/2870		07.10.2015	SMEC Testing Services
Traffic and Parking Impact Assessment	220215	A	23.11.2022	Greenview Consulting
Waste Management Plan (Construction)	2789.22	-	18.08.2022	Stanton Dahl Architects
Waste Management Plan (Operational)	-	-	11.11.2022	C/O Stanton Dahl Architects
Flood Review for Proposed Residential Development	220215	2	22.07.2022	Greenview Consulting
HGL Analysis	220215	2	19.10.2022	Greenview Consulting
Plan Showing Detail and Levels	BGM9R	2	05.08.2020	YSCO Geomatics
Drainage Reserve Pipe Location Plan	2208171/1	A	17.08.2022	Cooper & Richards Surveyors
Relocation of Stormwater Easement	220215	-	19.10.2022	Greenview Consulting

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Safety in Design Report (Architectural)	2789.22	–	17.08.2022	Stanton Dahl Architects
Safety in Design Report (Landscape)	–	–	–	Botanique Design
Safety in Design Report (Civil)	220215	–	24.08.2022	Greenview Consulting

## Design Compliance and Checklists – Appendix P

Part 5 Activity Package Submission, Checklist for Development Proposals under the Housing SEPP, Stanton Dahl Architects dated 22 November 2022.

Architect's Certificate of Building Design Compliance – Stanton Dahl Architects dated 27 January 2023.

Certificate of Landscape Documentation Compliance – Botanique Design dated 27 January 2023.

Certificate of Civil Documentation Compliance – Greenview Consulting dated 27 January 2023.

## Seniors Living Urban Design Guidelines, LAHC Dwelling Requirements & Good Design for Social Housing – Appendix D

Seniors Living Urban Design Guidelines checklist, prepared by Stanton Dahl Architects dated 21 November 2022.

## Section 10.7 Planning Certificates – Appendix A

Planning Certificate, Certificate No 20228844, 73 Viccliffe Avenue, Campsie – Issued by City of Canterbury Bankstown dated 21 November 2022.

Planning Certificate, Certificate No 20228845, 71 Viccliffe Avenue, Campsie – Issued by City of Canterbury Bankstown dated 21 November 2022.

## Titles and Deposited Plans – Appendix N

Title Search, Folio: 18/35848, Search date 21 November 2022, First Schedule: New South Wales Land and Housing Corporation.

Title Search, Folio: 20/35130, Search date 21 November 2022, First Schedule: New South Wales Land and Housing Corporation, Second Schedule: Easement for drainage affecting part of the land above described 1.525 wide shown in DP 385371.

Deposited Plan 35848, Search Date 21 November 2022.

## AHIMS – Appendix L

AHIMS Search Result, 71 Viccliffe Avenue, Campsie – 200m search buffer, date 21 July 2022

It is noted that the architectural, civil and landscape drawings were amended since the completion of the above referenced sub-consultant reports. The changes were made in response to Council comments and are considered minor and involve increasing the capacity of the proposed OSD system and amending the bin storage area to accommodate larger bin sizes.

The sub-consultant reports and BASIX certificate/stamped plans have not been updated to reflect the latest revision of these drawings as the changes were considered minor and of no material impact to the assessments undertaken.

## 2.2 Removal of Trees

There are 8 trees located within the site and 1 tree located within the Vicliffe Avenue road reserve at the site frontage. It is noted that 5 of the trees on the site are exempt species pursuant to section B3.3 of the *Canterbury Development Control Plan 2012* and therefore were not assessed in the Arborist Report (*Appendix F*) as approval is not required for their removal.

The proposal includes the removal of 1 low and 1 medium retention value tree and 5 exempt trees located on the site as detailed in **Table 1**. One tree is proposed for retention (T1), and no trees external to the site will be impacted by the proposed activity.

Tree removal within the site boundaries is recommended primarily to accommodate the proposed development (refer to submitted Arboricultural Impact Assessment and Tree Management Plan in *Appendix F*) and to remove declared noxious weeds.

Appropriate replacement plantings, including 7 trees capable of reaching mature heights of 6m and above, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in *Appendix E*).

Table 1 Proposed tree removal

Trees to removed	Species	Retention value	Reasons for removal
T2	<i>Scheffera actinophylla</i> – Lare	Low	Conflict with building footprint
T3	<i>Lagerstroemia indica</i> – Crepe Myrtle	Medium	Conflict with building footprint
-	<i>Ligustrum spp.</i> - Privet	Exempt species	3 trees to be removed. The species is a declared noxious weed.
-	<i>Syagrus romanzoffianum</i> - Cocos palm	Exempt species	2 trees to be removed. Council lists the species as an ‘undesirable tree species’. The trees will also be impacted by the proposed development works.

## 2.3 Proposed Dwellings

The proposed housing represents a contemporary, high quality design, which will be an improvement to the existing streetscape. The use of face brick for external walls and Colorbond metal roofing is consistent with the new developments within the Campsie suburb. Of the 8 proposed units, 5 will address the street (Units 1, 2, 3, 4 & 5) with living areas and windows facing the street for passive surveillance. The remaining 3 units (Units 6, 7 & 8) are located to the rear of the property and face the car parking area.

Minor cut and fill is proposed to provide a level building platform and parking area. This level of cut and fill is not considered to be significant and is consistent with Council development controls. Retaining walls are proposed to assist with the stability of the northern and southern boundaries as shown on the Architectural Plans (refer to *Appendix E*).

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

Each unit will be provided with its own enclosed private open space area. These spaces are directly accessible from kitchen and dining areas for the units facing Viccliffe Avenue or from the living areas for the units facing the rear car parking area.

A total of 4 surface car parking spaces will be provided on the site. The development does not include any accessible or adaptable units due to site constraints, therefore no accessible parking spaces are proposed.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground on-site stormwater detention tank (OSD). The OSD will drain to an existing stormwater drainage easement located to the south west of the site which connects to Council infrastructure at Viking Street. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the OSD.

A new 1.8m high Colorbond fence is proposed along both the side and rear boundaries. A low face brick wall and slatted metal fencing will be provided at the front of the development orientated to Viccliffe Avenue and for the dwellings facing the internal car parking area.

Figures 1 – 4 include extracts from the architectural plans illustrating the proposed development.

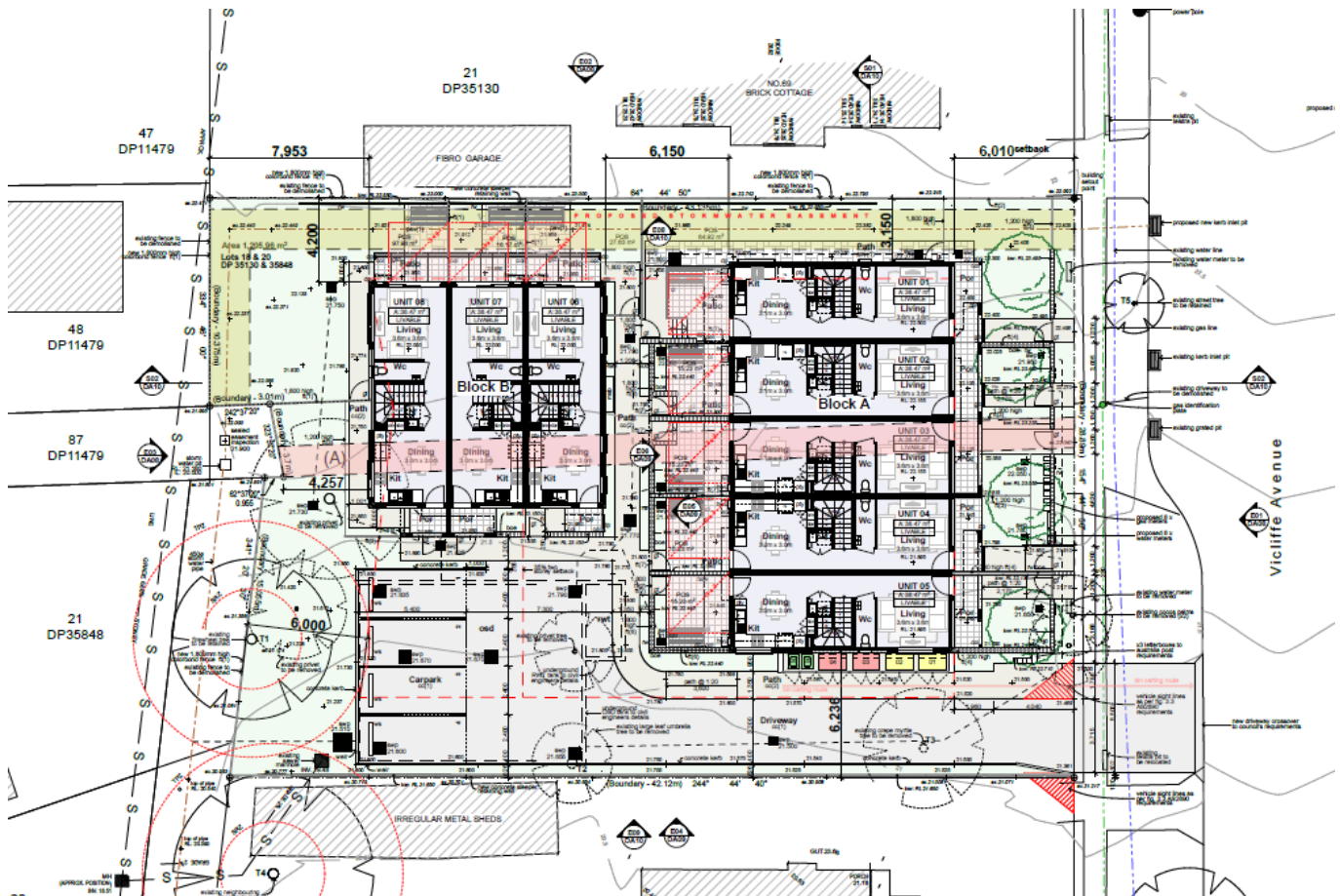


Figure 1 Extract from Architectural Plans – Site and External Works Plan (Source: Stanton Dahl Architects, dated 27/01/2023)

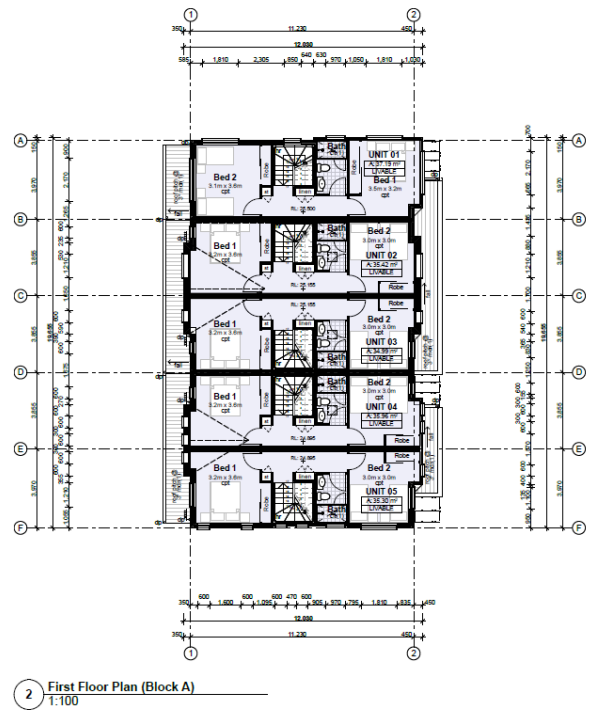


Figure 2 Extract from Architectural Plans – Ground and First Floor Plan – Block A (Source: Stanton Dahl Architects, dated 27/01/2023)

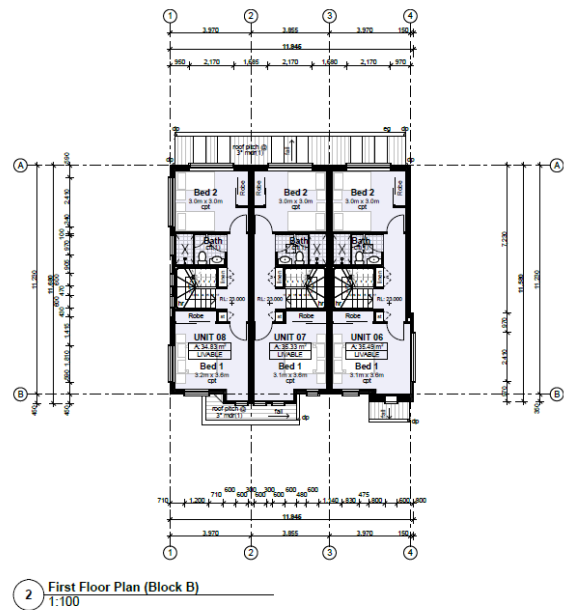
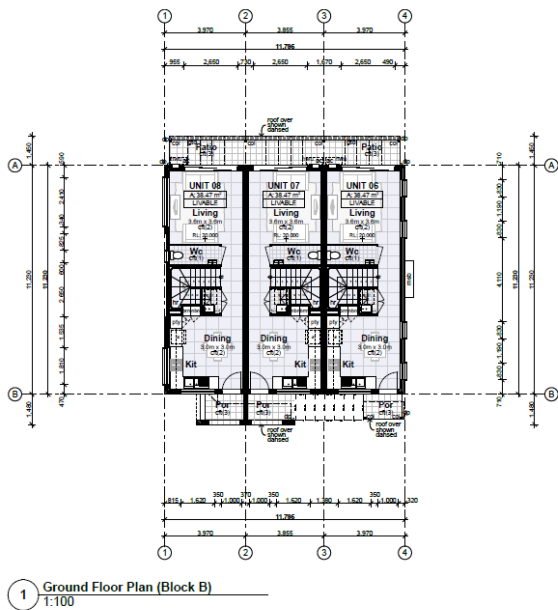


Figure 3 Extract from Architectural Plans – Ground and First Floor Plan – Block B (Source: Stanton Dahl Architects, dated 27/01/2023)





Figure 4 Extract from Architectural Plans – Viccliffe Avenue Streetscape Perspective (Source: Stanton Dahl Architects, dated 27/01/2023)



## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Canterbury-Bankstown local government area (LGA) and comprises of two residential allotments. A location plan is provided at **Figure 5**.



Figure 5 Location Plan (Source: SIX Maps)

The site is currently vacant with one shipping container located within the site (refer to photograph at **Figure 6**).



Figure 6 Development Site – 71-73 Viccliffe Avenue, Campsie (Source: HMR Planning, dated 16/12/2022)



The property immediately to the north (69 Vicliffe Avenue) contains a single-storey brick with tile roof dwelling house (refer photograph at **Figure 7**). The property immediately to the south (75 Vicliffe Avenue) contains a single-storey brick with tile roof dwelling house (refer to photograph at **Figure 8**).



Figure 7 Adjoining Development – 69 Vicliffe Avenue, Campsie (Source: HMR Planning, dated 16/12/2022)



Figure 8 Adjoining Development – 75 Vicliffe Avenue, Campsie (Source: HMR Planning, dated 16/12/2022)

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## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos. 20228844 and 20228845) dated 21 November 2022 are provided in **Appendix A**.

The site has a total area of 1,206m<sup>2</sup>, a frontage to Vicliffe Avenue of 28.89 metres, side (northern) boundary of 43.135 metres, side (southern) boundary of 42.12 metres and a rear (western) boundary of 33.095 metres (refer to the submitted Detail and Level Survey Plan in **Appendix O**). The rear of the site is in an irregular shape due to existing drainage easements.

The site falls from the northern (side) boundary down toward the opposing side (southern) boundary by approximately 1.7m. There is an existing stormwater drainage easement that runs through the site between No. 71 and 73 Viccliffe Avenue.

The Section 10.7(2) & (5) Planning Certificates, identify the site as being within the probable maximum flood (PMF) and may be within the flood planning area (FPA) and therefore subject to flood related development controls. The Flood Review for Proposed Residential Development, prepared by Greenview Consulting (refer to **Appendix M**) confirms that the site is outside the 1% AEP (100yr ARI) and that Council's flood advice does not provide any required minimum floor level. The report also notes that the site is subject to shallow flooding in the PMF event.

There are 8 trees located within the site and 1 tree within the Viccliffe Avenue road reserve at the site frontage. It is noted that 5 of the trees on the site are exempt species pursuant to Section B3.3 of Councils Tree Management Policy and therefore have not been assessed in the Arborist Report (**Appendix F**) as approval is not required for their removal.

Water, sewer, electricity, gas and telephone facilities are available to the site (refer to the submitted Contour and Detail Plan for the location of available services at **Appendix O**). Water, electricity and telephone services are located along the road alignment of Viccliffe Avenue. Sewer runs parallel to the rear boundary of the site within the adjoining lots.

The easement for stormwater drainage running along the southern boundary of Lot 20 DP 35130 also known as 71 Viccliffe Avenue is indicated on the Title and the Detail and Level Survey Plan. No other encumbrances are noted for the site.

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### 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single and double storey detached dwelling houses of brick construction with tiled roofs. Recent nearby developments include a dual occupancy development currently under construction at 83 Viccliffe Avenue (refer to **Figure 9**) and residential flat building developments located at 55-57 Viccliffe Avenue (refer to photograph at **Figure 10**) and 24-28 Viccliffe Avenue which is currently under construction (refer to photograph at **Figure 11**).





Figure 9 New dual occupancy development at 83 Viccliffe Avenue, located south of the site (Source: HMR Planning, dated 16/12/2022)



Figure 10 New residential flat building development at 55-57 Viccliffe Avenue, located north-west of the site (Source: HMR Planning, dated 16/12/2022)

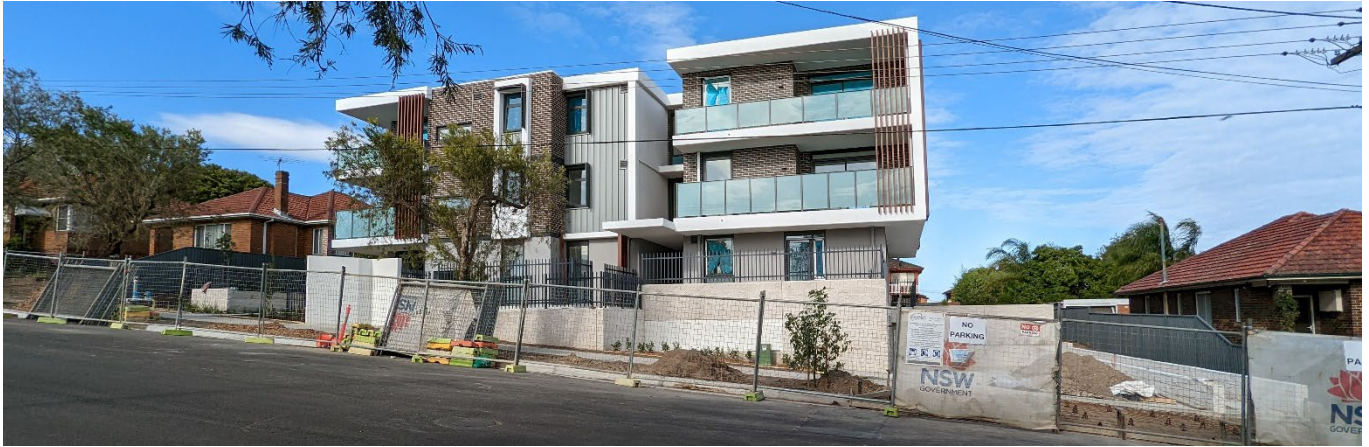


Figure 11 New residential flat building development at 24-28 Viccliffe Avenue north of the site (Source: HMR Planning, dated 16/12/2022)

There are numerous bus stops located within proximity of the site. Two bus stops are located on Bexley Road approximately 210m and 220m walking distance south-east of the site and 2 bus stops are located along Canterbury Road approximately 450m and 550m north-west of the site. These stops are serviced by Bus Routes 410, 412, 415 and 492 which connect the site to a wide variety of suburbs, train stations, major shopping centres and local centres in areas including Campsie, Belmore, Camperdown, Sydney CBD, Earlwood, Rockdale, Kingsgrove, Hurstville, Strathfield, Burwood, Five Dock, Drummoyne, Concord, Rhodes and Macquarie Park.

The area, although residential in nature is also close to industrial and commercial uses as well as some open space areas that run along Cup and Saucer Creek to the south of the site such as Biara Avenue Reserve. Approximately 400m to the west of the site is the small town centre of Clemton Park along Charlotte Street, which provides most day to day needs of residents. There are also a number of community based land uses at Clemton Park including a child-care centre, medical centre and church.



## 4 Zoning and Permissibility

The site is zoned R4 High Density Residential (71 Viccliffe Avenue) and R3 Medium Density Residential (73 Viccliffe Avenue) under *Canterbury Local Environmental Plan 2012* (CLEP 2012). The proposed development is defined as ‘multi dwelling housing’ under the provisions of CLEP 2012 and is permissible with consent in the R4 and R3 zones.

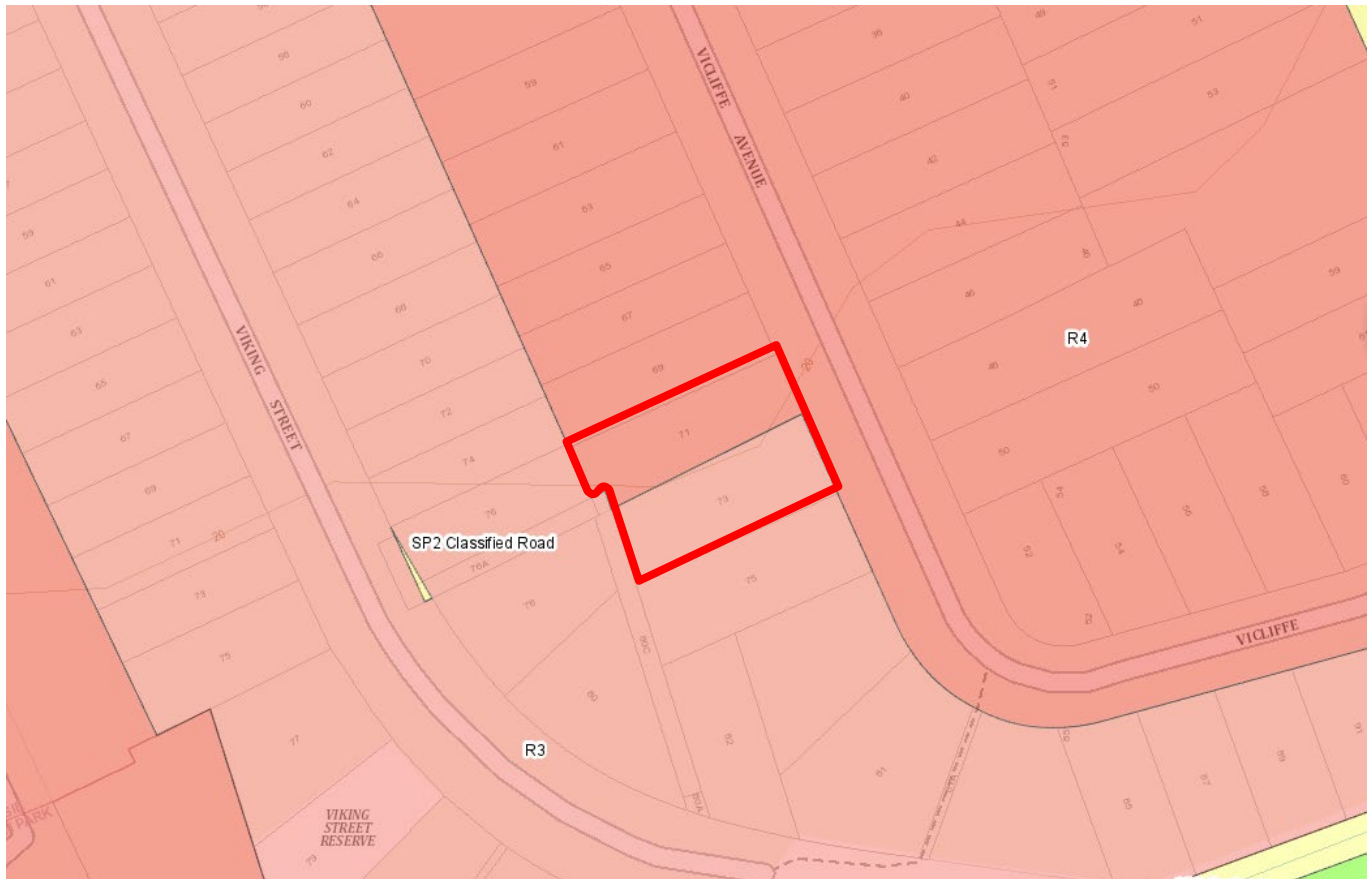


Figure 12 Land zoning map. Site outlined in red. (Source: ePlanning Spatial Viewer)

‘Multi dwelling housing’ is permitted in the R4 and R3 zones under CLEP 2012.

The relevant objective of the R4 zone, as set out in CLEP 2012 is:

- To provide for the housing needs of the community within a high density residential environment.

The relevant objective of the R3 zone, as set out in CLEP 2012 is:

- To provide for the housing needs of the community within a medium density residential environment.

The proposed development provides housing that meets the identified needs of the community and will be consistent with the objectives.

Section 42 of the Housing SEPP permits residential development that may be carried out ‘with consent’ to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that clause.

**Table 3** in subsection 5.1.6 of this REF demonstrates compliance with the relevant provisions of Section 42 of the SEPP.

# 5 Planning and Design Framework

## 5.1 State Legislation

### 5.1.1 Environmental Planning and Assessment Act 1979

**Duty to consider environmental impact [Section 5.5]**

Section 5.5(1) states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

**Table 2** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with Subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<i>Sub-section 3</i>  Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ) in the locality in which the activity is intended to be carried on.	No effect. The site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ).

### 5.1.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land is not part of or in the vicinity of any declared area of outstanding biodiversity value, and does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities.

### 5.1.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.



## 5.1.4 Environmental Planning and Assessment Regulation 2021

### Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Compliance with Section 171 of the EPA Regulations 2021

Factors to be taken into account concerning the impact of an activity on the environment.	Relevant?	Impact		
	Yes/NA	Temporary	Minor	Significant [Note 1]
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines. [Note 1]	N/A			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines. [Note 2]	N/A			
If no guidelines are in force, have the following been taken into account and any likely impact considered				
(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y	x	x	
(j) risk to the safety of the environment;	N/A			
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Y	x	x	
(m) environmental problems associated with the disposal of waste;	Y		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y		x	
(o) cumulative environmental effect with other existing or likely future activities.	Y		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 3]	N/A			

(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y		x	
(r) other relevant environmental factors.	Y		x	

**Note 1:** A significant impact triggers the preparation of an Environmental Impact Statement.

**Note 2:** This means guidelines in force under Section 171, not guidelines such as the *Seniors Living Urban Design Guidelines* that are in force under other legislation or instruments.

**Note 3:** The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 5.1.5 of this REF.

## 5.1.5 Strategic Planning Framework

### Connective City 2036 – City of Canterbury Bankstown Local Strategic Planning Statement

Connective City 2036, the Canterbury-Bankstown Local Strategic Planning Statement (LSPS) was endorsed by the City of Canterbury Bankstown Council in March 2020. It is a 17 year plan that identifies 10 directions that acknowledges the local and regional influences and 10 evolutions for the LGA, focused around infrastructure, collaboration, liveability, productivity and sustainability.

Notably, Evolution 6 seeks to promote diverse housing options. The proposed development will be contributing 8 units to the affordable housing supply in the Canterbury-Bankstown LGA. It is diversifying the residential uses in Campsie by introducing affordable living housing options to accommodate the growing population in the locality, and providing housing well serviced by existing public transport options.

The proposed 8 residential dwellings contribute to the objectives of Connective City 2036, and will increase the provision of affordable living units.

### CBCity 2036 Community Strategic Plan

The Canterbury-Bankstown Community Strategic Plan is a 20 year plan that outlines 7 broad inter-related themes that are derived from an extensive community engagement process, which identified priorities for the community's future. Under the 7 themes there are key goals and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These 7 key strategic directions are supported by key goals that will guide the Canterbury-Bankstown area in the next 20 years. The themes are focused around; inclusive communities, sustainability, innovation, accessibility, community well-being, civic pride and place management, liveable neighbourhoods and responsible leadership. The proposed development for 8 affordable housing units is not in conflict with the CBCity 2036 Community Strategic Plan and will provide new affordable housing within the LGA.

## 5.1.6 State Environmental Planning Policy (Housing) 2021

### Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 4** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

Table 4 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	Noted
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Yes – the development is permissible under the CLEP 2012.
(b) all buildings will have a height of not more than 9m, and	Yes – the maximum building height proposed is 7.7m.
(c) the development will result in 60 dwellings or less on a single site, and	Yes – the development is for 8 dwellings.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Yes – the site is located within an accessible area and the development includes 4 car parking spaces (8 dwellings x 2-bed @ 0.5 = 4 car parking spaces)
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	N/A – the site is located within an accessible area.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	The development is permitted with consent in the CLEP 2012.
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	N/A – the development is on a vacant site.
(b) the subdivision of land and subdivision works. <b>Note</b> – Section 32 prohibits the subdivision of a boarding house.	Yes – consolidation of the site into a single lot is proposed.

Provision	Compliance
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Division 5, <i>Residential flat buildings – social housing providers, public authorities and joint ventures</i> does not apply in this instance.  The subject development is not subject to Part 4 of the EP&A Act and no part of the project has been determined under former Section 75P of the EP&A Act.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	The proposed development will be undertaken by or on behalf of the Land and Housing Corporation, being a relevant authority.
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections –	Noted.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
(6) In this section– <b>Former section 75P</b> means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. <b>Residential development</b> has the same meaning as in the Housing Act 2001, section 8.	Noted.
43 Requirements for carrying out residential development –	Noted.
(1) Before carrying out development under this Division, a relevant authority must–	Noted.
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Yes – advice was sought from Council regarding additional persons or properties that should be notified of the development via email sent to Council on 1 November 2022.  Council provided a response email on 4 November 2022 and requested the scope of notification be expanded to include 77 Viccliffe Avenue and 72 Viking Street, Campsie. Both of these properties were subsequently added to the scope of notification in response to Council’s request.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	Yes – a letter notifying Canterbury-Bankstown Council of the proposed development activity was sent by LAHC on 23/11/2022. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC’s notification by email dated 16/12/2022, and one submission was received from an adjoining landowner. The detail of these submissions is discussed further in Section 6 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Yes – see <b>Table 5</b> .

Provision	Compliance
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	N/A
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) <i>Land and Housing Corporation Dwelling Requirements</i> , published by the Land and Housing Corporation in September 2020, and	Yes – refer to checklist in <b>Appendix D</b> and subsection 5.1.7 of this REF. These conclude that the development complies with all relevant development standards relating to the Seniors Living Policy: Urban Design Guidelines for Infill Development with the exception of the minor variations discussed in subsection 5.1.7 of this REF. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	N/A – The site is located on land zoned R3 (Medium Density Residential) and R4 (High Density Residential). The Codes SEPP, Part 3B is not applicable to land zoned R4 and the proposed is not for a manor house or multi dwelling housing (terraces).
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

## 5.1.7 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix D**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 5**.

Table 5 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
1.01 Street layout and hierarchy – has the surrounding pattern and hierarchy of the existing streets been taken into consideration? (e.g. scale and character of the built form, patterns of street planting, front setbacks, buildings heights)	This site is zoned R3 (FSR 0.5:1) and R4 (FRS 0.9:1) and therefore differing housing types and densities exist in the surrounding area.  The proposed development is for 8 townhouses and the massing is larger than the neighbouring homes, however detailed consideration has been given to ensuring the proposal is consistent with Canterbury LEP and DCP requirements and the desired future character of the area.
1.03 Built environment – has a compatibility check been undertaken to determine if the proposed development is consistent with the neighbourhoods built form? (E.g. scale, massing, should particular streetscapes or building types be further developed or discouraged?)	The development is larger in scale and massing to the neighbouring buildings, however, the character of the area is currently transitioning from low density residential to medium/high density with examples of more contemporary residential flat buildings and townhouses are under construction along the street and surrounding area (refer to <b>Figures 9-11</b> ).
2.02 Provide a mix of dwelling sizes and dwellings both with and without car parking	8 x 2 bed townhouses have been provided to maximise yield for this site. Parking has been designed to Housing SEPP Cl. 42(1)(d) with 4 spaces provided for the 8 units, providing a mix of dwellings with and without carparking.

Guideline Requirement	Response																												
2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep soil planting.	One of the two existing large trees to the rear of the site will be retained. Four new trees (two White Feather Honeymyrtles, one Native Frangipani and one Water Gum) are proposed to be planted along the rear boundary of the site. Shrub screen planting is also proposed along the sides and rear of the site to minimise the impact of the new development on neighbours.																												
2.09 Retain large or otherwise significant trees on other parts of the site through sensitive site planning.	<p>Six of the eight existing trees/shrubs on the site are not proposed to be retained due to the impacts arising from the proposed building footprint, hard paving areas and stormwater infrastructure. The proposed plantings include nine established trees in 75 litre pot sizes. Details of the proposed tree species are provided below.</p> <table><tr><th>Qty</th><th>Name</th><th>Pot Size</th><th>Mature Height</th></tr><tr><td>2</td><td>Blueberry Ash</td><td>75L</td><td>8m</td></tr><tr><td>1</td><td>Native Frangipani</td><td>75L</td><td>7m</td></tr><tr><td>2</td><td>Crepe Myrtle ('Sioux')</td><td>75L</td><td>4m</td></tr><tr><td>1</td><td>Crepe Myrtle ('Tuscarora')</td><td>75L</td><td>6m</td></tr><tr><td>2</td><td>White Feather Honeymyrtle</td><td>75L</td><td>6m</td></tr><tr><td>1</td><td>Water Gum</td><td>75L</td><td>9m</td></tr></table>	Qty	Name	Pot Size	Mature Height	2	Blueberry Ash	75L	8m	1	Native Frangipani	75L	7m	2	Crepe Myrtle ('Sioux')	75L	4m	1	Crepe Myrtle ('Tuscarora')	75L	6m	2	White Feather Honeymyrtle	75L	6m	1	Water Gum	75L	9m
Qty	Name	Pot Size	Mature Height																										
2	Blueberry Ash	75L	8m																										
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2	Crepe Myrtle ('Sioux')	75L	4m																										
1	Crepe Myrtle ('Tuscarora')	75L	6m																										
2	White Feather Honeymyrtle	75L	6m																										
1	Water Gum	75L	9m																										
2.11 Increase the width of the landscaped areas between driveways and boundary fences and between driveways and new dwellings.	<p>There is proposed to be landscaping along the front, sides and rear of the site that is adjacent to site boundaries, neighbouring properties and the proposed new dwellings.</p> <p>Landscaping is proposed surrounding the car parking area to the south of the site. A row of Bottlebrush shrubs are proposed between the driveway and southern boundary.</p> <p>Additional shrub planting is proposed along the sides of the proposed dwellings to soften the appearance of the hardstand areas and provide noise attenuation.</p>																												
2.15 Provide communal open space	Communal open space has not been provided as each dwelling includes a private courtyard.																												
2.16 Increase front, rear and/or side setbacks?	Minimum front and side setbacks have been proposed in accordance with the Canterbury DCP. Due to the irregular rear boundary shape, the rear setbacks have been encroached to provide better amenity between Block A and B, however this encroachment does not impact upon the open space and amenity of the rear neighbours.																												
2.20 Use semi-pervious materials for driveways, paths and other paved areas	Semi-pervious areas have not been provided for driveways and other paved areas as they may not be suitable as a long term stable / durable surface. Substantial areas of landscaping have been provided in addition to on-site detention of stormwater, which will reduce peak-flows of stormwater.																												

Guideline Requirement	Response
2.23 Maintain, where possible, existing crossings and driveway locations on the street	The site will require consolidation into a single lot and the existing driveways will be demolished. A new driveway along the southern boundary of the site is proposed to ensure the site is well designed and utilised.
3.01 Sympathise with the building and existing streetscape patterns? (I.e. siting, height, separation, driveways locations, pedestrian entries etc.)	<p>This site is zoned R3 (FSR 0.5:1) and R4 (FRS 0.9:1). The development is for 8 townhouses and the massing is larger than the neighbouring homes, however the design is compatible with the scale envisaged for the zone and is generally in accordance with Councils DCP requirements.</p> <p>The character of the street and surrounding area are in transition, the proposed design is aligning with the future development for this area as reflected in the Canterbury LEP and DCP provisions. It is predicted the neighbouring homes will eventually be replaced with residential flat buildings and townhouses which is permissible in this area.</p>
3.04 Allow breaks in rows of attached dwellings?	Due to site restraints, Block A contains 5 attached dwellings without breaks, however this block has been designed to follow the existing ground level by stepping down the site. The use of materials has been carefully selected to minimise the impact of the building length from the streetscape.
3.06 Set back upper levels behind the front building façade	The upper level is not set back behind the building line at ground level as this is not typically a characteristic in the locality and for efficiency of layout and construction. A mixture of materials and finishes are provided for the front façade including use of articulation which makes a positive contribution to the streetscape and provides the variety needed to fit within the locality. The stepping of the first floor is not considered desirable or appropriate for the scale of the building.
3.07 Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses	Dormer windows are not proposed as this style of architecture is not common within surrounding development.
3.08 Reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements?	Skillion roofs hidden behind parapet walls have been used to minimise the height of the blocks and simplify construction.
3.09 Use a roof pitch sympathetic to that of existing buildings in the street?	This development has been designed in accordance with the Canterbury LEP and DCP provisions and adopts the emerging, more contemporary character of new developments in the area. The surrounding properties are older style, low density dwellings which are expected to be redeveloped in the future into a more medium/high density residential typology (as permissible in the area).



Guideline Requirement	Response
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	A straight driveway is required due to the configuration of the site and the need to optimise the number of dwellings which are oriented to the street. It is considered that the inclusion of landscaping along both sides of the driveway and at the rear of the parking area serves to reduce the 'gun barrel' effect.
3.24 Consider alternative site designs that avoid driveways running the length of the site?	Parking located at the rear of the site is required to achieve a maximum yield of 8 units (4 car parking spaces). The driveway runs the length of the site, however planting has been provided to minimise the impact of the driveway.
3.25 Terminate vistas with trees, vegetation, open space or a dwelling rather than garages or parking?	The driveway terminates in the car parking area, this is required for vehicle turning to enter and exit the site in a forward direction. The parking area is surrounded by a landscaped area with an existing mature tree and proposed new landscaping.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	The proposed driveway will be paved to allow for the safe movement of vehicles within the site. Landscaping is proposed on either side of the driveway and surrounding the central car parking area to break up the site and soften the appearance of the development. The pedestrian path that runs parallel with the driveway is proposed in a different colour to visually distinguish between the two.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway?	A gate has not been provided to avoid repairs, maintenance and management costs, and is also considered unnecessary as high quality landscaping is proposed to soften the driveway.
4.03 Set upper storeys back behind the side or rear building line?	The development is limited to two storeys and the design is consistent with the required side and front setbacks. The absence of a complying rear setback will generate no adverse impacts to privacy or overshadowing of surrounding development.
4.04 Reduce the visual bulk of roof forms by breaking down the roof into smaller elements rather than having a single uninterrupted roof structure?	Skillion roofs hidden behind parapet walls have been used to minimise the height and bulk appearance.
4.05 Incorporate second stories within the roof space and provide dormer windows?	The proposal allows for the full height of the second storey without the need incorporate access to the roof space.
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	Private open space areas are proposed behind the building in accordance with typical layout of residential developments within the surrounding area. The proposed landscaping and deep soil zones provide privacy to neighbours. The minimum front setback is achieved to reduce negative impacts on neighbours.
4.18 Use side setbacks which are large enough to provide usable private open space to achieve privacy and soften the visual impact of new development by using screen planting?	Side setbacks of 4m are proposed for units 6-8 to allow sufficient space for a retaining wall and landscaping.

Guideline Requirement	Response
5.09 Locate habitable rooms, particularly bedrooms, away from driveways, parking area and pedestrian paths, or where this is not possible use physical separation, planting, screening devices or louvers to achieve adequate privacy	<p>The dwellings have generally been designed to orient habitable rooms, particularly bedrooms, away from the driveway and parking area within the site. However, for dwelling Nos 5, 6, 7 and 8 this has not been possible due to the orientation and size of the dwellings as they are located adjacent to the driveway.</p> <p>The proposed landscaping separates dwelling No 5 from the footpath to achieve adequate privacy and reduce noise from the driveway and footpath. Fencing and some landscaping is proposed in front of dwelling Nos 6, 7 and 8 to provide privacy and reduce noise impacts.</p>
5.24 Provide private open space areas that are orientated predominately to the north, east or west to provide solar access	Dwelling Nos 1,2,3,4 and 5 front Viccliffe Avenue and are orientated to the east with the private open spaces orientated to the west and receive adequate solar access. Private open spaces for dwelling Nos 6, 7 and 8 are orientated to the north.
5.28 Provide private open space areas that retain existing vegetation where practical?	The retention of existing vegetation is not possible due to site constraints. Any trees removed will be replaced with new and more appropriate tree and shrub planting.
5.30 Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared facilities, such as seating and barbeques to permit resident interaction?	The design of the proposed dwellings allows for generous private outdoor spaces. The proposed landscaping within the private and communal spaces across the site incorporate easy to maintain species.

## 5.1.8 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 6** below. Refer to Certificate of Compliance from the Architect in **Appendix P**.

Table 6 Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
Wellbeing	<p>Healthy environments</p> <p>Good for tenants</p> <p>Quality homes</p>	<ul style="list-style-type: none"> <li>Safe access is provided from the car park to building entries.</li> <li>The units have been designed to ensure residents have privacy and feel safe.</li> <li>The proposed development is compliant with BASIX requirements (<b>Appendix H</b>).</li> <li>Window hoods and awnings over patios and dwelling entries provide weather protection and sun shading to the dwellings.</li> <li>The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.</li> </ul>

Goals	Principles	Comment - Discussion on how the design responds to the principles:
<i>Belonging</i>	Mixed tenure Good shared and public spaces Contribute to local character	<ul style="list-style-type: none"> <li>Easily identified front entrances.</li> <li>Attractively designed landscaping along street frontage.</li> <li>The development is generally small in scale which minimises the resident density.</li> <li>The building design and landscaping integrates with the surrounding residential neighbourhood.</li> </ul>
<i>Value</i>	Whole of lifecycle approach Sustainability and resilience Make every dollar count	<ul style="list-style-type: none"> <li>Low maintenance landscape species.</li> <li>Durable building materials.</li> <li>The orientation of each dwelling and private open space areas are designed to optimise natural light to these areas.</li> <li>A rainwater tank is provided for the development to assist with sustainability and on-site water retention.</li> </ul>

### 5.1.9 Land and Housing Corporation Dwelling Requirements

An assessment of the proposed development against the *Land and Housing Corporation Dwelling Requirements* document has been undertaken and deemed to achieve compliance, refer to Certificate of Compliance from the Architect in *Appendix P*. Further detail will be incorporated in the construction documentation.

### 5.1.10 Other State Environmental Planning Policies

**Table 7** below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP. This includes a rainwater tank (with a total capacity of 5,000L). Refer to <i>Appendix H</i> .
SEPP (Transport and Infrastructure) 2021	<p>The proposal is not required to be notified to public authorities other than Council in accordance with Section 2.15 and 2.17 of the TISEPP, as referred to under Section 43 of the Housing SEPP.</p> <p>The site is located approximately 130m from Bexley Road which is defined as a state road. The development is not defined as a traffic generating development and therefore no notification is required.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy.</p> <p>Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p>

State Environmental Planning Policy	Applicability
SEPP (Resilience and Hazards) 2021	Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of Campsie. The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to <b>Appendix A</b> ). A standard recommended IR (No. 17) requires implementation of management measures in the event of contamination being identified during construction works.

## 5.2 Local Planning Controls

### 5.2.1 Canterbury Local Environmental Plan 2012 (CLEP 2012)

Compliance with the relevant provisions / development standards set out in the CLEP 2012 is demonstrated in **Table 8** below.

Table 8 Canterbury Local Environmental Plan 2012

Relevant Provisions / Development Standards for Multi Dwelling Housing			
Clause	Provision/ Development Standard	Required	Provided
4.3	<b>Height of Buildings</b>	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres in the R3 zone and 11.5m in the R4 zone)	Maximum building height (measured in accordance with the LEP definition) is 7.7 metres.
4.4	<b>Floor Space Ratio</b>	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.5:1 in the R3 zone and 0.9:1 in the R4 zone)	Proposed FSR in the R3 zone (71 Viccliffe) is 0.36:1 and in the R4 zone (73 Viccliffe) is 0.7:1.
5.21	<b>Flood Planning</b>	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development —</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p>	<p>A Flood Review for proposed Residential Development (Appendix M) was undertaken for the site and informed the design of the proposed development.</p> <p>The site is located within the wider Cooks River catchment, which has been modelled and described in Council's adopted "Cooks River Catchment Study". The Flood Review report notes that the site is close to mapped flow paths (being an open channel to the south of the site, which is Cup &amp; Saucer Creek, a tributary of the Cooks River) but that the site itself is flood free in the 1%AEP (100yr ARI) event. However, the reports notes that the site is subject to shallow flooding due to stormwater inundation in the PMF event. The flood risk of the site is</p>

Relevant Provisions / Development Standards for Multi Dwelling Housing			
		<p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>classified by Greenview Consulting as Low Flood Risk.</p> <p>The Flood Review report concludes that there will be no offsite impacts or adverse affectation on adjoining lots in the 1% AEP event or smaller as the subject site is flood free during this event. Minimum floor levels and other flood mitigation measures are not required for the development.</p> <p>The proposed stormwater management measures have been reviewed by Council and the capacity of the OSD increased from a 10%AEP event to a 1%AEP event to adequately accommodate additional overland flow during high storm events.</p> <p>The site is not in proximity to a river or watercourse. The Cup &amp; Saucer Creek is an open concrete channel approximately 90m to the south of the site. The proposed development will not adversely affect the channel.</p>
6.2	Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters –</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p>	<p>A Site Investigation Report (<i>Appendix I</i>) was undertaken for the site and informed the design of the proposed development.</p> <p>The Cut and Fill Plan in <i>Appendix E</i> indicates that proposed fill will be up to 920mm in height and mainly contained within the southern half of the site. Areas of cut up to 730mm in height are proposed towards the northern boundary of the site. The amount of proposed fill will create a level building platform that will facilitate the residential use of the land. The proposed level changes are not considered to be significant and will not adversely impact on the amenity of adjoining properties.</p> <p>The proposed development has been designed to ensure minimal disruption/ detrimental effect on the existing drainage patterns or soil stability in the locality. The hydraulics consultant has certified that site drainage has been designed generally in accordance with Council's requirements (refer to Stormwater Infrastructure Capacity Report <i>Appendix R</i>).</p>

Relevant Provisions / Development Standards for Multi Dwelling Housing

		<p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Any fill will be virgin excavated natural matter, as required by IR No.35. Any excess excavated material will be transported to an appropriate facility in accordance with the waste management plan (<i>Appendix J</i>).</p> <p>IR No's. 43 &amp; 44 have been recommended to cover the potential disturbance of any relics found on the site during construction.</p> <p>The development has been designed in accordance with the relevant stormwater management and drainage requirements (<i>Appendix E</i>) and includes on-site detention, a rainwater tank and trash screens to outlet pipes, and is considered to satisfy the aims and objectives of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>. Soil erosion and sedimentation measures will be implemented during works to ensure that there are no adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.</p> <p>Minimal cut and fill, compliant stormwater system design and the appropriate management of any sediment and runoff during construction will ensure impacts of the development are minimised and mitigated.</p>
6.4	<b>Stormwater management</b>	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development —</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland</p>	<p>The proposed development maximises the use of water permeable surfaces by reducing the development footprint and incorporating 363m<sup>2</sup> (30%) landscaped area throughout the site, with approximately 200m<sup>2</sup> of this as deep soil zone.</p> <p>A rainwater tank is provided for the development to assist with sustainability and on-site water retention.</p> <p>The development has been designed in accordance with the relevant stormwater management and drainage requirements (<i>Appendix E</i>) and includes on-site detention, a rainwater tank and trash screens to</p>

Relevant Provisions / Development Standards for Multi Dwelling Housing			
		and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	outlet pipes. Soil erosion and sedimentation measures will be implemented during demolition and construction works to ensure that there are no adverse impacts on any bushland or receiving waters.

## 5.2.2 Canterbury-Bankstown Consolidated LEP

Following the amalgamation of the respective former City of Canterbury and City of Bankstown to the consolidated City of Canterbury Bankstown in 2016, Canterbury Bankstown Council has reviewed the *Bankstown Local Environmental Plan 2015* and the *Canterbury Local Environmental Plan 2012*. Council have prepared the *Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020* (Draft CBLEP). The Draft CBLEP underwent exhibition in May 2020 and at the date of writing this REF the consolidated LEP was still under assessment and had not yet been gazetted.

The land zoning and permitted uses for the site remain unchanged in the Draft CBLEP and are therefore unlikely to have any implications on the proposed activity.

## 5.2.3 Canterbury Development Control Plan 2012

*Canterbury Development Control Plan 2012* (CDCP 2012) contains specific development controls for multi dwelling housing which are addressed in **Table 9** below.

The general controls for all development set out in CDCP 2012 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 9 Canterbury Development Control Plan 2012

Compliance with setback controls for multi-unit housing		
Multi-unit housing		
Clause	Requirement	Proposed
B2.3.3 Trees and Canopy Coverage	<p>C6 Front and rear setbacks are to have at least one (1) major canopy tree for every 12m of front and rear boundary width.</p> <p>C7 Side boundaries are to have one (1) major tree for the first 45m plus one (1) additional tree for every additional 20m.</p>	<p>The front boundary has a width of 28.89 metres. Five trees are proposed along the front boundary width. The southern boundary has a length of 42.12 metres. One tree (retained) is proposed at the rear of the car parking area and 4 new trees are proposed along the rear boundary width.</p> <p>No major trees are proposed along the side boundaries of the site, however shrub and screen planting is proposed to both sides to soften the appearance of the development and reduce privacy impacts to neighbouring properties.</p>
C3.3.2 Height	<p><u>Height</u></p> <p>C1 Development for the purposes of multi dwelling housing must</p>	<p>The northern half of the site is approximately 43m in length therefore 65% of this is around 28m. Units 7 and 8 and located within the rear 35% of the site and are two storeys in height.</p>



Compliance with setback controls for multi-unit housing		
	<p>not exceed the following numerical requirements:</p> <p>(a) Maximum height of one storey where the building is located more than 20m (in addition to the required front setback) or a distance of 65% of the total length of the allotment, as measured from the front boundary (whichever is the greater).</p> <p>(b) Maximum height of two storeys except in locations stated in (a) above.</p> <p>(c) Two (2) storey dwellings may be permitted at the rear of an allotment in R3 zones only where that part of the site faces an industrial development, a road, a railway line or an area of open space.</p> <p>(d) Maximum external wall height of 3.8m where the one storey restriction applies.</p> <p>(e) Maximum external wall height of 7m where two storeys are permitted and the height of buildings under the LEP is 8.5m.</p>	<p>Whilst this is a numerical non-compliance with the DCP control, any impacts to bulk and scale are minimised when viewed from surrounding properties.</p> <p>Mitigation measures include reduced overall height of the building in this location with a total height of 7.1m, increased side setbacks of 4.2m from the northern side boundary and 11.65m from the southern side boundary, and a setback of 7.95m where the site adjoins a neighbouring residential use at the west boundary. The development has been positioned closer to the northern boundary so that overshadowing will predominantly fall on the subject lot and not on neighbouring properties. Privacy and overlooking is minimised through the appropriate placement of windows and private open space areas are located at ground level only.</p> <p>In addition to this, a comprehensive landscaping plan has been prepared, with planting of trees and shrubs along the side and rear boundary adjacent to Units 7 and 8 further softening the appearance of the development from surrounding properties.</p> <p>The development has a maximum height of two storeys, consistent with (b).</p> <p>(c) is not applicable.</p> <p>Units 7 and 8 are two storeys in height. The parapet wall along the western elevation of Unit 8 is 6.85m. Whilst this results in a numerical non-compliance, the development meets the objective of the control which is to ensure development is of a scale that is visually compatible with the adjacent buildings, by employing the mitigation measures outlined above.</p> <p>Due to the sloping topography of the site the height of external walls ranges from 6.95m to 7.7m for dwellings located towards the front of the site. The exceedance of the wall height control occurs along the southern elevation of Unit 5. The driveway is located between Unit 5 and the side boundary and an increased setback of 6.236m from the outer wall. This will provide adequate separation between buildings and assist in reducing the perceived scale of the development when viewed from the neighbouring property to the south.</p> <p>71 Viccliffe Ave and the adjoining properties located north of the site are zoned R4 which permits larger-scale RFB development. The proposed development will therefore be compatible with the intended future character of this part of Viccliffe Avenue, despite the non-compliance.</p>
	<p><u>Retaining Walls – Development Without Basement Parking</u></p> <p>C12 Retaining walls that would be located along, or immediately adjacent to, any boundary:</p>	<p>(a) is not applicable.</p> <p>A retaining wall is proposed along the southern side boundary of the site ranging in height from approximately 426mm towards the site frontage to 950mm towards the rear.</p> <p>A retaining wall is also proposed close to the northern side boundary and ranges in height from approximately 153mm towards the site frontage and up to 950mm around the middle of the side boundary (refer to Drawing Elevations &amp; Sections DA10 in <i>Appendix E</i>).</p>

Compliance with setback controls for multi-unit housing

	<p>(a) Maximum 3m for steeply sloping land, but only to accommodate a garage that would be located at street level; and</p> <p>(b) Maximum 1m for all other land.</p>	
	<p><u>Cut and fill – Development Without Basement Parking</u></p> <p>C13 Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.</p> <p>C14 No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level.</p> <p>C15 Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.</p> <p>C16 If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.</p>	<p>The Cut and Fill Plan in <b>Appendix E</b> indicates that areas of cut up to 730mm in height are proposed towards the northern boundary of the site which complies with C13.</p> <p>C14 is noted.</p> <p>The Cut and Fill Plan in <b>Appendix E</b> indicates that proposed fill will be up to 920mm in height at the south western corner of the site, which exceeds C15 by a maximum of 320mm.</p> <p>The site slopes down towards the southern boundary. The amount of fill proposed is required to provide a level parking area and to accommodate the underground OSD system which will facilitate the residential use of the land and appropriate management of stormwater.</p> <p>To manage potential privacy impacts to the adjoining lot to the south resulting from the raised car park area, a 1.8m boundary fence is proposed on top of an approximately 950mm retaining wall along this elevation. The proposed level changes will not adversely impact on the amenity of adjoining properties.</p> <p>The height of proposed retaining walls is detailed above. IR No. 14 requires an appropriately qualified person to design any retaining walls or other methods necessary to prevent the movement of excavated or filled ground.</p>
C3.3.3 Setbacks	<p><u>Setbacks in the R3 zone</u></p> <p>C2 Multi dwelling housing and attached dwelling development must comply with the minimum setbacks as follows:</p> <p>(a) A minimum setback of 6m from the front boundary.</p>	<p>71 Viccliffe Avenue is zoned R3.</p> <p>The proposed development is setback 6m to the building line which is generally consistent with the prevailing setbacks in the street.</p> <p>(b) is not applicable as the development is 2-storeys. However, the majority of Block B is setback 7.9m from the rear boundary, with a 'pinch point' of 4.2m where the building aligns with a stormwater easement corridor to the west. The reduced setback is unlikely to generate unreasonable amenity impacts as the actual setback from the</p>

Compliance with setback controls for multi-unit housing

<p>(b) A minimum setback of 3m from the rear boundary where the building the subject of the setback, is single storey.</p> <p>(c) Minimum 3m or 5m width of deep soil along the front and rear boundaries based on setback requirements.</p> <p>(d) On corner lots a minimum of 5.5m from the longer street frontage</p> <p>C3 Multi dwelling housing development must comply with the following side setbacks:</p> <p>(a) A minimum setback of 1.5m from the side boundaries for dwellings that would be fronting the street or front setback.</p> <p>(b) A minimum setback of 2.5m from the side boundaries for building that does not front the street or front setback.</p> <p>(c) A minimum of 1m width of deep soil along side boundaries.</p>	<p>boundary to a residential neighbour, as opposed to an easement corridor, is approximately 8m.</p> <p>Deep soil zones are provided along the front and rear boundaries in accordance with the Housing SEPP.</p> <p>(d) is not applicable.</p> <p>Block A is setback 3.15m from the northern side boundary and 6.236m from the southern side boundary.</p> <p>Block B is setback 4.2m from the northern boundary.</p> <p>The majority of the northern side setback is proposed as a drainage easement, with limited paving. Due to the location of the driveway no deep soil area is proposed along the southern side boundary however a 620mm landscape strip is provided.</p>
<p><u>Setbacks in the R4 zone</u></p> <p>C4 Multi dwelling housing development must comply with the minimum setbacks as follows:</p> <p>(a) A minimum setback of 6m from the front and rear boundary.</p> <p>(b) A minimum setback of 4m from the side boundaries.</p> <p>C5 Attached dwelling development must have</p>	<p>73 Viccliffe Avenue is zoned R4.</p> <p>The proposed development is setback 6m to the building line which is generally consistent with the prevailing setbacks in the street.</p> <p>A northern side setback of 3.1m is proposed for Block A and 4.2m is proposed for Block B. The side setback to Block A results in a numerical non-compliance, however the exceedance is considered to be acceptable in this instance and will not impact upon the amenity of the neighbouring property (No. 69 Viccliffe Avenue), for the following reasons:</p> <ul style="list-style-type: none"> <li>the combined building separation between the two dwellings is estimated to be around 6m,</li> <li>the external wall height of the northern elevation of Unit 1 is 6.95m,</li> </ul>

Compliance with setback controls for multi-unit housing		
	<p>a 6m setback from front and rear boundaries.</p> <p>C6 A minimum 2m width of deep soil along side boundaries and minimum of 5m wide along front/rear boundaries must be provided in the setback areas.</p>	<ul style="list-style-type: none"> <li>there is no impact to solar access to the adjoining property, and</li> <li>planting or shrubs along the side boundary will soften the appearance of the development.</li> </ul> <p>The site has an irregular rear boundary. A 7.9m setback is provided from Unit 8 of Block B to the rear boundary with the adjoining property to the west (No. 76 Viking Street). A 4.2m setback is proposed between Unit 8 and the rear boundary of Lot 87 DP11479 which is a registered easement and does not contain any dwellings.</p> <p>The corner of Unit 8 encroaches into the 6m rear setback with the other adjoining property to the west (No. 78 Viking Street). The encroachment extends for approximately 1.5m before the building ends. The encroachment of the corner of Unit 8 is considered to be minor and unlikely to be visible from No. 78 due to the angle of the adjoining lot and the setback of the dwelling, as well as the provision of new tree and shrub planting along the rear boundary of the site.</p> <p>Deep soil areas are provided to the front and rear of the site in accordance with the Housing SEPP. The northern side boundary is proposed to be encumbered by the relocation of the existing stormwater easement that currently runs through the site and therefore would not be able to accommodate a deep soil area within the side setback. Due to the location of the driveway no deep soil area is proposed along the southern side boundary however a 620mm landscape strip is provided.</p>
C3.3.4 Building Depth	<p>C1 Building depth must not exceed a maximum of 25m. The building depth may be increased to 35m in the R4 Zone provided facades incorporate deep soil courtyards that are:</p> <p>(a) Parallel to front or rear boundaries (or that have an orientation which is generally parallel to those boundaries) provided that the adjacent deep soil setbacks each accommodate at least three major canopy trees; or</p> <p>(b) Parallel to side boundaries (or have an orientation that is generally parallel to side boundaries) provided that the facades will</p>	<p>The proposed buildings have a depth of 11.23m.</p> <p>Not applicable.</p> <p>Not applicable.</p>

Compliance with setback controls for multi-unit housing

	incorporate deep soil courtyards that each have a minimum area 6m by 6m and will each accommodate at least one major canopy tree	
C3.3.5 Building Separation	C1 Multi dwelling housing must provide a minimum 5m separation between buildings that are on one site (measured from the outer faces of the exterior wall of each building).	The proposal includes a 6.15 m separation between Block A and Block B.
C3.4.3 Dwelling Layout & Mix	<p>C5 The minimum amount of storage required is 6m<sup>3</sup> for one bedroom dwellings 8m<sup>3</sup> for two bedroom dwellings, or 10m<sup>3</sup> for dwellings with three or more bedrooms.</p> <p>C7 10% of dwellings in any new multiple dwelling development must be accessible or adaptable to suit current or future residents with special needs.</p>	<p>All units are provided with approximately 10.15m<sup>3</sup> of storage space, including wardrobes, kitchen, cupboards and kitchen joinery. The proposal satisfy the storage requirements under the LAHC Dwelling Requirements.</p> <p>The proposed development does not allow for accessible or adaptable dwellings due to the site constraints. LAHC have a diverse housing portfolio and it is noted that several LAHC developments in the local area provide accessible or adaptable options.</p>
C3.5.1 Solar Access and Overshadowing	<p>C4 Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</p> <p>C5 If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.</p> <p>C6 Sunlight to solar hot water or photovoltaic systems on adjoining</p>	<p>The proposed development maintains a minimum of 3 hours sunlight to primary living areas and principal private open space of the adjoining property to the south (No. 75 Viccliffe Avenue).</p> <p>C5 is not applicable.</p> <p>C6 is not applicable. No solar hot water or photovoltaic systems have been identified on adjoining properties.</p> <p>The proposed development is not expected to impact upon the clothes drying areas of any adjoining properties.</p>

Compliance with setback controls for multi-unit housing		
	<p>properties must comply with the following:</p> <p>(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</p> <p>(b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.</p> <p>C7 Clothes drying areas on adjoining residential properties must receive a minimum of 2 hours of sunlight on 21 June.</p>	
B9.4 Waste Storage and requirements for Residential Accommodation	<p>C5 All waste bin storage areas and bin presentation areas are to be designed in accordance to the following bin service allocations:</p> <p>(b) Multi Dwelling Housing, Seniors Housing and Attached Dwellings:</p> <p>i. Waste allocation is one x 140 litre bin per dwelling;</p> <p>ii. Recycling allocation is one 240 litre bin per dwelling; and</p> <p>iii. Garden vegetation allocation is one 240 litre bin per dwelling.</p>	<p>The waste bin storage area has been designed to Council requirements, in accordance with comments provided in Council's submission:</p> <ul style="list-style-type: none"> <li>• 2 x 660L bulk garbage bins,</li> <li>• 2 x 660L bulk recycling bins and</li> <li>• 2 x 240L garden organics bins.</li> </ul>
B9.6 Design and Access Waste Bin Storage Areas	<p>C1 Waste bin storage areas and bin presentation areas are to be capable of accommodating the allocated number of standard waste containers for residential premises, or sufficient containers for</p>	<p>The waste bin storage area has been updated to address the comments provided in Council's submission and will be able to accommodate Council's recommended bin configuration.</p> <p>The waste and recycling bins are separated and are accessible by a pedestrian pathway, located adjacent to the driveway. The layout and location is easily accessible for use by occupants and movement by collectors.</p> <p>The garbage, recycling, and garden organics bins will be appropriately signposted.</p>



## Compliance with setback controls for multi-unit housing

commercial premises as provided in sections B9.4, B9.5 and Appendix 2 – Waste Requirements of this DCP.

C2 Provide separated storage areas for waste and recycling bins to facilitate use and collection – separate by at least 1.2 m and ensure bins will not be placed one in front of another, or in such a way as to restrict access to the bins for use – ensure bins are easily accessible both for use by occupants and movement by collectors.

C3 Clearly signpost all waste and recycling areas to identify the location for each type of bin and use (to differentiate between waste and recycling bins for residential and non-residential use).

C4 Where the presentation area is separate to the garbage and recycling room/storage area, define it to ensure it is dedicated to that purpose only, and provide landscaping to screen the bins while the presentation area is in use.

C5 Provide an area in residential flat buildings and shop top housing, that is a minimum 4m<sup>2</sup>, for the storage of bulky rubbish awaiting collection (clean up, white goods, mattresses and the like), and provide screening so that this

C4 is not applicable as there is only one waste storage area.

The proposed development is for multi-dwelling housing and does not include a bulky rubbish storage area. Due to site constraints the inclusion of an appropriately sized bulky rubbish storage area is not feasible and is not ordinarily incorporated into LAHC developments of this scale.

C5 is not applicable as the development is not for an RFB.

The location of the waste and recycling storage areas has been designed to meet Council standards. The waste storage area is located along the footpath for easy access and will be enclosed to limit any adverse amenity impacts on residents.

The design of the outdoor garbage storage area enclosure is consistent with the architectural quality of the proposed dwellings, incorporating the same face brick and slated grey fencing used throughout the site, as such the storage area will not detract from the desired streetscape and neighbourhood character.

The bin storage area will be screened by fencing consistent with the design of the proposed development to ensure that it minimises visual impact. No landscaping is proposed to screen the enclosure due to site constraints. Shrub planting is proposed to either side of the waste storage area which will soften its appearance when viewed from the street.

C10 is not applicable as the development is not for an RFB.

Compliance with setback controls for multi-unit housing		
	<p>area is not visible from any street frontage. Where there are multiple buildings, provide a separate 4m<sup>2</sup> area for each building.</p> <p>C6 Separate bin storage rooms/areas for commercial and residential occupants. Each should not have access to the others to prevent misuse.</p> <p>C7 Design and locate waste and recycling storage and areas so they do not have any adverse amenity impacts on residents (including future residents) – for example from noise and odours.</p> <p>C8 Design outdoor garbage storage so that it is consistent with the architectural quality of new buildings, and does not detract from the desired green character of streetscapes.</p> <p>C9 Provide landscape planting to screen the bin storage areas and ensure they fit into the design and landscaping of the development to minimise visual impact.</p> <p>C10 In the case of residential flat buildings with basement level(s), the waste bin storage area may be required to be located within the basement.</p>	
<b>Waste Design For New Developments – Guide B</b>	<p>Multi Dwelling Housing</p> <p>5.3.1 Communal bin storage area</p> <p><u>Size:</u></p>	<p><u>Size:</u></p> <p>The bin storage area has been updated to address the comments provided in Council's submission and will be able to accommodate all bins in a side-by-side layout.</p>

Compliance with setback controls for multi-unit housing

<p>The development must provide a bin storage area of sufficient size to accommodate all allocated bins side-by-side with fronts facing out;</p> <p>Sufficient space must be provided to ensure adequate room for manoeuvring, cleaning and maintaining all bins (15cm around each bin and 1.5m aisle space between bins);</p> <p>Sufficient space must be provided for any required equipment to manage waste and bins (including washing and cleaning); and</p> <p>Should not be excessive, as this will encourage the dumping of other household waste.</p> <p><u>Location:</u></p> <p>Located at ground level and within 10m of the nominated collection point at the kerbside;</p> <p>The maximum walking distance from any entrance of a dwelling to the storage area must not exceed 30 metres; and</p> <p>It's use and operation will not adversely impact the amenity of occupants and adjoining residential properties in terms of noise, odour and bin carting route</p> <p><u>Design:</u></p> <p>A designated room or enclosure, with a roof;</p>	<p>The bin storage area has been designed to ensure that there will be adequate space to manoeuvre, clean and maintain all bins with at least 15cm around each bin. A 1.5m aisle space between bins is not necessary as the bin storage area is located adjacent to the internal site pathway and driveway providing adequate access.</p> <p>An IR (No. 61) has been recommended for the provision of a tap adjacent to the bin storage area to allow for washing of bins.</p> <p><u>Location:</u></p> <p>The bin storage area will be screened by fencing consistent with the design of the proposed development. The area surrounding the bin storage area is constrained by the adjacent footpath and landscaping which will deter the dumping of other household waste.</p> <p>The proposed bin storage area is max. 13m from the kerbside collection point. The bin storage area is located within a central area of the proposed development and readily accessible by all residents.</p> <p>IR No. 63 addresses the removal of the southern facing living room window for Unit 5 to reduce impact to the visual and acoustic privacy of future residents from use of the bin storage area.</p> <p><u>Layout:</u></p> <p>The bin storage area is designed to be an enclosed area to Council requirements. No roof is provided within the bin storage area to ensure that bins are accessible while within the storage area.</p> <p>The bin storage area will be screened by fencing consistent with the design of the proposed development to ensure that it minimises visual impact.</p> <p><u>Access:</u></p> <p>The bin storage area is located along the footpath for easy access and servicing of the bins.</p> <p>The bin storage area is located along the internal footpath and driveway for easy access and manoeuvring of the bins.</p> <p>The bin storage area allows for all bins to be front facing, placed side-by-side and ensures equal access to all bins.</p> <p>The bin storage area is located in a safe and convenient location for all users in accordance with the Australian Standard 1428 – 2003, and has been designed for use by residents only.</p> <p>The bin storage area will open outwards and will not be obstructed by any locks or security devices.</p> <p>The bin storage area is located adjacent to the internal footpath and driveway. Collection staff will be able to safely and efficiently access the area.</p>
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## Compliance with setback controls for multi-unit housing

Must be compatible with the overall design of the development; and

Screened from public view.

### Layout:

The area is free from obstructions so as not to restrict the movement and servicing of the bins;

An aisle space of 1.5m minimum is required to access and manoeuvre the bins; and

All bins must be placed side-by-side (front facing) with equal access to all bins

### Access:

Access for all intended users is safe and convenient and in accordance with AS 1428 (Set) - 2003: Design for access and mobility;

Any doorways are at least 2m wide with doors unobstructed by any locks and security devices and are to open outwards;

Restricts access by non-residents, to prevent theft, vandalism and illegal dumping; and

Collection staff can easily access the area in a safe and efficient manner in accordance with Work, Health and Safety legislation.

### Construction:

Floors must be constructed of concrete at least 75mm thick and graded and drained to a

### Construction:

The bin storage area floor will be constructed to include a concrete slab at least 75mm thick with a Sydney Water approved drainage fitting.

The bin storage area floor will be finished to ensure a non-slip, smooth and even surface. The end walls will be constructed of solid impervious material consistent with the design of the proposed development.

Due to site constraints, the bin storage area will not have a roof to ensure access to bins and reduce potential odour impacts.

The bin storage area enclosure is designed to be consistent with the architectural quality of the proposed dwellings, incorporating the same face brick and slated grey fencing used throughout the site. IR No. 61 requires the installation of a common tap to the east of the bin storage area to allow for washing of bins.

The doors to the bin storage area will prevent the entry of vermin and birds. Due to site constraints, the doors will not be operable from within the bin storage area however it isn't considered necessary given the storage area is an open enclosure and not a room.

Given the bin storage area is an open enclosure and not an enclosed room, lighting is not required. Adequate light and ventilation will be available.

Compliance with setback controls for multi-unit housing

Sydney Water approved drainage fitting;

Floors must be finished so that it is non-slip and has a smooth and even surface; The walls must be constructed of solid impervious material;

A minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia Volume 2;

The ceilings must be finished with a smooth faced non- absorbent material capable of being cleaned;

Walls, ceiling and floors must be finished in a light colour; Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock;

A close-fitting and self-closing door or gate operable from inside the area; Must prevent the entry of vermin and birds; and

Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room. Sensor lights may also be installed.

## 6 Notification, Consultation and Consideration of Responses

Copies of notification letters sent to the local council and adjoining occupiers are provided in *Appendix B*, together with copies of all responses received and a record of any verbal responses.

### 6.1 Council Notification

In accordance with section 43 of the Housing SEPP, Canterbury-Bankstown Council was notified of the development by letter dated 23 November 2022 (refer to *Appendix B*). The notification response period formally closed on 16 December 2022 and Council responded to the notification by email dated 16 December 2022, with matters raised outlined in **Table 10** below.

Table 10 Issues raised in Council submission

Issues raised	Response
<p><b>Streetscape:</b> Part C3.4 in the Canterbury Development Control Plan 2012 provides building design guidance to developers and encourages new buildings to be consistent or complimentary to the streetscape. The existing streetscape is typified by “brick and tile” finishes whereas the proposal relies heavy on rendered or treated grey finishes. LAHC is advised to reduce the quantity of grey finishes and increase the quantity of brick (medium colour range) finishes so as to provide a balanced street presentation that better compliments the streetscape.</p>	<p>A range of high quality building materials have been incorporated into the design of the front façade including brick finishes and contrasting vertical and horizontal metal cladding which aligns with the design and range of materials used in more recent developments located in the surrounding area (refer to <i>Figures 9-11</i>).</p> <p>The character of the street and surrounding area are in transition, the proposed design aligns with future development envisaged for this area as reflected in the Canterbury LEP and DCP provisions. It is predicted the neighbouring homes will eventually be replaced with residential flat buildings and townhouses adopting a more contemporary design.</p>
<p><b>Landscape:</b> the submitted landscape plan (Plan No. L02 - Sheet 2 of 2 - Rev 5 - 19 Nov 2022 - Botanique Design) advises: The landscape contractor shall maintain the landscape works for the term of the maintenance (or Plant establishment) period to the satisfaction of the council. The landscape contractor shall attend to the site on a weekly basis. The maintenance period shall commence at handover and continue for a period of 52 weeks maintenance for the Post- Completion Period which also includes a 3 Month Maintenance period for minor building matters. While this plan makes it clear the contractor will maintain the site on a weekly basis for the first twelve months after “handover” can you please confirm:</p> <ol style="list-style-type: none"> <li>When is “handover”? and,</li> <li>How will LAHC maintain the site’s landscaping (including the nature strip) after the first twelve months?</li> </ol>	<p>IR No. 18 requires landscaping to be carried out substantially in accordance with the approved landscape plans and maintained for a period of 12 months by the building contractor.</p> <p>LAHC properties are maintained by a maintenance team for the entire period the property remains in LAHC ownership. Any maintenance issues can be reported for appropriate attention by the LAHC maintenance team.</p>



Issues raised	Response
<p><b>Development Engineer:</b> Should consent be issued for this develop the following conditions be imposed:</p> <ul style="list-style-type: none"> <li>a) The applicant is required to obtain an easement over the connection over the rear lot in order to connect the stormwater pipe.</li> <li>b) In accordance with Council standard drawings, the driveway is required to have 2m setback from the side boundary.</li> <li>c) As the overflow weir from the OSD tank will direct runoff to private properties, the OSD volume and discharge shall be designed for the 1% AEP event not the 10% AEP event.</li> <li>d) Amend the OSD calculation to include bypass areas from pit 16 up to surrounding areas of pit 1.</li> <li>e) Provide details of the orifice plate size. Ensure orifice plate lowest point matches the lowest point in the tank.</li> </ul>	<p>A new easement will be established over the rear lot to ensure the connection to the stormwater pipe. IR No. 32 has been recommended to address the establishment of new stormwater drainage easements.</p> <p>Due to site constraints, the driveway has a setback of 0.626m from the southern site boundary. This is considered appropriate due to the size and scale of the proposed development and reduced number of parking spaces. Screen planting of Bottlebrush and Rice Flower shrubs are proposed between the driveway and the side boundary to improve the landscape setting of the development.</p> <p>The civil engineering plans (<i>Appendix E</i>) have been amended in response to Council's comments. The size of the OSD has been increased to accommodate a 1% AEP event and the amended civil plans were discussed with council prior to finalisation.</p> <p>The orifice plate has a diameter of 110mm based on a maximum depth of 0.45m as per the DRAINS model.</p>
<p><b>Resource Recovery:</b> This proposal has been assessed in accordance with Section B9 (Waste Management), page 203 to 210, Canterbury DCP 2012. However, to achieve best practise and to cater for the future alignment of waste collection services, the requirements for this development may differ from the Canterbury DCP and aligned with the draft consolidated Canterbury Bankstown DCP and Waste Design Guide for New Developments (Guide B – Multi Dwelling Housing). Best practise will ensure that the waste management facilities benefit residents and achieve a high operational efficiency.</p> <p><b>a) <u>Waste Management Plan</u></b></p> <p>Demolition and Construction A Waste Management Demolition/Construction Plan has been submitted. However, the plan is not adequate. Areas to address:</p> <ul style="list-style-type: none"> <li>i. Confirmation if the development involves the removal of asbestos, quantities, the licence details of asbestos removalist and the designated disposal site licensed to accept asbestos-related waste;</li> <li>ii. Designation of appropriately licensed facilities (recycling and landfill) to receive the demolition and construction waste; and</li> </ul>	<p>Refer to Table 9 for detailed consideration of Section B9 (Waste Management) of the Canterbury DCP and the Waste Design Guide for New Developments (Guide B – Multi Dwelling Housing).</p> <p>The site is currently vacant and therefore demolition waste management is not required.</p> <p>Construction waste will be appropriately managed and recycled. IR No. 42 requires a final Waste Management Plan to be prepared and submitted to LAHC by the building contractor prior to the commencement of construction. The plan shall detail the amount of waste material and the destination of all materials, recyclable and non-recyclable.</p>

Issues raised	Response
iii. Ensure over 80% of this material is recycled. If not, explain why.	
<b>b) <u>Waste Configuration</u></b>  Generation rates provided in the WMP are correct.	Noted.
<b>c) <u>Communal Bin Storage Area</u></b>  The proposed communal bin storage area is not accepted. The bins cannot be moved out as many sit behind door hinges (circled red). Also, the bins cannot be stored outside habitable windows. Thirdly, the bins will not fit on the kerb as every second week garbage and recycling bins need to be presented - 12 bins with only kerb space for 8.  Instead provide 660L bulk bins and Council waste services can collect and return the bins from the bin storage area.	Noted. Architectural and landscape plans ( <i>Appendix E</i> ) have been updated to reflect the recommended bin configuration.  In response to Council's comments concerning the location of the bin storage area below windows to habitable rooms, an IR No. 63 is recommended for the removal of the southern facing living room window for Unit 5 to reduce impact to the visual and acoustic privacy of future residents from use of the bin storage area.
<b>d) <u>Bin numbers</u></b>  i. 2 x 660L bulk garbage bins (collected weekly) ii. 2 x 660L bulk recycling bins (collected fortnightly) iii. 2 x 240L garden organics bins (collected fortnightly)	Architectural and landscape plans ( <i>Appendix E</i> ) have been updated to reflect the recommended bin sizes.
<b>e) <u>Areas to address with the bin storage area:</u></b>  i. The area must be at least 10m <sup>2</sup> to be sufficient size to fit and manoeuvre the bins side-by-side (not stacked) with equal and convenient access to all bins by users. Approximately 15cm between bins should be provided; ii. The area should minimise floor space to prevent people from dumping their unwanted waste that does not fit in the bins; iii. 2m doorways and pathways for the bin carting route with no steps/excessive slopes/obstacles; iv. The roof is to be a minimum height of 2.1m; v. The area must be no more than 10m from kerbside collection point, where the vehicle will park; vi. Bin-carting route cannot be via the driveway or carpark; and vii. Bin storage area must not be locked or explain in the WMP how the room will be accessed by Council.	The proposed bin storage area has been designed to Council requirements to enable convenient access to bins by all users. The proposed bin storage area will fit all bins in a side-by-side configuration.  The proposed bin storage area is designed to fit bins only with minimal floor space for any additional items.  The bin storage area is located adjacent to the driveway and has been designed to ensure that there are no steps, excessive slopes or obstacles along the bin carting route.  The proposed bin storage area is approximately 13m from the kerbside collection point. Given site constraints and streetscape impacts, it was not desirable to position the bin storage area forward of the building line. The bin storage area is clearly visible from the kerb and direct access via a level pathway is available for bin collectors.  The 'bin-carting route' is partially shared with the pedestrian pathway and driveway surface. The route is considered adequate due to the very low frequency of vehicles entering the site. The movement of bins across the waiting bay will have no notable impact on any vehicle traffic flow ( <i>Appendix K</i> ).

Issues raised	Response
	Noted. The proposed bin storage area will not be locked.
<p><b>f) <u>Garden Organics Bins</u></b></p> <p>It is the responsibility of the property manager or residents to present any provided garden waste bins to the kerbside for collection by Council the evening before the designated collection day. An area of at least 2m (l) x 1m (d) needs to be provided for this purpose.</p>	Noted.
<p><b>g) <u>Bulky Waste Room</u></b></p> <p>i. A bulky waste room is to be included in the building design. The room must be at least 4m<sup>2</sup>;</p> <p>ii. This is to be a separate room and signed as such on the door with at least 2m wide door opening outwards;</p> <p>iii. The area must be no more than 5m from kerbside collection point with no steps/excessive slopes/obstacles and must have a maximum grade of 1:30 (3%); and</p> <p>iv. Servicing must not be within or outside the access way/driveway, as this is a conflict point for collection crews and vehicles.</p>	<p>LAHC does not provide bulky waste rooms for developments of this size due to site constraints. The bin storage area has been designed to Council's requirements and is seen to be an adequate provision of waste storage for the proposed development.</p> <p>Disposal of bulky waste will be organised through council's kerb-side pick-up service.</p>
<p><b>h) <u>Request for viewing of future plans</u></b></p> <p>We request that any amended plans are referred for further review to ensure compliance with the requirements.</p>	<p>Whilst it is acknowledged that Council provides important feedback on the proposed design of LAHC housing developments providing amended plans to Council for further review is not standard practice. Notwithstanding, every effort has been made to address Council's comments in the final development design.</p>

## 6.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, the Council for the area was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 1 November 2022. Council provided an email response on 4 November 2022 advising that the scope of notification wasn't in accordance with Council's Community Participation Plan and should be expanded to include 77 Viccliffe Avenue and 72 Viking Street, Campsie. **Figure 11** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 122 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 23 November 2022. Copies of the notification letters are provided at **Appendix B**.

The notification response period formally closed on 16 December 2022 and one submission was received from an adjoining owner/neighbour as discussed in **Table 11**.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
The height and number of trees proposed along the fence line.	<p>Tree No. 1 located toward the rear of the site is proposed to be retained. The other trees are proposed to be removed as they are either located within the building footprint, the proposed drainage easement or are of not appropriate for retention.</p> <p>The proposed landscape plan incorporates 16 new hedging plants, with a mature height ranging from 1.5m to 3m to provide screening along the rear boundary.</p> <p>Four new trees are proposed to be planted along the rear boundary to ensure privacy is maintained to the adjoining property, including a Water Gum with a mature height of up to 9m, two White feather honeymyrtle trees with a mature height of 6m and a Native Frangipani with a mature height of 7m.</p>

Issues raised	LAHC Response
Elevation plan does not show the trees specified in the landscape plan	The West Elevation plan did not show the landscape corresponding to the elevation as it is a view of the back of the building and not from the rear fence line. As demonstrated on the proposed Landscape Plan (refer <i>Appendix E</i> ) four trees are proposed to be planted along the rear boundary of the site.
Privacy concerns as dwelling No 8 will overlook the backyard of 78 Viking Street, Campsie.	The windows on the upper floor of unit 8 are high-level windows typically used in bedrooms to improve solar access whilst maintaining privacy. Notwithstanding, LAHC propose to install privacy screening along the top of the rear boundary fence to further limit any potential for overlooking to the neighbouring property to the rear. An IR No. 65 has been recommended in this regard.

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## 6.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.



## 7 Review of Environmental Factors

A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 7.1 Neighbourhood Character

The site is located within an established residential area supporting a wide variety of housing types including single and 2-storey detached dwellings, dual occupancies and residential flat buildings. Within the local area the housing developments are largely of brick construction with tiled roofs and associated structures, such as pergolas, garages and carports. Currently there are pockets of redevelopment along Vicliffe Avenue as it transitions from low density housing to medium density development. The proposed development will complement the existing and emerging character along Vicliffe Avenue and may act as a catalyst for more contemporary medium density development in the local area.

The bulk and scale of the proposed development will be compatible with the emerging character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality and character statement. The 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of recent and emerging development in the locality.

#### Mitigation measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including materials and finishes, fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

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### 7.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Campsie. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is split into 2 separate buildings and designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a maximum height of 7.7m and a floor space ratio of 0.7:1 at 71 Vicliffe Avenue and 0.36:1 at 73 Vicliffe Avenue which is below that permitted under the CLEP 2012 for each respective lot. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R4 High Density Residential and R3 Medium Density Residential zones, which both permit the development of multi-dwelling housing. The proposed townhouse built form is compatible with the scale of existing development in the street and is consistent with the objectives of the R4 High Density Residential and R3 Medium Density Residential zones of the CLEP 2012 which both allow medium density housing.

Providing a development with a lower FSR, in conjunction with generous setbacks and landscaped deep soil areas confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density, consistent with the emerging bulk and density of surrounding developments and the development controls applying to the site. As such, no mitigation measures are required.

#### Mitigation measures

No mitigation measures are required.

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## 7.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of medium density development emerging in the surrounding locality. The street façade is divided into a number of distinct elements, and incorporates a range of high-quality materials, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with recent development in the area and in particular at the northern end of Viccliffe Avenue. The appearance of the driveway and carpark area will be softened through the retention of an existing tree and new shrub plantings at the termination of the carpark, as well as landscaping along both sides of the driveway.

In conjunction with strong articulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development will provide new contemporary housing that makes a positive contribution to the Viccliffe Avenue streetscape.

The built form has been designed to address the street frontage through the incorporation of street facing windows and doors, as well as courtyards within the front setback, improving casual surveillance of the street.

#### Mitigation measures

No mitigation measures are required.

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## 7.4 Visual Impact

The proposed development will generate some short-term visual impact on the surrounding area during construction, with a long-term positive visual impact associated with the establishment of new dwellings in an existing urban residential context.

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and emerging neighbourhood character. Articulation, a diverse mix of materials and a neutral colour palette of greys and light brick will assist with the overall aesthetic of the site.

New landscaping is proposed within the front setback and will incorporate the planting of 2 x Blueberry Ash (*Elaeocarpus reticulatus* 'Prima Donna') trees to a mature height of 8m, 2 x Crepe Myrtles (*Lagerstroemia indica* 'Sioux') trees to a mature height of 4m, 1 x Crepe Myrtle (*Lagerstroemia indica* 'Tuscarora') tree to a mature height of 6m, and various shrubs to mature heights of 1-3m. Considered tree and shrub planting along the side and rear boundaries will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street. As such, no mitigation measures are required.

#### Mitigation measures

No mitigation measures are required.

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## 7.5 Privacy

A high level of internal and external privacy is maintained by the proposed development through a range of measures including careful and considered site landscaping, new 1.2-1.8m high fencing, adequate site

setbacks and strategic placement of windows to avoid direct overlooking of neighbours. The following measures have been employed to ensure privacy is maintained:

- Block A is orientated toward the Viccliffe Avenue frontage with adequate street setbacks and the integration of additional buffer planting to a mature height of 1–3m along the northern fence line to maximise privacy. First floor windows are provided with raised sill heights to limit direct overlooking, except at the stairwell which is unlikely to generate unreasonable privacy impacts due to the passive use of this space.
- First floor windows oriented towards a side boundary in Block B are from bedrooms only which are typically low use areas and where curtains/blinds are provided to maintain privacy between occupants and neighbours. A generous setback of 4.2m is also provided from Block B to the northern side boundary.
- No balconies are provided at first floor level.
- The proposed building separation between Block A and Block B is 6.15m. To ensure privacy is maintained between unit 6 and the dwellings in Block A, only 1 high level window is provided on the east elevation of unit 6, and a combination of landscaping and 1.8m high fencing around private open space areas in Block A is provided to maintain privacy at ground level.
- Unit 8 is setback between 4.257-7.953m from the rear western boundary. This allows for adequate deep soil areas to accommodate planting of four larger trees with a mature height ranging from 6m to 9m. Additional screen planting is provided along the western and southern fence lines to ensure that the privacy and amenity for adjacent developments in Viccliffe Avenue and Viking Street is maintained.
- Living rooms and private open spaces have been positioned away from the shared driveway and carpark area, with landscaping provided to create an additional visual buffer. The bedrooms for all units are located at first floor level where privacy is maintained through setbacks and orientation.
- Minimum 1.8m high Colorbond fencing is proposed at side and rear boundaries which will mitigate unacceptable overlooking from ground level into adjoining properties.
- Privacy between ground level patios is achieved through appropriate fencing however given the overall size of the development site, additional landscape buffers could not be incorporated into the design.
- Recommended IR No. 62 requires the provision of translucent glazing to the ground floor windows on the east elevation of Unit 6 to minimise potential privacy impacts from the shared internal pathway.

Council raised the issue of the location of the bin storage area below windows to habitable rooms. As such, IR No. 63 is recommended for the removal of the southern facing living room window for Unit 5 to reduce impacts to the visual and acoustic privacy of future residents from use of the bin storage area.

A submission was received from the adjoining dwelling to the west, raising concerns with overlooking from the proposed development. As such, an IR No. 65 has been recommended to include privacy screening on top of the rear boundary fence to improve privacy between the properties.

### **Mitigation measures**

IR No. 65 has been recommended to ensure and address the privacy concerns of the adjoining rear property No. 78 Viking Street, Campsie. IR's No. 62 & 63 have been recommended to ensure privacy is maintained for Units 5 & 6.

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## 7.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG). The submitted Architectural Plans indicate that 75% of dwellings receive at least 3 hours direct solar access to the living and private open space areas on June 21, which meets the requirement under SLUDG.

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of the dwellings on adjoining sites.

Proposed living and open space areas have been carefully sited to maximise solar access and the proposal is consistent with the Housing SEPP requirements.

### Mitigation measures

No mitigation measures are required.

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## 7.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in *Appendix E* confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites.

At 9am, shadows generated by the proposed development are generally contained within the site with some increased overshadowing to the adjoining properties to the west (Nos 76-78 Viking Street). At 12pm, shadows are generally contained within the site with minor impacts to the side setback area of adjacent development at 75 Vicliffe Avenue, however overshadowing does not impact upon the dwelling during this period. At 3pm, shadows are cast to the south-east within the site and the side and front setback areas of 75 Vicliffe Avenue. Notwithstanding, 75 Vicliffe Avenue shall receive not less than 3 hours of sunlight at the mid-winter solstice between 9am and 3pm.

The shadow diagrams and view from sun diagrams demonstrate the north facing windows within the existing dwelling to the south at 75 Vicliffe Avenue will achieve no less than 3 hours of sunlight per day between 9am and 3pm. The diagrams confirm that existing north facing windows within this development will retain sunlight in the morning period approximately between 9am and 12pm. The proposed development will however shadow the northern elevation of 75 Vicliffe Ave in the afternoon which has been assessed and deemed supportable for the following reasons:

- The primary private open space area will retain well in excess of 3 hours sunlight; and
- Any part of the living area orientated to the east of the dwelling will remain generally unaffected by the shadows cast by the proposed development between 9am and 12pm.

The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the mid-winter solstice.

### Mitigation measures

No mitigation measures are required.

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## 7.8 Traffic & Parking

Four surface car parking spaces for residents will be available on site to serve the proposed development. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC located in an accessible area. Unrestricted street parking is available on Viccliffe Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (*Appendix K*) indicates that the development will have a small projected increase of 2.3 vehicle trips per weekday in the peak hour and a nett increase of 22 vehicle trips per weekday. The projected nett change in traffic activity as a consequence of the development proposal is minor and the Traffic and Parking Assessment determined that the proposed development will not have detrimental traffic impacts in the locale in terms of the traffic efficiency, amenity or safety.

The Traffic and Parking Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable based on an assessment of the projected vehicle movements. The proposed development is expected to generate 4 vehicle trips per day during peak periods, which is significantly less than the 30 vehicles per hour threshold for two-lane roadways. A passing bay on the driveway was therefore deemed not required.

### Mitigation measures

No mitigation measures are required.

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## 7.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Redgum Horticultural (*Appendix F*). The report considers 5 trees, 3 of which are located within the subject site, 1 street tree in the Viccliffe Avenue road reserve and 1 tree within a neighbouring property. The site contains a further 5 trees which have not been assessed in the Arboricultural Impact Assessment as they are exempt species pursuant to part B3.4 of the Canterbury Tree Management Order. The 5 trees not included in the assessment are proposed to be removed as they are in conflict with the proposed building footprint.

The report recommends the removal of 3 existing trees within the site that are either located within the proposed development footprint, would be impacted by an unavoidable major encroachment within the tree protection zones or would result in future distorted growth over the stormwater drain. It also recommends retention of 1 existing tree within the site and 1 tree within a neighbouring property (Tree Nos 1 and 4).

Tree Nos 2 and 3 will be impacted by the building and car parking area within the site therefore requiring removal.

Tree No 5 was recommended for removal in the Arboricultural Impact Assessment as its growth is asymmetrical with a distorted canopy, however it is proposed to be retained as it is located within the Viccliffe Avenue road reserve and therefore is a Council street tree. The proposed development won't impact this tree.

Appropriate replacement planting is proposed, as indicated on the landscape plan and details. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term.

There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.



### Mitigation measures

Works within the Tree Protection Zones of the retained trees are to be undertaken using tree sensitive excavation and construction techniques such as pier and beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection. Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Assessment (refer *Appendix F*).

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to IR No's. 20 and 41). Trees and other vegetation that are to be retained on site will be protected prior to the commencement of works and for the duration of the construction period in accordance with the details provided in the arborist report (refer to IR No. 41).

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## 7.10 Heritage (European / Indigenous)

No heritage items are identified in Canterbury-Bankstown Council's Section 10.7(2) & (5) Planning Certificates located on or in the vicinity of the site.

### Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 21 July 2022 (*Appendix L*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an IR has been recommended should any Aboriginal relics be discovered on the site during excavation/construction.

### Other Cultural Heritage

No cultural heritage items have been identified in Canterbury-Bankstown Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

### Mitigation Measures

A standard IR No's. 43 & 44 has been recommended should any cultural heritage relics be discovered on the site during excavation / construction.

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## 7.11 Soils / Contamination / Acid Sulfate Soils / Salinity

### Geotechnical

A Site Investigation Report, prepared by SMEC Testing Services indicates the following:

- The subsurface conditions generally consist of topsoil and fill overlying silty clays and weathered sandstone. The topsoil and fill is present to depths of 0.25 to 0.5 metres. Firm to very stiff silty clays underlie the topsoil to depths of 2.3 metres to the depth of drilling, 3 metres. In BH2, BH5 and BH7 hand auger refusal occurred at depths of 0.5 to 0.65 metres. In BH6 weathered sandstone underlies the soil and was observed to the depth of auger refusal, 2.7 metres.
- Groundwater was not observed during drilling works.

### Mitigation Measures

IR No. 13 recommends that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book *Managing Urban Stormwater: Soils and Construction* (4<sup>th</sup> edition, Landcom, 2004).

### Contamination

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land.

### Mitigation Measures

IR No. 17 has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

### Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as containing acid sulfate soils.

### Mitigation Measures

No mitigation measures are required.

### Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity.

### Mitigation Measures

No mitigation measures are required.

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## 7.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the proposed existing easement to the south west of the site.

An existing d450mm RCP from Vicliffe Avenue bisects the site and separate approval has been obtained from council for the relocation of this existing infrastructure. A new stormwater easement is proposed along the northern boundary of the site to cater to the removal of the existing stormwater easement. The proposed stormwater easement will connect to the existing infrastructure to the rear of the site. A HGL Analysis for the Proposed Development, prepared by Greenview Consulting (refer **Appendix R**) concludes that *"the proposed pipe relocation works will not adversely affect the local system, cause significant additional overland flows or otherwise negatively impact on the local drainage and overland flow behaviour."*

Roof water from the subject development will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

The Section 10.7(2) & (5) Planning Certificates issued by Council identify the site as being within the probably maximum flood (PMF) and may be within the flood planning area (FPA) and therefore subject to flood related development controls. The Flood Review for Proposed Residential Development, prepared by Greenview Consulting (refer to **Appendix M**) confirms that the site is outside the 1% AEP (100yr ARI) and that Council's flood advice does not provide any required minimum floor level. The report notes that the site is subject to shallow flooding in the PMF event and the stormwater management measures have therefore been designed to accommodate a 1% AEP event.

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

#### **Mitigation Measures**

IR Nos. 6-9, 14, 31 & 32 have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements, and that the existing easement is appropriately extinguished and a new easement corridor is created.

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## 7.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by Canterbury-Bankstown Council for the subject site advise that the land is not bushfire prone.

#### **Mitigation Measures**

No mitigation measures are required.

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## 7.14 Noise and Vibration

#### **During Construction**

During construction typical noise levels associated with building works will be generated within the hours prescribed under Department of Planning and Environment guidelines and/or in accordance with the local Council requirements.

#### **During Occupation**

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

#### **Mitigation Measures**

Construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* and EPA criteria with respect to noise transmission.

IR Nos. 2, 46 & 48 have been applied to ensure compliance with the above mitigation measures.

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## 7.15 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the clearing and excavation of the site and construction of the proposed development.

### **Mitigation Measures**

IR Nos. 49 52 & 53 have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## **7.16 Waste Minimisation**

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the building contractor.

### **During Construction**

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- bricks, tile and concrete to be transported to building recycling facility;
- concrete shall be crushed and reused for filling, levelling or temporary road base;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- timber shall be sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

### **During Occupation**

General, non-recyclable and recyclable waste will be disposed of in Council's standard waste and recycling bins located in the bin storage enclosure near the front setback area and will be removed, emptied and returned by Council's waste collection services.

### **Mitigation Measures**

Standard IR No. 54 are recommended to ensure construction waste is appropriately managed and disposed.

A standard IR No. 42 is recommended to require the preparation of a final waste management plan for the construction and occupation phases of the development.

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## **7.17 Resource Use & Availability**

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

The recycling and reuse of materials during construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is for the replacement of recently demolished housing that had reached the end of its economic lifespan. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

### Mitigation Measures

No additional mitigation measures are required.

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## 7.18 Community / Social Effects

The proposed development will generate a number of positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Canterbury-Bankstown local government and surrounding area;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing; and
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency.

### Mitigation Measures

No mitigation measures are required.

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## 7.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Canterbury-Bankstown local government area and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials;
- the local sourcing of tradesmen and other construction-related professionals;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

### Mitigation Measures

No mitigation measures are required.

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## 7.20 Cumulative Impact Assessment

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.



### **Mitigation Measures**

No mitigation measures are required.

## 8 Conclusion

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### 8.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment and future character envisaged for the area. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards, and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, CLEP 2012, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards. The proposed activity will also have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable LAHC to meet the increasing demand for two bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

## 9 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in *Appendix C* of this REF.

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## Appendix A – Section 10.7 Certificates

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## Appendix B – Notification

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## Appendix C – Identified Requirements



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## Appendix D – Seniors Living Checklist

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## Appendix E – Development Plans

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## Appendix F – Arborist Report

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## Appendix G – Access Report

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## Appendix H – BASIX & NatHERS Certificates



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## Appendix I – Site Investigation Geotechnical Report

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## Appendix J – Waste Management Plan

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## Appendix K – Traffic Input

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## Appendix L – AHIMS

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## Appendix M – Flood Report

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## Appendix N – Titles & DP



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## Appendix O – Survey

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## Appendix P – Design Compliance Certificates

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## Appendix Q – BCA Report

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## **Appendix R – Relocation of Stormwater Easement**

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## Appendix S – Safety in Design Reports