

Ref: SUB24/55957
26 March 2024

Matthew Stewart
Chief Executive Officer
Canterbury Bankstown Council
PO Box 8
Bankstown NSW 1885

Re: Notice of proposed residential housing

Dear Matthew

This letter is to notify Council of a Homes NSW proposal to carry out a residential development and invite Council's written comments on the development proposal:

Property: 16 Lowana Street, Villawood NSW 2298
Lot 634 in DP 36612

Proposal: Construction of a new manor house comprising 4 units and associated works including 4 at-grade carparking spaces and landscaping

The proposal is considered 'development without consent' under the *State Environmental Planning Policy (Housing) 2021*. Homes NSW is seeking feedback from Council and neighbours for consideration before deciding whether the development should proceed.

The following plans and documents are available on Kiteworks for Council's review and comments:

- | | |
|-----------------------------------|---------------------------------------|
| • Survey Plan | • Section 10.7 (Planning) Certificate |
| • Design Compliance Certificates | • BASIX and NatHERS Certificates |
| • Architecture plans | • Building Code of Australia Report |
| • Civil Plans | • Access Report |
| • Detailed Site Investigation | • Arborist Report |
| • Title Search and Deposited Plan | • Geotechnical Report |
| • Landscape Plan | • Traffic Report |
| • Flood Report | • Waste Management Plan |

Please email Council's comments to Lucy Broadwell, Senior Planner, Homes NSW at Lucy.Broadwell@homes.nsw.gov.au by **19 April 2024**.

For general enquiries, please contact our Community Engagement team on 1800 738 718 (voicemail) or by email at CommunityEngagement@homes.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "Lorna O'Shane".

Lorna O'Shane
Community Engagement Manager
Homes NSW

Ref: SUB24/55957
22 March 2024

The Resident(s)
1/18 Lowana Street
VILLAWOOD NSW 2163

If you need help reading this letter, call the Translating and Interpreting Service (TIS National) on **131 450**



Re: Construction of a manor house comprising 4 units and associated works including 4 at-grade carparking spaces and landscaping

Dear The Resident(s)

I am writing to you from Homes NSW about our plans to redevelop the housing site at 16 Lowana Street, Villawood. We're seeking your feedback on our detailed design.

What we are proposing

We are proposing to replace the existing single storey dwelling with a manor home which will include:

- 2 x 3 bedroom units and 2 x 2 bedroom units in total
- 4 on-site car parking spaces
- Landscaping, fencing and associated works across the site

What is happening now?

We have recently completed a detailed design for 16 Lowana Street, Villawood. We invite your feedback, which our design and planning team will consider as part of the project's assessment. Where possible, we will incorporate your feedback in the designs.

Please find enclosed:

- an artist's impression of the proposed property to give you an idea of what it will look like
- site and landscape plan
- building elevations
- proposed materials and colour finishes
- shadow diagrams

How you can submit your feedback

After reading through the information, you can submit your feedback by contacting the Community Engagement Team via email: CommunityEngagement@homes.nsw.gov.au or phone: 1800 738 718 (voicemail).

All feedback should be received by **16 April 2024** so we have enough time to consider it. You will receive confirmation that your feedback has been received.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in cursive script that reads "Lorna O'Shane".

Lorna O'Shane
Community Engagement Manager
Homes NSW

About Homes NSW

The NSW Government is determined to make NSW a place where everyone has access to safe and secure housing, and where experiences of homelessness are rare, brief and non-recurring.

Homes NSW leads work to deliver more social and affordable housing, end the cycle of homelessness and deliver quality public housing to our 262,000 tenants across NSW. Access to safe housing assists people to pursue health, education and employment opportunities, which helps to strengthen the communities where we all live.

Homes NSW brings together the housing and homelessness services of the NSW Department of Communities and Justice (DCJ) with NSW Land and Housing Corporation (LAHC), NSW Aboriginal Housing Office (AHO) and key worker housing.



To find out more, scan the QR code or visit our website at www.nsw.gov.au/homes-nsw.

NB-1/2024 Assessment Report

DESCRIPTION	Manor house project
PROPERTY	16 Lowana Street, VILLAWOOD NSW 2163
ZONING	R3 Medium Density Residential
DATE OF LODGEMENT	19 February 2024
APPLICANT	Homes NSW
OWNERS	NSW Land and Housing Corporation

Note: This report is not a development application assessment. This report is to gather comments to be made to Housing NSW in response to a request for comment on the subject proposal.

INTRODUCTION

DA Number	NB-1/2024
Development Description	Construction of a manor house comprising 4 units (2 x 3 bedroom and 2 x 2-bedroom units) and associated works including 4 at-grade car parking spaces and landscaping.
Environmental Planning Instrument Permissibility	The proposed activity is permitted on the site pursuant to 3B.1A Development for the purposes of manor houses, of <i>State Environmental Planning Policy (exempt and Complying Development Codes) 2008</i> and can therefore be carried out by the NSW Land and Housing Corporation (Homes NSW) 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 75 dwellings on the site and does not exceed 11 metres in height.
Address	16 Lowana Street Villawood NSW 2163
Legal Description	Lot 634 DP 36612
Date of Lodgement	19 February 2024
Applicant	Homes NSW
Owner(s)	Homes NSW
Responsible Officer	Jackson Caires

SITE

Acid Sulfate Soils	No
Building Height Restrictions (Bankstown or Sydney Airport)	10m
Bushfire	No
Contamination	No
Easements	No

SITE

Existing Development	Single Storey Brick Building and Clad Outbuilding
Flooding	Affected by PMF and 1-in-100 Yr
Foreshore	No
Heritage	No
Rail Noise	No ANEF Noise Exposure and not contained within Noise Buffers
Road Access	Via Lowana Street
Road Noise	N/A
Road Widening	No
Site Area	967.5 m ²
Threatened Species	No
Topography	According to https://www.environment.nsw.gov.au/eSpade2Webapp the topography of the surrounding areas includes gently undulating rises on Wianamatta Shale with local relief 10–30 m and slopes generally >5% but occasionally up to 10%. Crests and ridges are broad (200–600 m) and rounded with convex upper slopes grading into concave lower slopes. Outcrops of shale do not occur naturally on the surface. They may occur, however, where soils have been removed.
Zoning	R3 – Medium Density Residential

PROPOSAL

Building Height	8.95–m
Car Parking	4 Spaces
EDC	\$2,400,000
GFA	381.9m ²
Land Use	Residential
Landscaping Area	402m ²
Deep Soil Area	276m ²
Setbacks	6.7m to building, 5.4 to balcony
Subdivision	No
Vegetation Removal	Removal of existing Canary Island Date Palm, Sydney Blue Gum and Swamp Mahogany

ASSESSMENT SUMMARY

		Compliance		
		Y	N	N/A
Zoning	R3 Medium Density Residential Zoning			
Acts	<i>Biodiversity Conservation Act 2016</i> <i>Coastal Management Act 2016</i> <i>Fisheries Management Act 1994</i> <i>Heritage Act 1977</i> <i>Roads Act 1993</i> <i>Rural Fires Act 1997</i> <i>Water Management Act 2000</i>			

ASSESSMENT SUMMARY

		Compliance		
		Y	N	N/A
SEPPS	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021			
LEPs	Canterbury Bankstown Local Environmental Plan 2023			
DCPs	Canterbury Bankstown Development Control Plan 2023			
Draft EPI's	Nonapplicable			

INTERNAL REFERRALS

				Required	
				Y	N
Development Engineer					
Referral No.	Date	Add. Info / Amended Plans	Conditions		
1	27/03/2024	N/A	Refer to additional comments provide below		
Tree Management					
Referral No.	Date	Add. Info / Amended Plans	Conditions		
1	27/03/2024	N/A	Refer to additional comments provide below		
Resource Recovery					
Referral No.	Date	Add. Info / Amended Plans	Conditions		
1	27/03/2024	N/A	Refer to additional comments provide below		

STATUTORY CONSIDERATIONS

		Applies	
		Y	N
Crown Development			
Division 4.6 Crown Development			
Acts			
Biodiversity Conservation Act 2016			
Coastal Management Act 2016			
Fisheries Management Act 1994			
Heritage Act 1977			
Protection of the Environment Operations Act			
Roads Act 1993			

STATUTORY CONSIDERATIONS

	Applies	
	Y	N
Rural Fires Act 1997		
Water Management Act 2000		
Regulations		
Education and Care Services National Regulations (2011 SI 653)		
SEPPs (EP&A Act 1979 s.4.15(1)(a)(i))		
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		
State Environmental Planning Policy (Housing) 2021		
State Environmental Planning Policy (Industry and Employment) 2021		
State Environmental Planning Policy (Planning Systems) 2021		
State Environmental Planning Policy (Primary Production) 2021		
State Environmental Planning Policy (Resilience and Hazards) 2021		
State Environmental Planning Policy (Resources and Energy) 2021		
State Environmental Planning Policy (State Significant Precincts) 2005		
State Environmental Planning Policy (Sustainable Buildings) 2022		
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Guidelines		
NSW Child Care Planning Guideline State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 Educational establishments and child care facilities		
Apartment Design Guide Chapter 4 - SEPP Housing 2021		
Local Environmental Plans (EP&A Act 1979 s.4.15(1)(a)(ii))		
Canterbury Bankstown Local Environmental Plan 2023		
Draft Local Environmental Plans (EP&A Act 1979 s.4.15(1)(a)(ii))		
No draft EPIs are applicable to the subject development or site.		
Development Control Plans (EP&A Act 1979 s.4.15(1)(a)(iii))		
Canterbury Bankstown Development Control Plan 2023		
Contribution Plans (EP&A Act 1979 Subdivision 3, s.7.11 or s.7.12)		
Canterbury-Bankstown Local Infrastructure Contributions Plan 2022		
<p>Council notes that the proposed activity is permitted on the site pursuant to 3B.1A Development for the purposes of manor houses, of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> and can therefore be carried out by the NSW Land and Housing Corporation (Homes NSW) 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 75 dwellings on the site and does not exceed 11 metres in height.</p> <p>As registered in Chapter 1 Part 8 of the Exempt and Complying Development Codes SEPP, it is noted that:</p> <p><i>“(1) Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.”</i></p>		

STATUTORY CONSIDERATIONS

	Applies	
	Y	N
(2) <i>State Environmental Planning Policy (Sustainable Buildings) 2022, Chapter 2 prevails over this policy, Chapter 4, to the extent of an inconsistency.</i>		
<p>Due to the proposed activity being undertaken pursuant to 3B.1A Development for the purposes of manor houses, of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, Council is required to give consideration to the following SEPP's exclusively:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 3B.1A</i> • <i>State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 6</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022, Chapter 2</i> 		

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008, Part 3B Low Rise Housing Diversity Code

As noted above, the proposed activity is permitted on the site pursuant to 3B.1A Development for the purposes of manor houses, of *State Environmental Planning Policy (exempt and Complying Development Codes) 2008*.

As such, the requirements stipulated under *Division 1 Requirements for complying development under this code* apply:

		Compliance		
		Y	N	N/A
3B.1 Development that can be complying development under this code				
(1) The following types of development are complying development under this code— (a) the erection or alteration of, or addition to— (i) any 1 or 2 storey dual occupancy, manor house or multi dwelling housing (terraces), or (ii) any attached development or detached development related to any building referred to in subparagraph (i), (b) the conversion of an existing dwelling to a dual occupancy.	The proposed development is defined as a two-storey manor house.			
(2) For the purposes of calculating the number of storeys in a building for the purposes of this code, only those parts of a basement that comprise habitable rooms are to be counted as a storey.	The proposed development does not propose a basement.			
(3) Lot requirements Complying development specified for this code may only be carried out on a lot that meets the following requirements— (a) the lot must be in Zone RU5, Zone R1, Zone R2 or Zone R3, (b) the lot must have lawful access to a public road at the completion of the development.	The lot is situated within an R2 zone. The resulting lot will have access to a public road at the completion of the development.			
(4) Erection of attached development and detached development Attached development or detached development may be erected on a lot— (a) if a dual occupancy, manor house or multi dwelling housing (terraces) exists on the lot, or (b) if there is a current development consent or complying development certificate for the construction of a dual occupancy, manor house or multi dwelling housing (terraces) on the lot.	The proposed development is a manor house and thus is clause does not apply.			
3B.2 Development that is not complying development under this code				

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008, *Part 3B Low Rise Housing Diversity Code*

The following development is not complying development under this code—

- (a) the erection or alteration of, or an addition to, a roof terrace on the topmost roof of a building,
- (b) development that is complying development under the Housing Alterations Code,
- (c) development on a battle-axe lot,
- (d) development on any lot on which there is a secondary dwelling or group home whether or not the development is attached to the dwelling or home,
- (e) the erection of a building over a registered easement,
- (f) the alteration of, or an addition to, a garage or carport that is located forward of the building line,
- (g) the erection of multi dwelling housing (terraces) on bush fire prone land,
- (h) development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 2, Part 2, Division 1 applies, unless it is development that is being carried out by or on behalf of the New South Wales Land and Housing Corporation constituted by the [Housing Act 2001](#),
- (i) development on unsewered land,
- (j) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which [Warringah Local Environmental Plan 2011](#) applies—“Area C” or “Area E” on the [Landslip Risk Map](#) within the meaning of that Plan.

The proposed development does not contravene any aforementioned development types as noted in Part 3B.2 of the SEPP

3B.3 Determining lot type

In this code, a reference to a lot is a reference to any of the following lots—

- (a) standard lot,
- (b) corner lot,
- (c) parallel road lot.

The proposed development constitutes a standard lot.

3B.4 Complying development on bush fire prone land

(1) This clause does not apply to the following complying development under this code—

- (a) a non-habitable detached development that is more than 6m from any residential accommodation,
- (b) a landscaped area,
- (c) a non-combustible fence,
- (d) a swimming pool.

The proposed development does not constitute any form of development mentioned in Part 3B.4 of the SEPP.

(2) If complying development under this

The proposed development

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008, Part 3B Low Rise Housing Diversity Code

code is carried out on bush fire prone land, all of the following development standards also apply—

- (a) (Repealed)
- (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,
- (c) the dual occupancy or manor house must be able to be connected to mains electricity,
- (d) if reticulated or bottled gas is installed and maintained on the lot—
 - (i) it must be installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas*, and
 - (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),
- (e) any gas cylinder stored on the lot within 10m of any dwelling must—
 - (i) have its release valves directed away from the dwelling, and
 - (ii) be enclosed on the hazard side of the installation, and
 - (iii) have metal connections to and from the cylinder,
- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dual occupancy,
- (g) if the development is carried out on a lot in Zone RU5, there must be—
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 70m of any part of the development, or
 - (ii) a 10,000 L capacity water tank on the lot,
- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be—
 - (i) a reticulated water supply connection to the lot, and
 - (ii) a fire hydrant within 70m of any part of the development,
- (i) the development must conform to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.

is not being carried out on bush fire prone land.

3B.5 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has

The proposed development is not being carried out on a flood control lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008, Part 3B Low Rise Housing Diversity Code

certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following— (a) a flood storage area, (b) a floodway, (c) a flow path, (d) a high hazard area, (e) a high-risk area.				
(2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards— (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room to have a floor level lower than that floor level, (b) any part of a building that is erected at or below the flood planning level is constructed of flood compatible material, (c) any part of a building that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level), (d) the development must not result in increased flooding elsewhere in the floodplain, (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dual occupancy, manor house or multi dwelling housing (terraces), (f) vehicular access to any dwelling will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event, (g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.	The proposed development is not being carried out on a flood control lot.			
(3) The requirements under subclause (2)(c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.	The proposed development is not being carried out on a flood control lot.			
(3A) Without limiting subclause (3), a joint report must—	The proposed development is not being carried out on a			

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008, *Part 3B Low Rise Housing Diversity Code*

(a) include a signature made by each professional engineer by whom the report is prepared, and (b) where conclusions of the report are based on data, surveys or other material—include the name and author of the document on which the conclusions are based.	flood control lot.			
(4) A word or expression used in this clause has the same meaning as it has in the <i>Flood Risk Management Manual</i> , unless it is otherwise defined in this Policy.	The proposed development is not being carried out on a flood control lot.			
3B.6 Development standards for land near Siding Spring Observatory				
(1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional, the development standards in this clause also apply in addition to any other development standards.	The proposed development does not comprise development undertaken on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional.			
(2) Complying development specified for this code may only be carried out if it does not result in residential accommodation on land in the local government area of— (a) Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional with an outside light fitting other than a shielded light fitting, and (b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.	The proposed development does not comprise development undertaken on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional.			

Therefore, the proposed development is **consistent** with the requirements pursuant of Part 3B of the *State Environmental Planning Policy (Exempt and Complying Development codes) 2008*.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021, *Chapter 2, Part 2, Division 6*

As noted above, the proposed activity is permitted on the site pursuant to Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

As such, the requirements stipulated under Chapter 2, Part 2, Division 6 apply:

	Compliance		
	Y	N	N/A
42 Development to which division applies			
(1) This division applies to residential development if—			

**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021, Chapter 2,
Part 2, Division 6**

(a) the development is permitted with development consent on the land under another environmental planning instrument, and	The development is permissible pursuant to 3B.1A Development for the purposes of manor houses, of <i>State Environmental Planning Policy (exempt and Complying Development Codes) 2008</i> .			
(b) all buildings will have a height not exceeding the greater of— (i) 11m, or (ii) the maximum permissible building height for the land, and	The proposed development will not result in buildings exceeding 11m in height and the maximum permissible building height for the land.			
(c) all buildings will have a floor space ratio not exceeding the greater of— (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the land, and	The proposed development will not result in buildings that exceed an FSR of 0.65:1 or the maximum permissible floor space ratio for the land.			
(d) the development will not result in more than 75 dwellings on a single site, and	The proposed development will not result in more than 75 dwellings on a single site.			
(e) for development on land in an accessible area—the development will result in the following number of parking spaces— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, and	The proposed development exceeds the following parking rates stipulated in 42(1(e)).			
(f) for development on land that is not in an accessible area—the development will result in the following number of parking spaces— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces.	The proposed development is proposed within an accessible area.			
(2) This division also applies to the following development if the development is permitted on the land under another environmental planning instrument—				

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021, Chapter 2, Part 2, Division 6

(a) the demolition of buildings and associated structures if the building or structure is on land that— (i) is non-heritage land, and (ii) is not identified in an environmental planning instrument as being in a heritage conservation area,	The proposed development is not situated on heritage land or land identified in an environmental planning instrument as being in a heritage conservation area.			
(b) the subdivision of land and subdivision works.	The proposed development does not propose any subdivision of land.			
(3) This division does not apply to—				
(a) development to which Chapter 2, Part 2, Division 5 applies, or	The proposed development does not apply to Chapter 2, Part 2, 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.	The proposed development is not 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.			
(4) State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the sections—				
(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			
(5) In this section—				
former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011 .	Noted			
non-heritage land means land that—				
(a) does not contain a heritage item, and (b) is not the subject of an interim heritage order under the Heritage Act 1977 , and (c) is not listed on the State Heritage Register under the Heritage Act 1977 .				
43 Residential development permitted without consent				
Development for the purposes of residential development to which this division applies may be carried out without consent if the development is carried out by or on behalf of—				
(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or	The applicant is Homes NSW and as such this Clause does not apply.			
(b) another relevant authority.	The applicant is Homes NSW and is considered another relevant authority.			

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021, Chapter 2, Part 2, Division 6

43A Notification before carrying out development

(1) Before carrying out development to which this division applies, the relevant authority must do the following—

(a) request that the council nominate persons who must, in the council's opinion, be notified of the development,	The applicant has requested Council to nominate persons who must be notified of the development			
(b) give written notice of the intention to carry out the development to— (i) the council, and (ii) any persons nominated by the council under paragraph (a), and (iii) the occupiers of adjoining land,	The applicant has issued written notice of its intention to carry out development to Council and occupiers of the adjoining land.			

43C Consideration of design of residential apartment development

Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following—

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,	Council is not the relevant authority of the proposed development and thus is not required to consider the design principles for residential apartment development set out in Schedule 9,			
(b) the Apartment Design Guide.	Council is not the relevant authority of the proposed development and thus is not required to consider Apartment Design Guide.			

44 Considerations before carrying out development

(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider—

(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and	Noted			
(b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	Noted			

44A Exempt development

(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.	The proposed development proposed to carry put landscaping in conjunction with further development of the land parcel.			
2) Development for the purposes of repairs and maintenance work and non-structural	The proposed development does not constitute			

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021, Chapter 2, Part 2, Division 6

renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.	development for the purposes of repairs or maintenance work.			
(3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .	The proposed development does not constitute development involving the use of external combustible cladding within the meaning of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .			

Therefore, the development **is consistent** the relevant provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021*.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022, Chapter 2

As registered in Chapter 1 Part 8 of the Exempt and Complying Development Codes SEPP, it is noted that:

*“(1) Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.
(2) State Environmental Planning Policy (Sustainable Buildings) 2022, Chapter 2 prevails over this policy, Chapter 4, to the extent of an inconsistency.”*

The proposed development does not relate to Chapter 4 and therefore a further assessment of consistency is not required.

Therefore, the development **is consistent** the relevant provisions of Chapter 4, Section 4.6

CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

As noted above, the proposed activity is permitted on the site pursuant to 3B.1A Development for the purposes of manor houses, of *State Environmental Planning Policy (exempt and Complying Development Codes) 2008* and can therefore be carried out by the NSW Land and Housing Corporation (Homes NSW) 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 75 dwellings on the site and does not exceed 11 metres in height.

As registered in Chapter 1 Part 8 of the Exempt and Complying Development Codes SEPP, it is noted that:

“(1) Unless otherwise specified in this Policy, if there is an inconsistency between this

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Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.
(2) State Environmental Planning Policy (Sustainable Buildings) 2022, Chapter 2 prevails over this policy, Chapter 4, to the extent of an inconsistency."

In this context, it is pertinent to note that the *Exempt and Complying Development Codes State Environmental Planning Policy (SEPP)* supersedes the provisions of the *Canterbury Bankstown Local Environmental Plan 2023* and thus has not been considered in the present assessment.

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 LIVABLE HOUSING DESIGN

		Compliance		
		Y	N	N/A
Silver Level Assessment				
1 Dwelling Access	There is a safe, continuous, step-free pathway from the street entrance or parking area to a dwelling entrance that is level.			
	(a) Provide a safe and continuous pathway from: (i) The front boundary of an allotment, or (ii) A car parking space on the allotment (Does not apply to steeply sloping sites (greater than 1:14 slope)).	The proposed development provides a continuous pathway to the front boundary of both allotments and car parking spaces at the rear of the allotments.		
	(b) The path of travel has a minimum clear width of 1m and; (i) If it has a slope, is no more than 1:14 and has landings at 9 metre intervals of no less than 1.2m in length (exclusive of door swings), and (ii) Is step-free.	All proposed paths of travel are a minimum width of 1m and are step free. The gradient of the subject site does not have a slope more than 1:14.		
2 Dwelling Entrance	There is at least one level (step-free) entrance into the dwelling to enable home occupants to easily enter and exit the dwelling			
	(a) The dwelling is provided with an entrance door with: (i) Minimum width of 820mm, and (ii) A level (step-free) transition and threshold, and (iii) Reasonable shelter from the weather	All proposed dwellings have been provided with minimum 820mm entries, consistent floor levels and are sheltered from weather.		

	<p>(b) A level landing area of at least 1.2m x 1.2m is provided at the entrance.</p> <p>(c) The step-free entrance is connected to a safe and continuous path of travel to the street or parking area.</p>	<p>A landing area of at least 1.2m x 1.2m has been provided for the entrances of all proposed dwellings.</p> <p>All entrances area connected to a safe and continuous path of travel to the street.</p>			
3 Car Parking	<p>Where the parking space is part of the dwelling access it should allow a person to open their car doors fully and easily move around the vehicle.</p> <p>The parking area should incorporate:</p> <p>(i) Minimum dimensions of 3.2m in width and 5.4m in length,</p> <p>(ii) An even and level surface,</p>	<p>The proposed parking area exceeds the proposed minimum dimensions and provides an even and level surface.</p>			
4 Internal doors & Corridors	<p>Internal doors and corridors facilitate comfortable an unimpeded movement between spaces.</p> <p>(a) Doorways to rooms on the entry level (kitchen, dining, etc.) should provide:</p> <p>(i) A minimum width of 820mm, and</p> <p>(ii) A level transition and threshold.</p> <p>(b) Internal corridors to functional areas should provide a minimum width of 1m</p>	<p>All proposed doorways to rooms on the entry level provide a minimum width of 820mm and a level transition and threshold</p> <p>All proposed internal corridors to functional areas provide a minimum width of 1m.</p>			
5 Toilet	<p>The ground floor (or entry level) has a toilet to support easy access for home occupants and visitors.</p> <p>(a) Dwelling should have a toilet on the ground (or entry) level that provides:</p> <p>(i) A minimum clear width of 900mm between walls (if located in a separate room) or amenities, and</p> <p>(ii) A minimum 1.2m clear circulation space forwards of the toilet (exclusive of door swing).</p> <p>(b) If the toilet is located on the ground floor, the toilet should be located in a corner to enable installation of guardrails.</p>	<p>Ann proposed toilets on the entry level provide a minimum clear width of 900mm between walls and minimum 1.2m clear circulation space forwards of the toilet.</p> <p>Unit 2 and 4 propose toilets that are not situated in a corner. Council requests that the position of the Toilet and Basin is swapped to</p>			

		ensure the installation of a guardrail is practicable.		
6 Shower	The bathroom and shower is designed for easy and independent access for all home occupants. (a) The shower recess should be located in the corner of the room to enable the installation of grabrails.	The proposed development provides shower recesses within the corner of each room.		
8 Internal Stairways	Where installed, stairways are designed to reduce the likelihood of injury and also enable future adaptation. (a) Stairways must have a continuous handrail on one side where the rise if of more than 1 metre.	All internal stairways include a continuous handrail.		

CANTERBURY BANKSTOWN LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2022

The Canterbury Bankstown Local Infrastructure Contribution Plan 2022 applies to development that:

- is located within Canterbury-Bankstown,
- requires development consent (including complying development),
- results in additional resident population, or will cost \$150,000 or more, and
- is not exempt from contributions or levies under section 1.3 of this Plan.

Canterbury Bankstown Local Infrastructure Contribution Plan 2022 notes that Affordable Housing managed by a registered social housing provider are exempted from contributions under this plan provided that the provider demonstrates the following:

- the affordable housing is managed by a registered social housing provider;
- the total residential gross floor area exempted is used solely for the purpose of the provision of affordable housing in perpetuity; and
- a covenant is registered in the title of the site prior to the issuance of the Occupation Certificate, with wording shown in the box below.

If the provider can demonstrate that the following conditions are met, any development contributions specified under the Canterbury Bankstown Local Infrastructure Contribution Plan 2022 will be exempted

Should Homes NSW demonstrate the following conditions above have been met, the proposed development will be exempt from development contributions pursuant to the Canterbury Bankstown Local Infrastructure Contribution Plan 2022.

Additional Comments - Biodiversity:

The application was referred to Council's tree officers for further assessment on 27 March 2024. It was noted that the proposed activity does seek to remove vegetation from the subject site. It noted that the development will result in the loss of three trees, namely:

- 1 x Canary Island Date Palm;
- 1 x Sydney Blue Gum; and
- 1 x Swamp Mahogany.

Additional Comments - Biodiversity:

The following considerations were raised by Council for the applicant:

1. Utility Services: Underground

Underground services should use common trenches outside the Tree Protection Zone. If services need to be run within the Tree Protection Zone, then all utility pipes and similar are to be installed using appropriate directional boring techniques. No tree roots are to be severed or damaged during this work.

2. Utility Services: Overhead General

The applicant shall ensure all overhead electrical wires between the power pole and approved structures are located outside the crowns of existing trees and in accordance with the clearances specified by the energy authority. The overhead wires are also to be located to avoid future conflict with any trees planted in accordance with the development consent.

Conditions to be satisfied prior to construction

Section 1: General Tree Conditions

3. Tree Removal: On-Site

Approval is granted for the removal of the following trees:

- Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling;
- Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
- Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order;
- Any of the following tree/s:

As per Arboricultural Impact Assessment Report (Table 1 – Tree assessment summary).

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 5m in height.

Conditions to be satisfied during construction

4. Trees to be Retained and Protected: On-site

The following tree/s shall be retained and protected from removal and damage for the duration of the development:

- As per Arboricultural Impact Assessment Report (Table 1 – Tree assessment summary).

* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at a 4-metre radius from the trunk of the Jacaranda mimosifolia (jacaranda). The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in

Additional Comments - Biodiversity:

place for the duration of the site works;

- The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - The Development Consent number;
 - The name and contact phone number of the site manager;
 - The purpose of the protection zone;
 - The penalties for disregarding the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
- If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.
- No ripping or rotary hoeing within the Tree Protection Zone of trees to be retained is permitted.
- Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.
- In exceptional circumstances, the tree protection fencing may be temporarily relocated to allow site access for construction purposes subject to the prior approval of the project arborist, the installation of ground protection measures as detailed below, and following the clearly identified tagging of all protected trees, provided such fencing is immediately replaced on completion of the works. No damage to root systems or soil compaction will be accepted during such works.
- If the approving authority consents to materials, machinery or access over specifically nominated areas of the tree protection zone, the roots and surface soil within this area shall be mulched to a minimum depth of 100mm of hardwood wood chip overlaid with rumble boards, steel plates, or similar. This ground protection measure must be maintained for the duration of the site works.
- The trees are to be watered during dry spells, i.e. two to three weeks without adequate rainfall. The root zone should be thoroughly watered and then left to drain. A temporary/permanent irrigation system is to be installed on site where works longer than one month in duration are expected and when appropriate shall be part of the landscaping works.
- Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 Pruning of Amenity Trees, the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW), and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from Construction damage and pruning. The Tree Management Order protects trees over 5m in height.

5. Tree Planting: On-Site

As per Plant Schedule & Imagery

6. Compliance with AS4373 – 2007 and AS4970 – 2009

All work carried out on or around protected trees during demolition, clearing and construction shall comply with Australian Standard AS4373-2007 Pruning of amenity trees and Australian Standard AS4970-2009 Protection of trees on development sites. Site specific conditions relating to tree protection shall take precedence over this requirement.

Additional Comments - Biodiversity:

7. Tree Preservation Conflicts

If any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.

Additional Comments - Stormwater:

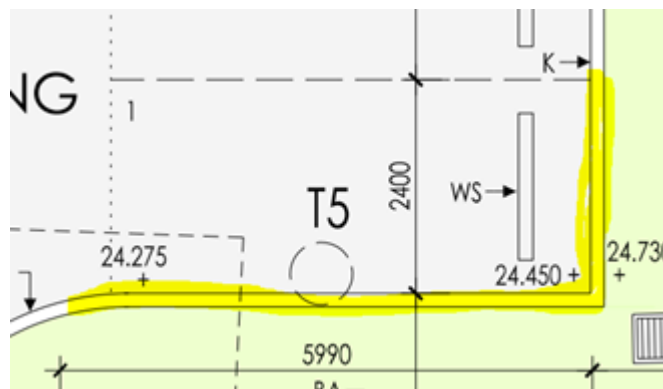
The application was referred to Stormwater Engineers for further assessment on 27 March 2024. The following issues are raised toward proposed stormwater management plans prepared by Greenview Consulting dated 11th of March 2024:

- It is noted that the PSD for the 5-year ARI (predeveloped flow) is incorrectly calculated to be 22 l/s & no DRAINs model has been provided to substantiate the design of OSD system.
- No secondary overflow piped system has been provided to the OSD design. Should the system surcharge, it will be at the rear of the car park without any overflow path for stormwater to be safely conveyed to street.
- The proposed new kerb inlet pit is to be located fully within the frontage of the development and comply to Council's engineering standards.
- The stormwater extension pipeline and junction pit (to be constructed over existing Council main) shall be designed in accordance with Council's engineering standards with exact invert level at the proposed connection of Council's main located across Lowana street to be verified to enable an accurate design of Council's main extension work.
- No design of rainwater harvesting including roof catchment and pipework reticulation to the tank has been provided to demonstrate compliance to both Council DCP & Basix Certificate.

Proposed Car Parking Spaces

The following issues are raised toward proposed parking facilities:

- Resident and visitor parking spaces should be clearly nominated.
- No bypass opportunity has been provided should incoming and outgoing traffic happening simultaneously.
- Vehicle clearance toward retaining wall structure for a parking space has not been met in accordance with AS2890.1 see extract below.

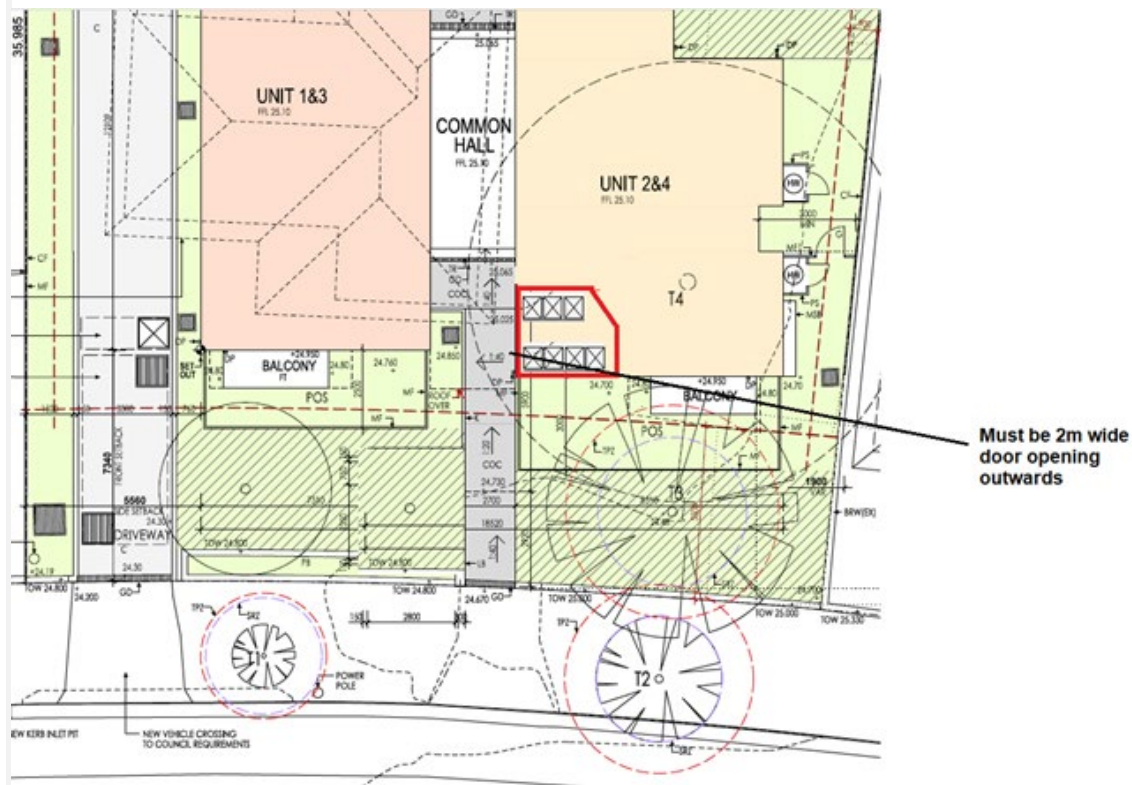


Additional Comments - Waste:

The application was referred to Council's Waste Officers for further assessment on 27 March 2024. The following comments were provided in relation to the proposed activity:

- The application is acceptable for waste planning.
- Council staff will 'collect and return' the 240L bins.
- Bulky waste must not be visible from the street at any time except collection purposes.

Note: There is an opportunity to situate the bin room within the built form as depicted below.



SECTION 4.15 ASSESSMENT SUMMARY

		Compliance		
		Y	N	N/A
Environmental Planning Instruments	The development is consistent with the provisions contained within: SEPP (Exempt and Complying Development Codes) 2008 SEPP (Housing) 2021 SEPP (Sustainable Buildings) 2022 SEPP (Transport and Infrastructure) 2021			
Draft Environmental Planning Instruments	There are no applicable draft environmental planning instruments relevant to the site or the development typology of this application.			
Development	The development is generally consistent with the provisions contained within the CBDP 2023			

SECTION 4.15 ASSESSMENT SUMMARY

		Compliance		
		Y	N	N/A
Control Plans				
The Environmental Planning and Assessment Regulations 2021	The development is consistent with the provisions contained within the Environmental Planning and Assessment Regulations 2021 .			
Likely Impacts of the Development including environmental, social and economic impacts	The development is not considered to provide for undue impacts on the natural and built environments with no recognisable social or economic impacts on the locality.			
Suitability of the site	The site is suitable for the development.			
Any submissions	Council is not the determining authority for this Part 5 Proposed Activity			
Public Interest	Approval of the development would be consistent with the wider public interest			