

# Statement of Environmental Effects for Section 4.55(1A) Modification – DA/1241/2017

40 -40A HOSKINS AVENUE AND  
78 -80 MARSHALL STREET,  
BANKSTOWN



## QUALITY ASSURANCE

<b>PROJECT:</b>	Statement of Environmental Effects for Section 4.55 (1A) modification to an approved Residential Flat Building DA/1241/2017
<b>ADDRESS:</b>	40-40A Hoskins Avenue and 78 -80 Marshall Street, Bankstown
<b>Lot/DP:</b>	Lots 1- 3 in DP 511905 and Lot 11 in DP 5842
<b>COUNCIL:</b>	Canterbury Bankstown Council
<b>AUTHOR:</b>	Think Planners Pty Ltd

<i>Date</i>	<i>Purpose of Issue</i>	<i>Rev</i>	<i>Reviewed</i>	<i>Authorised</i>
19 April 2022	Co-Ordination	Draft	BD	BD
10 May 2022	DA Lodgment	Final	BD	BD

## Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

## Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Section 4.55(1A) modification to an approved 4 storey residential flat building complex at 40 - 40A Hoskins Avenue and 78 -80 Marshall Street, Bankstown.

On 19 November 2018, the Canterbury-Bankstown Council Local Planning Panel granted consent for the demolition of existing structures, consolidation of allotments and the construction of a 4 storey residential flat building complex containing two buildings providing a total of 44 residential units over basement car parking for 71 vehicles. The approved development has the following dwelling mix:

- 6 x 1 bedroom apartments
- 34 x 2 bedroom apartments; and
- 4 x 3 bedroom apartments.

This application seeks approval for modifications to the proposal including:

- Changes to the internal layout of the basement carpark including:
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels; and
  - Regrading of the ramps within the basement to facilitate compliance with AS 2890.
- Changes to the internal layout of the ground floor including:
  - Direct access from the foyer and corridor within Block A to the central Communal Open Space Area and altered access to the Common Open Space area from Block B;
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels
  - Provision of a laundry cupboard to unit G03 within Block B;
  - Provision of access to unit G01 from the central lift core rather than only the private open space area;
  - Provision of 10 ground level bicycle parking spaces for Block A in lieu of the annotated 16 but illustrated 12 bicycle spots
  - Provision of 2 bicycle spaces adjacent to the core for Block B; and
  - Provision of a substation between the buildings along the Hoskins Avenue frontage of the site.
  - Converting 2 x 3br units into 2 br apartments.
- Changes to the internal layouts on level 1 and 2 including:
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels;
  - Changes to external balconies to ensure they are identical in layouts; and
  - Provision of a sliding door from the living areas of units 106 and 206 (Block A) to provide direct access to the balcony.

- Changes to the internal layout on level 3 including:
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels;
  - Provision of a sliding door from the living areas of unit 305 (Block A) to provide direct access to the balcony; and
  - Converting 2 x 2br apartments into 2 x 3br apartments.
- Changes to the elevations to reflect the above changes and;
  - The introduction of a partial brick façade;
  - Reduction of height of living rooms windows from 2.7m to 2.4m to ensure Basix compliance in regards to solar heat gain; and
  - Reduction in height of glazed sliding doors to balconies from 2.7m to 2.4m to ensure Basix compliance in regards to solar heat gain.

The dwelling mix is not altered and the FSR or height of the development is not increased as a result of the above modifications.

The changes are shown clouded in red on the submitted plans prepared by Zhinar Architects

Located to the south of the Bankstown Town Centre and adjoining an industrial estate, the development site is situated to the northern side of Hoskins Avenue and the eastern side of Marshall Street. The site has a frontage to Marshall Street of 42.92m, a frontage to Hoskins Avenue of 80.47m and an overall site area of 3395m<sup>2</sup>.

The site remains zoned R4 Residential Flat Building under Bankstown LEP 2015 and the proposal continues to be permitted with consent. The development continues to comply with the key planning controls for the site and this is discussed further within the report.

The modified development will facilitate the issue of a construction certificate and the development proposal is appropriately defined as substantially the same development as the original consent, with the proposal continuing to be a residential flat building, and will have very limited additional amenity impacts, noting potential impacts have been largely addressed via the parent development application.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the modification application subject to necessary, relevant and appropriate conditions of consent.

## SITE AND LOCALITY DESCRIPTION

The subject site is legally described as Lots 1- 3 in DP 511905 and Lot 11 in DP 5842 but is commonly known as 40A -40B Hoskins Avenue and 78 -80 Marshall Street, Bankstown.

The site can be best described as a regular shaped corner allotment with a 42.92m frontage to Marshall Street, a frontage to Hoskins Avenue of 80.47m and an overall site area of 3395m<sup>2</sup>.

The photo below shows the subject site and its relationship to adjoining properties.

**Photograph 1 Subject site, as viewed from Cnr of Marshall Street and Hoskins Avenue**



The subject site is located 1km from the southern edge of the Bankstown CBD and is within walking distance to schools, parks and services within the town centre itself. The site adjoins a large industrial precinct on its eastern boundary.

The locality is also well serviced by public transportation and road networks, noting the wider area is serviced by Fairford Road, Canterbury Road and the South Western Motorway with Bankstown Train Station and Bus Interchange located 1.2km north of the subject site



Situated within an established residential area the precinct is undergoing redevelopment with single dwellings being replaced with 6 storey apartments. This is illustrated by the aerial photograph below.

Figure 1: Aerial Photo of site and surrounds (Source Six Maps 2022)



Subject Site

## PROPOSED SECTION 4.55(1A) MODIFICATION

This Section 4.55(1A) modification seeks approval for modifications to the approved residential flat complex including:

- Changes to the internal layout of the basement carpark including:
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels; and
  - Regrading of the ramps within the basement to facilitate compliance with AS 2890.
- Changes to the internal layout of the ground floor including:
  - Direct access from the foyer and corridor within Block A to the central Communal Open Space Area and altered access to the Common Open Space area from Block B;
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels
  - Provision of a laundry cupboard to unit G03 within Block B;
  - Provision of access to unit G01 from the central lift core rather than only the private open space area;
  - Provision of 10 ground level bicycle parking spaces for Block A in lieu of the annotated 16 but illustrated 12 bicycle spots
  - Provision of 2 bicycle spaces adjacent to the core for Block B; and
  - Provision of a substation between the buildings along the Hoskins Avenue frontage of the site.
  - Converting 2 x 3br units into 2 br apartments.
- Changes to the internal layouts on level 1 and 2 including:
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels;
  - Changes to external balconies to ensure they are identical in layouts; and
  - Provision of a sliding door from the living areas of units 106 and 206 (Block A) to provide direct access to the balcony.
- Changes to the internal layout on level 3 including:
  - Relocation and reorientation of the western lift core within Block A to co-ordinate the location of this lift well throughout all levels;
  - Provision of a sliding door from the living areas of unit 305 (Block A) to provide direct access to the balcony; and
  - Converting 2 x 2br apartments into 2 x 3br apartments.
- Changes to the elevations to reflect the above changes and;
  - The introduction of a partial brick façade;
  - Reduction of height of living rooms windows from 2.7m to 2.4m to ensure Basix compliance in regards to solar heat gain; and

- Reduction in height of glazed sliding doors to balconies from 2.7m to 2.4m to ensure Basix compliance in regards to solar heat gain.

It is noted that the floorspace ratio, building height, unit numbers, and bedroom numbers is not altered by this modification.

The changes are shown clouded in red on the submitted plans prepared by Zhinar architects.

Construction of the development has not commenced.

## PLANNING CONTROLS

### SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Pursuant to Section 4.55 (1A) of the Act), Council may consider an application to amend a development consent provided that it is substantially the same development and of minimal environmental impact.

An extract of Section 4.55 (1A) is provided below:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be*

The application is substantially the same as the approved development, with the and the minor refinement of the scheme to reflect the detailed design work undertaken. The minor changes to the plans are reasonably and appropriately considered 'substantially the same development' when having regard to case law set down by the Land and Environment Court

Section 4.55(3) of the Act is also relevant and states:

*In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

This SEE addresses the requirements of section 4.15(1) of the EP& A Act. The reasons for approval are not publicly available but are assumed to include:

- *Compliance with the objectives of the R4 zone in creating high density housing in an accessible area;*
- *Having appropriate regards to SEPP 65 and not unduly impacting on the amenity of adjoining properties; and*
- *Being in the public interest.*

The minor proposed modifications do not undermine the likely reasons for the approval and the modified development is considered to be consistent with them.

### **Land and Environment Court Judgments**

The question as to whether a modified proposal is ‘substantially the same’ as that originally approved has been an ongoing issue dealt with in the Land and Environment Court. It is also important to note that the Court has consistently described the section 96-modification provision of the Act as “beneficial and facultative”. It is designed to assist the modification process rather than to act as an impediment to it; “It is to be construed and applied in a way that is favourable to those who seek to benefit from the provision” (see *North Sydney Council v Michael Standley & Associates Pty Limited* [1998]).

As demonstrated below the change to an approval can be substantial without the amended proposal failing the ‘substantially the same’ test. By way of example, and relevant to the current proposal, the following cases were considered in the Court and found to be substantially the same development, with this extract contained in a *Gadens Publication* dated 17 June 2012:

**Bassett and Jones Architects Pty Limited v Waverley Council (No 2) [2005]:** The modification application sought an additional storey to the approved front building of a mixed commercial and residential development, which would alter the building from three- storeys to four-storeys; and the provision of a zero side setback for a part of the external side walls at all three levels. This resulted in an increase in floor space of 112 square metres, being a 20 per cent increase in floor space, and a 28 per cent increase in height (both of which exceeded the applicable council controls).

The Court found that the test was satisfied albeit only on “a very fine balance”. The Court noted however that the modified design might give rise to privacy impacts that may warrant refusal of the application when the merits of the change are assessed. The application was later refused on its merits, but not before passing the “substantially the same” threshold test.

**Davi Developments Pty Ltd v Leichhardt Council [2007]:** A modification application sought to change consent for a seven storey residential flat building with two levels of basement parking. There was to be a reduction of one floor, but an increase in the main parapet height by 900mm, and the substantial reconfiguration of the unit mix such that the numbers reduced from 42 to 30, with a rearrangement of the car park plan such that it was “entirely different”.

The Court nevertheless considered that the fundamental characteristics and essence of the building would remain essentially the same.

**Bathla Investments Pty Limited v Blacktown City Council [2008]:** The original approval was for eight townhouses presenting as four, single-storey buildings. Some of the townhouses were attached.

The modification application sought to change some of the townhouses to two storeys, and also sought to separate the dwellings and made changes to the garage designs and parking layout. The Court noted that there were “numerous differences” between the schemes, however, the townhouse development presented as materially and essentially the same development.

**Marana Developments Pty Limited v Botany City Council [2011]:** The original approval was for the construction of five residential flat buildings (with basement car parking) comprising a total of 76 units. The modification application sought ‘significant changes to the external appearance and layout of the buildings’ including an increase in unit numbers from 76 up to 102, and an additional level of basement car parking.

This also involved a changed unit mix. Despite significant internal changes, the minimal change to the external floor plates and layout was of great significance and the test was satisfied.

**Boyd v Bega Valley Council [2007]:** It was proposed to add a second storey to a single storey dual occupancy development. Although the application was unsuccessful on merit grounds reasons (visual impact from the waterway caused by poor architectural design), the Court was satisfied that the increase from a single storey to a two storey dwelling satisfied “substantially the same” test.

As can be seen above, particularly in Bathla v Blacktown, the Court noted that despite there being “numerous differences” the development presented as materially and essentially the same development. Having regard to the series of minor amendments proposed in this application, it is noted that the proposal remains materially and essentially the same development.

Therefore, the proposal is considered to be in essence substantially the same development as that originally approved.

It is anticipated that the development application will be notified to adjoining property owners and a discussion against the relevant planning controls is provided further in this statement.

## STATE ENVIRONMENTAL PLANNING POLICY BASIX

The development application is accompanied by a complying BASIX certificate.

## STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. This issue was considered by the City of Canterbury/Bankstown as part of the assessment of the parent application and found to be satisfactory. It is also noted that no additional excavation is proposed as part of this modification.

## STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 (BIODIVERSITY AND CONSERVATION SEPP)

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)

- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation. It is noted that this modification does not seek approval for any additional vegetation removal.

Chapter 3 – Koala habitat protection contains provisions from the Koala SEPP 2020 and, as an interim measure, applies in the NSW core rural zones of RU1, RU2 and RU3, except within the Greater Sydney and Central Coast areas. Given the sites location and zoning this chapter is not applicable to the development.

Chapter 4 – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is not identified as containing koala habitat and accordingly this chapter is not applicable to this development.

Chapter 5 – contains the provisions from the former Murray REP, which establishes a consistent and co-ordinated approach to environmental planning and assessment along the River Murray. Given the sites location, this chapter is not applicable to this development.

Chapter 6 – Bushland in urban areas’ contains the provisions from the former SEPP 19, which seeks to protect and preserve bushland within public open space zones and reservations. The site is not zoned Public Open Space and is not identified as being within a reservation and accordingly this chapter is not applicable to this development.

Chapter 7 – contains the provisions from the former SEPP 50, which aims to prohibit canal estate development. The development does not propose a canal development and accordingly this chapter is not applicable to this development.

Chapter 8 – contains the provisions from the former Sydney Drinking Water Catchment SEPP to support the water quality objectives for this catchment. The site is not identified as being within the Sydney Drinking Water catchment and accordingly this chapter is not applicable to this development.

Chapter 9– contains the provisions from the former Hawkesbury– Nepean River REP to protect the environment of this river system. The site is not identified as being within the Hawkesbury Nepean River catchment and accordingly this chapter is not applicable to this development.

Chapter 10 – contains the provisions from the former Sydney Harbour Catchment SREP to manage and improve environmental outcomes for Sydney Harbour and its tributaries. The subject site is subject to the broad planning principles contained within the chapter. This was considered as part of the parent development application and found by the City of Canterbury Bankstown to be satisfactory.

Chapter 11 – contains the provisions from the former Georges River REP to manage and promote integrated catchment management policies along the Georges River and its tributaries. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the modified proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

Chapter 12 – contains the provisions from the former Willandra Lakes REP, which seeks to protect, conserve and manage this World Heritage property. The site is not identified as being within the Willandra Lakes Precinct and accordingly this chapter is not applicable to this development.

## STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP’s being:

- State Environmental Planning Policy (Infrastructure) 2007;

- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery. The development remains consistent with chapter 2.

Chapter 3 – contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities. Given the proposed use of the development, this chapter is not applicable.

Chapter 4 – contains provisions from the former Corridor SEPP, including planning controls and reserves land for the protection of 3 corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line). The site is not identified as being within any of these corridors and accordingly this chapter is not applicable to this development.

Chapter 5 – Contains the land-use planning and assessment framework from the former Three Ports SEPP for appropriate development at Port Kembla, Port Botany and Port of Newcastle. The site is not identified as being within any of these port precincts and accordingly this chapter is not applicable to this development.

## STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

As this section 4.55 modification is a Section 4.55(1A) modification it is not required to be accompanied by a design verification as outlined by clause 115(3A) of the Environmental Planning and Assessment Regulation 2000.

Notwithstanding this it is considered that the proposal remains compliance with the 9 principles of SEPP 65 and that, the proposal remains compliant with the Apartment Design Guide as discussed in the table below:

ADG Element	Requirement	Proposed
<b>3A Site Analysis required</b>	Appendix 1 of the ADG	Site Analysis has been provided via previous DA.
<b>3B Orientation</b>	Building to define the street, by facing it and incorporating direct access from the street	The development continues to orientate to both Marshall Street and Hoskins Avenue.

<b>3C Public Domain Interface</b>	Terraces, balconies should have direct street entry, where appropriate.	The modified development continues to provide direct secondary access to the six units that have street frontages.
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	As per approved DA/1241/2017: no changes.
	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	The majority of the service rooms continue to be located behind the building or in the basement. A substation is provided along the Hoskins Avenue frontage of the site. This is requirement of the energy provider and is required to ensure appropriate services can be provided to the development.
<b>3D Communal and Public Open Space</b>	Communal open space has a minimum area equal to 25% of the site 50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm Minimum dimension of 3m	No changes to the communal open space arrangement approved via DA/1241/2017. The development continues to provide 1,023.3m <sup>2</sup> or 30% of the site as communal open space.
<b>3E Deep Soil Zones</b>	A deep soil zone equivalent to 7% of the site area must be provided	No changes to the deep soil zones approved via DA/1241/2017. The development continues to provide 250.2m <sup>2</sup> or 7.3% of the site as deep soil.
<b>3F Visual Privacy</b>		
<b>Building Separation Up to 4 storeys (up to 12m)</b>	12m between habitable rooms (6m)	The development continues to provide ADG Separation between the buildings and to adjoining properties.
<b>5-8 Storeys (up to 25m)</b>	18m between habitable rooms (9m)	
<b>3G Pedestrian Access and Entries</b>	Building entries should be clearly identifiable and communal	No changes.

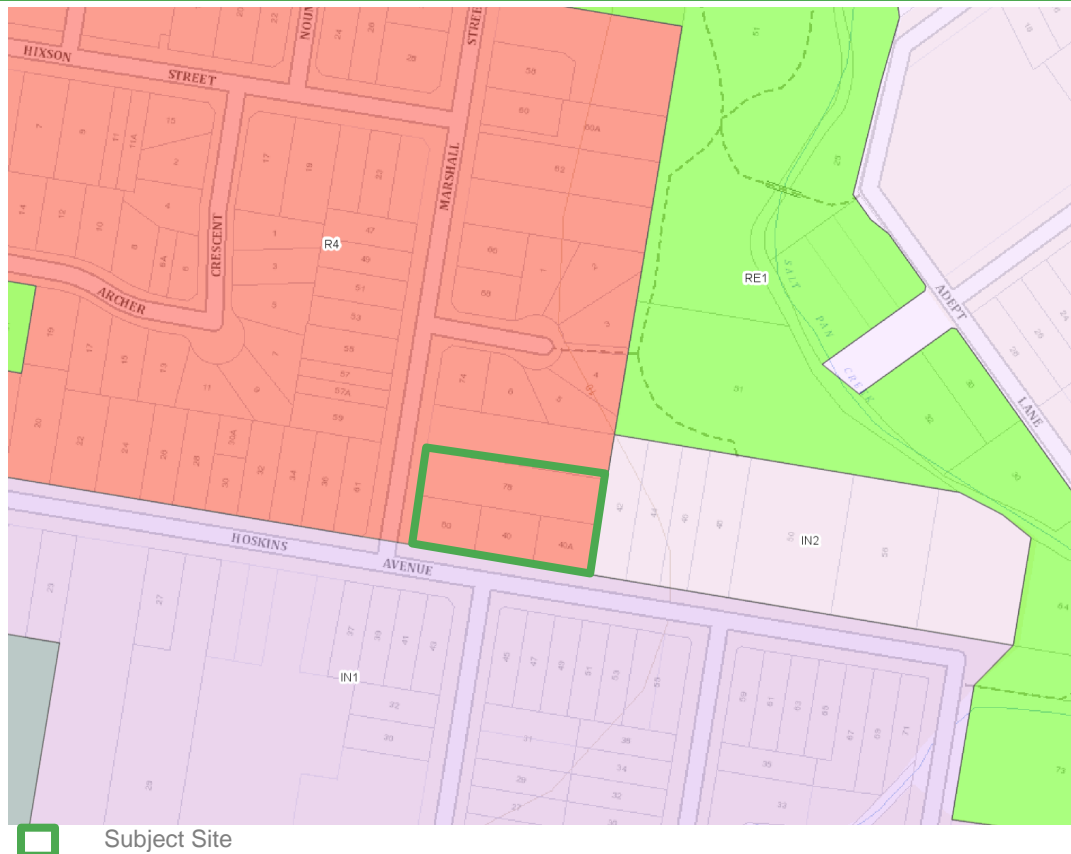
	entries should be clearly distinguished from private areas	
<b>3H Vehicle Access</b>	Car park access should be integrated with the building's overall façade	No change.
	Car park entry and access should be located on secondary streets or lanes where available	Has been addressed via previous DA.
	Garbage collection, loading and servicing areas are screened	No changes.
<b>4A Solar Access</b>	70% of Units to receive 2 Hours Solar Access between 9am and 3pm Mid Winter	33 of the 44 units (75%) continue to receive 2 hours of solar access between 9am and 3pm.
<b>4B Natural Ventilation</b>	60% of Units are cross ventilated in a building up to 9 storeys	32 of the 44 units or 73% continue to be naturally ventilated.
<b>4C Ceiling Height</b>	2.7m for habitable; and 2.4m for non-habitable	No change to the floor to ceiling height of the approved flat building.
<b>4D Unit Sizes</b>	All units continue to comply	
<b>1 bed</b>	50m <sup>2</sup>	
<b>2 bed</b>	70m <sup>2</sup>	
<b>3 bed</b>	90m <sup>2</sup>	
<b>+ 5m<sup>2</sup> for each unit with more than 1 bathroom.</b>		
<b>Bedroom sizes</b>		
<b>Master</b>	Yes	Yes
<b>Other</b>	Yes	Yes
<b>4E Private Open Space</b>	1 bed: Min 8m <sup>2</sup> , 2m depth	Yes
<b>Balcony Sizes</b>	2 bed: Min. 10m <sup>2</sup> , 2m depth	Yes
	3 bed: Min 12m <sup>2</sup> , 2.4m depth to primary balconies.	Yes
	Ground level units: Min 15m <sup>2</sup> , 3m depth	Yes
<b>4F Common Circulation and Spaces</b>		
<b>Common Circulation Units per Plate</b>	8 -12 Unit per Plate	No changes to the circulation arrangements approved via DA/1241/2017

<b>4G Storage</b>		
Min 50% of required storage is within the apartment but not in kitchens, bathrooms and bedrooms.		Storage continues to comply.
<b>4K Apartment Mix</b>	A variety of apartment types is provided	<p>. The approved development has the following dwelling mix: 6 x 1 bedroom apartments 34 x 2 bedroom apartments; and 4 x 3 bedroom apartments.</p> <p>This is not altered by this modification.</p>
<b>4O Landscape Design</b>		No changes to the approved landscape arrangements approved via DA/1241/2017.

## BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015

The development site is zoned R4 High Density Residential, as per the zoning map extract below, under the provisions of Bankstown LEP 2015.

Figure 2: Zoning Map Extract Zoning Map Extract



'Residential Flat Buildings' remain permitted with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

The proposed modifications remain consistent with the prescribed zone objectives that are stipulated as:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant provisions.

Bankstown Local Environmental Plan 2015 – Compliance Table			
Clause	Controls	Comment	Complies
<b>Part 2 Permitted or Prohibited Development</b>			
2.3	Zone Objectives and Land Use Table	The proposal continues to be consistent with the zone objectives of the R4 – High Density zone and will provide additional housing in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within a high density context.	Yes
2.6	Subdivision – Consent Requirements	No additional subdivision is proposed as part of this modification. Not applicable.	N/A
2.7	Demolition Requires Consent	No additional demolition works is proposed as part of this modification. Not applicable.	N/A
<b>Part 4 Principal Development Standards</b>			
4.1B	Minimum Lot Size and Special Provisions for Certain Dwellings  Minimum site area 1000m <sup>2</sup> Minimum width at front building line 20m	The site has an area of 3395m <sup>2</sup> and a frontage of 42.92m to Hoskins Avenue.	Yes
4.3	Height of Buildings: 13m	No increase to the height of the building of 13.7m as established under DA-1241/2017.	Yes
4.4	Floor Space Ratio: 1:1	Continues to provide an FSR of 1.1:1.	Yes
<b>Part 5 Miscellaneous Provisions</b>			
5.10	Heritage Conservation	Has been addressed via previous DA.	N/A
5.21	Flood Planning	Has been addressed via previous DA.	N/A
<b>Part 6 Additional Local provisions</b>			
6.1	Acid Sulfate Soils	Has been addressed via previous DA.	N/A
6.2	Earthworks	No additional earthwork is associated with the current modification, noting this has been address via previous DA. Not applicable.	N/A

The modified development continues to provide a residential flat development that will maintain the residential uses on the site whilst improving amenity for future occupants. The site is extremely well located and is within close proximity to essential services, public transportation and recreational opportunities.

## DRAFT CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2020

The Draft Canterbury Bankstown Local Environmental Plan 2020 applies to the subject site. The Draft CBLEP has been publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020 and is now being considered by the Department of Planning Industry and Environment for finalisation.

The primary aim of the Draft CBLEP is the administrative conversion of both the BLEP 2015 and CLEP 2012 into a combined document under the Standard Instrument LEP template.

The proposed development is considered to be consistent with the draft LEP

## BANKSTOWN DEVELOPMENT CONTROL PLAN 2015

All relevant Council controls have been considered in the following compliance table.

Bankstown Development Control Plan 2015 – Compliance Table		
Controls	Comment	Complies
<b>Introduction</b>		
<b>Section 2 – Site Analysis</b>	Provided as part of the original DA	Yes
<b>Section 3 – Public Notification of Development</b>	It is envisaged that the proposal will be publicly notified as per Council requirements.	Yes
<b>Part A – Precinct Controls</b>		
<b>Part A1 – Centres</b>		
<b>Section 2 – Bankstown Central Business District</b>		
<b>Introduction</b>	<p>This part of the DCP only applies to the Northern CBD Core, Southern CBD Core and Bankstown City Plaza precincts.</p> <p>This site is located within the Southern Frame. Notwithstanding this it is noted that the proposal remains consistent with the overall objectives of the DCP and will lead to additional high quality housing supply within proximity of the Bankstown CBD and Train Station.</p>	Yes
<b>Part B – General Controls</b>		
<b>Part B1 – Residential Development</b>		
<b>Section 1 – Introduction</b>		
<b>Desired Character</b>	- The proposal continues to be consistent with the desired character for development within the R4 – High Density Residential zone. The approved residential flat building is to be located within a landscape setting and continues to	Yes

	<p>provide appropriate building separation, communal open space and deep soil zones.</p> <ul style="list-style-type: none"> <li>- The development will continue to set the standard for future high density development in the area.</li> <li>- The proposal results in a high quality residential development noting no changes to the height of the building established via DA-1241/2017.</li> </ul>	
1.		
<b>Section 9 – Residential Flat Buildings, Serviced Apartments and Shop Top Housing</b>		
<b>Objectives</b>	<p>The approved RFB continues to be consistent with the objectives based on the following:</p> <ul style="list-style-type: none"> <li>- The approved flat building will continue to set the standard for future development in the area.</li> <li>- The development continues to provide high levels of amenity for future residents in terms of solar access , ventilation , privacy, and communal open space whilst ensuring the existing amenity of adjoining neighbors is maintained.</li> <li>- The proposal will not lead to adverse impacts on adjoining properties in terms of solar access and privacy, noting that this has been adequately addressed via previous DA.</li> <li>- All car parking continues to be provided within a basement arrangement, thus minimising any potential visual impacts of off-street parking.</li> </ul>	Yes
<b>9.1 – Isolation of allotments</b>	Has been addressed via previous DA, noting the proposal will not lead to the isolation of any site.	Yes
<b>9.2 – Storey limit</b>	No change to the storey height approved via DA-1241/2017.	N/A
<b>9.3 – Storey limit</b>	Siting of the development has been adequately addressed via previous DA.	N/A
<b>9.4 – Storey limit</b>	Addressed via previous DA.	N/A
<b>9.5(b) – Setbacks to the primary and secondary frontages to be 6m</b>	No change to the front setback established via DA-1241/2017	N/A
<b>9.8 – Setbacks to the side and rear boundaries are to be a minimum of 4.5m</b>	No change to the side setbacks established via DA-1241/2017	Yes
<b>9.10 – Setbacks to the side and rear boundaries from the basement is to be 2m</b>	Not altered by this modification.	N/A
<b>9.11 – Setbacks to the side and rear boundaries</b>  The minimum setback for a driveway to the side and rear boundaries of the allotment is 1 metre.	The approved development continues to provide a setback of 1.4, metre between the driveway and the adjoining industrial property.	Yes
<b>9.12 – Private open space</b>	Appropriate private open space is provided to all units.	Yes

<b>9.13 – Building design –all existing buildings are to be demolished</b>	Addressed via previous DA.	N/A
<b>9.14 – Adaptable dwellings</b>  Residential flat buildings, serviced apartments and shop top housing with 10 or more dwellings must provide at least one adaptable dwelling plus an adaptable dwelling for every 50 dwellings in accordance with AS 4299– Adaptable Housing	Not altered by this modification.	N/A
<b>9.15 –Roof Pitch</b>	Not altered by this modification.	N/A
<b>9.16 – Attics</b>	Not applicable.	N/A
<b>9.17 – Dormers</b>	Not applicable.	N/A
<b>9.19 – Roof top balconies</b>	The development does not propose any roof top balconies or equivalent. No informal access is to be provided to the roof top. Not applicable.	N/A
<b>9.20 – Roof top plant</b>	Not altered by this modification.	N/A
<b>9.21 – Building design (car parking)</b>	Not altered by this modification.	N/A
<b>9.23(a) – Landscaping</b>  a minimum 45% of the area between the building and its street frontages	The development will continue to provide appropriate landscape embellishment works that will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development.	Yes
<b>9.24 Security</b>	The privatization of part of the northern setback will increase ownership of these areas and increase the usage of these areas whilst removing entrapment points.	Yes
<b>Part B5 – Parking</b>		
<b>Section 2 – Off Street Parking</b>		
<b>2.1 – Off Street Parking – Residential Flat Buildings</b>  1 bed dwelling – 1 space 2 bed dwelling: 1.2 spaces 3 bed dwelling: 1.5 spaces  Visitor: 1 space per 5 units	Not altered by this modification.	N/A
<b>2.7 – Parking requirements for people with disabilities</b>	Not altered by this modification.	N/A
<b>Section 3 – Off Street Parking Design and Layouts</b>		

<b>3.2 – Parking location</b>	Not altered by this modification.	N/A
<b>3.3 – Minimum parking bay dimensions</b>	Not altered by this modification.	N/A
<b>3.4 – Parking bay dimensions for people with disabilities and residential garages</b>	Not altered by this modification.	N/A
<b>3.9 – Service bay dimensions</b>	Not altered by this modification.	N/A
<b>Section 4 – Off Street Parking Access and Circulation</b>		
<b>4.1 – Access driveway width and design</b>	Not altered by this modification.	N/A
<b>4.2 – Access driveway width and design</b>	Not altered by this modification.	N/A
<b>4.5 – Access driveway width and design</b>	Noted. Complies. See attached plans for detail.	Yes
<b>4.6 – Queuing distances</b>	The driveway incorporates appropriate queuing lengths. See attached plans for detail.	Yes
<b>4.7 – Queuing distances</b>	The proposal will not lead to any queuing nor will it adversely affect traffic or pedestrian flow in the road frontage.	Yes
<b>4.8 – Circulation roadway and ramp gradients</b>	Complies. See attached plans for detail.	Yes
<b>4.9 – Gradient within parking module</b>	Complies. See attached plans for detail.	Yes
<b>4.10 – Vehicular footway crossing</b>	Complies. See attached plans for detail.	Yes
<b>4.11 – Internal circulation</b>	The development continues to allow for vehicular movements to be undertaken wholly within the site. Vehicles are able to enter and exit the site in a forward direction. Complies.	Yes
<b>Section 5 – Other Considerations</b>		
<b>5.1 – Minimum headroom dimensions</b>	No change.	N/A
<b>5.2 – 5.4 Loading and unloading facilities</b>	The development is strictly for a residential flat building. Not applicable.	N/A
<b>5.5 – Column location and spacing</b>	Not altered by this modification.	N/A
<b>5.6 – Safety and security</b>	The development continues to be appropriately designed in accordance with Council controls and relevant standards. The car parking area provides good visibility, is appropriately dimensioned and well lit.	Yes

It is noted that all cars will enter and exit the site in a forward direction. The proposal will not lead to any adverse safety or security impacts.		
<b>5.8 – Sight distance requirement</b>	Has been addressed via previous DA.	N/A
<b>5.9 – Pedestrian access</b>	Not altered by this modification.	N/A
<b>5.10 – Pedestrian access</b>	Lifts and stairs are to be easily identifiable.	Yes
<b>5.11 – Pedestrian access</b>	Internal stairwells and fire exits are provided within the basement. See attached plans for detail.	Yes
<b>5.12 – Sign posting and line marking</b>	Not altered by this modification.	N/A
<b>5.13 – Sign posting and line marking</b>	Not altered by this modification.	N/A
<b>5.14 – Sign posting and line marking</b>	The proposal provides a two way circulation pattern. Not applicable.	Yes
<b>5.15 – Sign posting and line marking</b>	Not altered by this modification.	N/A
<b>5.16 – Sign posting and line marking</b>	Not altered by this modification.	N/A
<b>5.17 – Car wash bay</b>	Not altered by this modification.	N/A
<b>5.18 – Bicycle parking</b>	Not altered by this modification.	N/A

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed modified development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the modification application, subject to necessary, relevant and appropriate conditions of consent.