

2-6 Martin Street, Roselands

Statement of Environmental Effects



1 September 2022

Prepared on behalf of Mr. Ming De Chen

Ref: 22001

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Document History & Status

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1.0 INTRODUCTION

1.1 Overview

The Slattery Planning Group has prepared this report on behalf of the Applicant, Mr. Ming De Chen, in relation to the property at Nos. 2-6 Martin Street, Roselands (the site). This report constitutes a Development Application made pursuant to the Environmental Planning and Assessment Act, 1979, and seeks consent for:

- demolition of the existing improvements at No. 2 Martin Street and construction of a new multi-housing building development comprising four (4) dwellings; and
- alterations and additions to DA-84/2020 relating to Nos. 4-6 Martin Street, by changing the property boundary to incorporate No. 2 Martin Street and the new development proposed by this DA.

On 22 January 2021, Council approved DA-84/2020 in respect of Nos. 4-6 Martin Street which permitted the following:

“Demolition of existing onsite structures and construction of 8 multi dwellings with associated landscaping and parking, pursuant to the provisions of State Environmental Planning Policy Affordable Rental Housing 2009.”

During Council's assessment of DA-84/2020 for Nos. 4-6 Martin Street, the applicant was advised by Council that it would be preferable to amalgamate Nos. 4-6 with No. 2 Martin Street to achieve a better streetscape outcome.

The DA the subject of this report seeks to achieve this objective by amalgamating the sites, demolishing all existing improvements at No. 2 Martin Street and constructing four (4) new multi-dwelling housing buildings each of which addresses Martin Street. The proposal incorporates one (1) additional affordable dwelling, to supplement the two (2) affordable dwellings already approved under DA-84/2020.

The proposed new dwellings are two (2) storeys in scale to complement the character of the local streetscape. No physical works are proposed to the development approved under DA-84/2020. A separate S4.55 Application to modify DA-84/2020 to synchronise with the works the subject of this DA can be submitted separately, if required.

The proposed development is permissible with consent within the R3 Medium Density Residential zone pursuant to Canterbury Local Environmental Plan (CLEP) 2012 and Part 2 Division 1 of State Environmental Planning Policy (Housing) 2021.

1.2 Scope and format of the Statement of Environmental Effects

This statement has been prepared in accordance with the requirements of Part 3 Division 1 of the EP&A Regulation 2021, and provides an assessment consistent with the heads of consideration under Section 4.15 of the EP&A Act 1979, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 – describes and details the proposed development and works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal, its likely environment impacts, potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting plans and documentation

This statement has been prepared with input from a number of technical and design documents which have been prepared to accompany this DA. These documents are included as Attachments to this statement and are identified in **Table 1** below.

Table 1: Plans and documents accompanying this statement

Document Name	Prepared by
Survey	Innovative Surveying Associates
Architectural package	BKA Architecture
BCA	Design Right Consulting
Flood & Stormwater	Greenview Consulting
Landscape	Lisound Landscape
Traffic	Genesis Traffic
Waste Management Plan	Applicant
Cost Summary	Arch-QS
BASIX	Certified Energy

2.0 THE SITE AND CONTEXT

2.1 The site

The site is located on the northern side of Martin Street, between Bonds Road and Daisy Street, in Roselands. **Figure 1** below shows the site in its immediate context.



Figure 1: Location plan prior to the commencement of works at Nos. 4-6 Martin Street (Source: www.google.com.au)

The site is legally described as Lots 2, 3 and 4 DP 210492 and is commonly known as Nos. 2-6 Martin Street, Roselands.

The site is irregular in shape with a total area of approximately 2,360.4m².

The site contains a single storey clad dwelling house with two (2) single garages serviced by a double width driveway at No. 2 Martin Street (see **Figure 2** below).

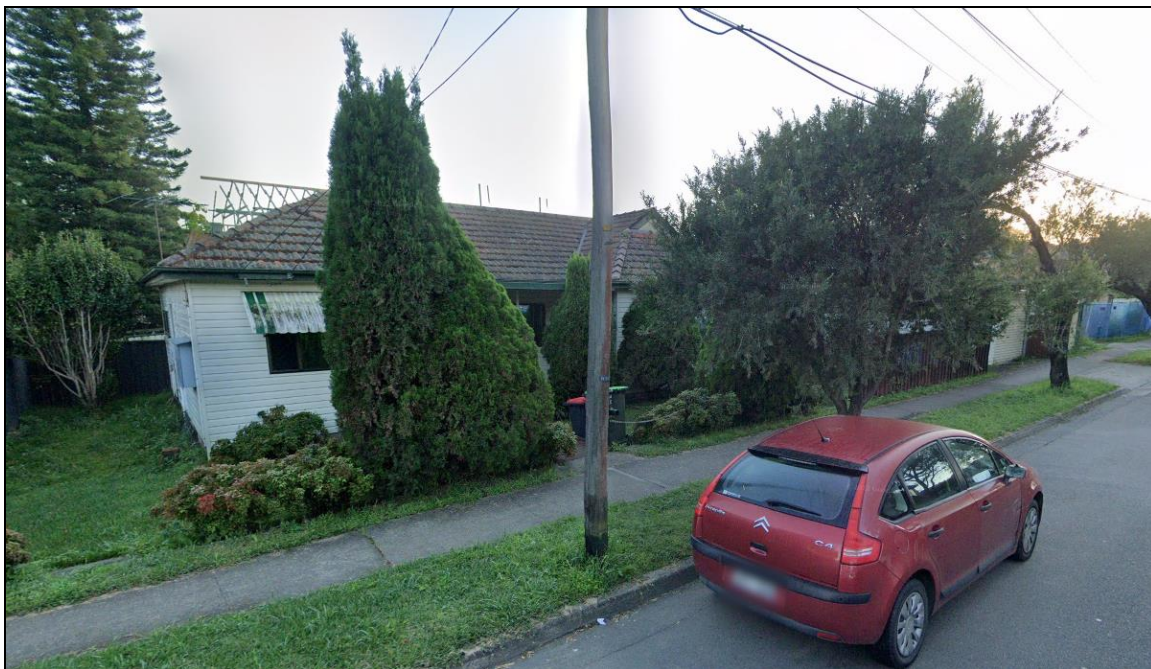


Figure 2: View of the existing dwelling at No. 2 Martin Street, looking north east from Martin Street (Source: Google)

The remainder of the site at Nos. 4-6 Martin Street is currently a construction zone associated with a multi-dwelling housing development comprising two (2) storeys plus attic level residential accommodation (including a component of affordable rental accommodation) under DA-84/2020 (see **Figure 3**).



Figure 3: View of the development approved under DA-84/2020 at Nos. 4-6 Martin Street, looking existing dwelling at No. 2 Martin Street, looking north west from Martin Street (Source: Google)

2.2 Surrounding development

Development in the vicinity of the site on Martin Street is residential in nature, and generally varies between one (1) and two (2) storeys in scale.

2.2.1 To the north (rear)

The site is adjoined to the rear by Nos. 78-80 Bonds Road, which is an industrially zoned parcel, currently occupied by an electricity substation and large gymnasium (see **Figure 4**).



Figure 4: View of the industrial land to the north of the site, looking east from Bonds Road
(Source: Google)

2.2.2 To the south (front)

The site is adjoined to the south by Martin Street. The opposite side of Martin Street contains a mix of one (1) and two (2) storey residential dwellings (see **Figure 5**).

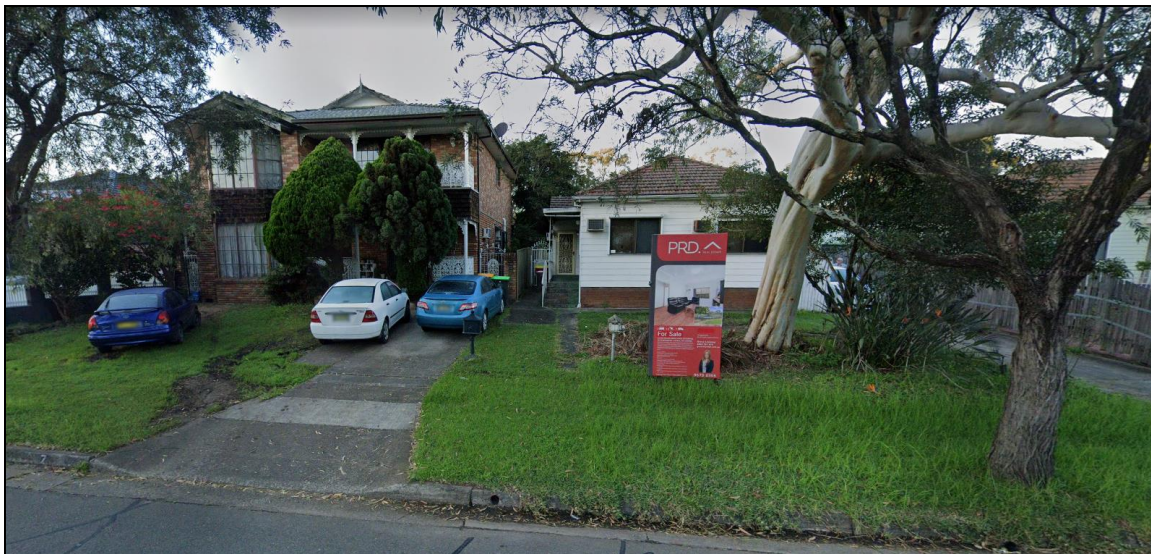


Figure 5: View of the streetscape to the south of the site, looking south across Martin Street
(Source: Google)

2.2.3 To the east (side)

The site is adjoined to the east by No. 8 Martin Street, which contains a single storey house. Further east is No. 10 Martin Street which contains a two (2) storey attached dual occupancy (see **Figure 6**).



Figure 6: View of Nos. 8 and 10 Martin Street to the east of the site, looking north from Martin Street (Source: Google)

2.2.4 To the west (side)

The site is adjoined to the west by No. 2a Martin Street which contains a two (2) storey dwelling house (see **Figure 7**).

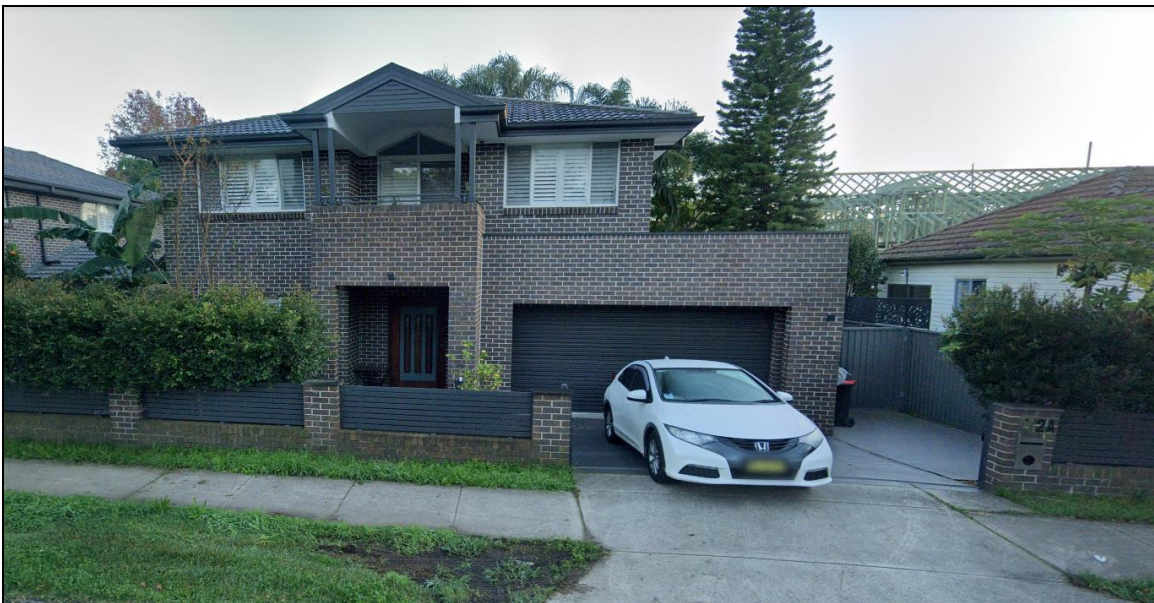


Figure 7: View of No. 2a Martin Street to the immediate west of the site, looking north from Martin Street (Source: Google)

2.3 Local streetscape

The streetscape in the vicinity of the site in Martin Street is residential in nature, and characterised by detached brick and weatherboard buildings, of one (1) and two (2) storeys and mixed architectural styles. Older style homes are gradually being replaced by larger dwellings, dual occupancies and multi-dwelling housing.

2.4 Public transport

The site is well-located in relation to public transport, with 941 and 944 bus services operating from bus stops on Karne Street North, to the east of the site.

3.0 OVERVIEW OF THE PROPOSED DEVELOPMENT

3.1 Description of the proposed development

The following section should be read in conjunction with the architectural package prepared by BKA Architecture which accompanies this DA.

This Application seeks consent for the following general items:

- demolition of the existing improvements at No. 2 Martin Street and construction of a new multi-housing building development comprising four (4) dwellings (one (1) of which is an affordable dwelling pursuant to SEPP (Housing) 2021; and
- alterations and additions to DA-84/2020 relating to Nos. 4-6 Martin Street, by changing the property boundary to incorporate No. 2 Martin Street and the new development proposed by this DA.

Table 2 below provides an overview of the numeric aspects of the approved and proposed development.

Table 2: *Numeric aspects of the proposed development (calculations courtesy of BKA Architecture)*

	APPROVED (DA-84/2020)	PROPOSED	CONTROL
Site area	1,727m ²	2,360.4m ²	N/A
Gross floor area	970.07m ² incl. 256.75m ² of affordable housing (Dwellings 1B & 2B)	1,515.84m ² incl. 389.78m ² of affordable housing (Dwellings 1B, 2B & 4C)	N/A
FSR	0.56:1	0.64:1	Max. 0.5:1 + 0.257:1 = 0.757:1
Building height	No change to approved	8.1m	Max. 8.5m
Landscaped area	No change to approved	746.4m ² or 31% of the site	Min. 30% of the site
Deep soil	No change to approved	722.98m ² or 30.6% of the site	Min. 15% of the site
Parking	No change to approved	2 spaces per dwelling	1.5 spaces per dwelling

3.2 Siting, massing and external appearance

During Council's assessment of DA-84/2020 for Nos. 4-6 Martin Street, the applicant was advised by Council that it would be preferable to amalgamate Nos. 4-6 with No. 2 Martin Street to achieve a better streetscape outcome. At the time, amalgamation was not achievable and the DA was approved.

Since this time, the Applicant has been able to acquire No. 2 Martin Street and this DA seeks to achieve this objective by amalgamating with Nos. 4-6 Martin Street to achieve a superior streetscape outcome.

The design of the proposed new multi-dwelling housing development seeks to respond to and complement the character of the local streetscape. The proposed new dwellings have a two (2) storey scale, consistent with the approved development under DA-84/2020 and other newer development in the vicinity of the site.

The front elevation has been designed to take the appearance of a pair of dual occupancies, with centralised garages and a vertical emphasis, with variations in materiality and colour along with articulation zones, to provide visual interest and achieve a positive streetscape appearance.

The proposed front fences are low and incorporate vertical elements to permit sightlines into and out of the front of the properties. Landscaping will complement the form of the development.

The proposed front setback responds to the front setback of No. 2a Martin Street to the immediate west, and allows the provision of landscaped front setbacks to each new dwelling. The proposed western setback responds to the established rhythm of setbacks in Martin Street and ensures amenity for No. 2a Martin Street is maintained.

3.3 Materials and finishes

A schedule of external colours, materials and finishes accompanies this DA.

3.4 Parking and access

No changes are proposed to the approved parking and access arrangements under DA-84/2020.

In relation to the proposed new development, it is proposed to provide two (2) new driveways to serve the four (4) new dwellings. Each dwelling is provided with a garage along with opportunity for a second parking space on the driveway, if needed.

Further details in relation to traffic and parking are provided in the Traffic and Parking Assessment accompanying this DA.

3.5 Landscaping

A landscape plan has been prepared by Lisound Landscape, and accompanies this DA.

3.6 Drainage

A stormwater concept plan has been prepared by Greenview Consulting, and accompanies this DA.

It is noted that the relocation of the easement which currently traverses the site has been approved under DA-84/2020.

3.7 Flooding

The site is not located within the CLEP 2012 flood planning zone however potential flooding was raised by Council in its assessment of DA-84/2020. To this end, the proposal has been designed in accordance with the Flood Review prepared by Greenview Consulting which accompanies this DA, and floor levels have been adopted so as to achieve suitable freeboard, as required.

3.8 Waste management

A Waste Management Plan accompanies this DA.

4.0 STATUTORY ASSESSMENT

4.1 Section 4.15

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

“(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.”*

The matters for consideration identified in S4.15(1)(a) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the EP&A Act 1979 are addressed in Section 4 of this SEE.

4.2 Overview of Statutory and Policy Controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to S4.15(1)(a) are identified below.

4.2.1 State Environmental Planning Policies

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017;
- State Environmental Planning Policy (Housing) 2021; and
- State Environmental Planning Policy (BASIX) 2004.

4.2.2 Local Environmental Plans

- Canterbury Local Environmental Plan (CLEP) 2012.

4.2.3 Proposed Environmental Planning Instruments

- Draft SEPP (Environment).

4.2.4 Development Control Plans

- Canterbury Development Control Plan (CDCP) 2012.

4.2.5 Provisions of any planning agreement

There are no planning agreements applicable to the site.

4.2.6 Matters prescribed by the Regulations

Clause 61 of the Environmental Planning and Assessment Regulation 2021 prescribes matters that Council must take into consideration prior to the determination of a development application, including:

- “(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*
- (2) In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—*
 - (a) the subdivision order, and*
 - (b) any development plan prepared for the land by a relevant authority under that Schedule.*
- (3) In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—*
 - (a) land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,*
 - (b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—*

- (i) *State significant development, or*
 - (ii) *designated development, or*
 - (iii) *development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.*
- (4) *In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.*
- (5) *Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.*
- (6) *In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.*
- (7) *In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.*
- (7A) *In determining a development application for development on land to which Moree Plains Local Environmental Plan 2011 applies, the consent authority must consider whether the development is consistent with the Moree Plains Special Activation Precinct Master Plan published by the Department in January 2022.*
- (8) *Subsections (7) and (7A) do not apply to a development application made on or after 31 March 2022.”*

In relation to Clause 61(1), appropriate conditions of consent can be imposed in relation to the management of the proposed demolition works.

None of the remaining clauses are applicable to this DA.

4.3 State Environmental Planning Policy (Planning Systems) 2021

Under Section 2.12, Division 2.4 of Part 2 of the EP&A Act 1979, the Sydney South Planning Panel (SSPP) is nominated as the consent authority for certain types of development listed in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

The proposal does not fall within the development specified at Schedule 6 and to this end, the proposal is not regionally significant development and Canterbury Bankstown Council or its Local Planning Panel will be the consent authority for the DA.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.”*

The site has been used for many years for residential purposes. This use is not considered likely to have resulted in contamination of the site and to this end, the site is considered likely to be suitable for the proposed development.

4.5 State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017

Part 3 of the Vegetation in Non-Rural Areas SEPP relates to Council permits for clearing of vegetation in non-rural areas and applies to the proposal which seeks to remove vegetation from the site. This DA seeks consent to remove one (1) street tree as depicted on the Landscape Plan accompanying this report and a permit for the removal of the identified tree is sought accordingly. It is noted that a replacement street tree is proposed.

4.6 State Environmental Planning Policy (Housing) 2021

This DA is submitted pursuant to Part 2 Division 1 In-fill Affordable Housing under SEPP (Housing) 2021. An assessment of the proposal according to the relevant clauses is provided in **Table 3** below.

Table 3: Assessment of proposal having regard to relevant provisions of Part 2 Division 1 of SEPP (Housing) 2021

CONTROL	RESPONSE
16 Development to which Division applies (1) This Division applies to residential development if— (a) the development is permitted with consent under another environmental planning instrument, and (b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	Complies The proposal is permissible with consent in the R3 zone under CLEP 2012. Complies The proposal provides 25.7% of the total GFA as affordable housing.

CONTROL	RESPONSE
<p>(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and</p> <p>(d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone—</p> <ul style="list-style-type: none"> (i) Zone B1 Neighbourhood Centre, (ii) Zone B2 Local Centre, (iii) Zone B4 Mixed Use. <p>(2) In this Division, residential development carried out by, or on land owned by, a relevant authority is taken to be used for the purposes of affordable housing.</p> <p>(3) In this section— Newcastle region means land within the following local government areas—</p> <ul style="list-style-type: none"> (a) Cessnock, (b) Lake Macquarie, (c) Maitland, (d) Newcastle, (e) Port Stephens. <p>residential development means development for the following purposes—</p> <ul style="list-style-type: none"> (a) attached dwellings, (b) dual occupancies, (c) dwelling houses, (d) manor houses, (e) multi dwelling housing, (f) multi dwelling housing (terraces), (g) residential flat buildings, (h) semi-detached dwellings, (i) shop top housing. <p>Wollongong region means land within the following local government areas—</p> <ul style="list-style-type: none"> (a) Kiama, (b) Shellharbour, (c) Wollongong. 	<p>Complies Council's approval of DA-84/2020 under the ARHSEPP acknowledged that the site is within an accessible area, as required.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Noted, the proposal incorporates new multi-dwelling housing.</p>
<p>17 Floor space ratio</p> <p>(1) The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of—</p> <p>(a) if the maximum permissible floor space ratio is 2.5:1 or less—</p> <ul style="list-style-type: none"> (i) if at least 50% of the gross floor area of the 	<p>Complies Clause 4.4 of CLEP 2012 permits a maximum FSR of 0.5:1. This DA seeks to</p>

CONTROL	RESPONSE
<p>building resulting from the development will be used for affordable housing—0.5:1, or</p> <p>(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—$Y:1$, where—</p> <p>AH is the percentage of the gross floor area of the building that is used for affordable housing. $Y = AH \div 100$</p> <p>or</p> <p>(b) if the maximum permissible floor space ratio is more than 2.5:1—</p> <p>(i) if at least 50% of the gross floor area of the building will be used for affordable housing—20% of the maximum permissible floor space ratio, or</p> <p>(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—$Z\%$ of the maximum permissible floor space ratio, where—</p> <p>AH is the percentage of the gross floor area of the building that is used for affordable housing. $Z = AH \div 2.5$</p> <p>(2) The additional floor space ratio must be used for the purposes of affordable housing.</p>	<p>provide 25.7% of the total GFA as affordable housing. To this end, a maximum FSR of 0.757:1 is permitted.</p> <p>The proposal has an FSR of 0.64:1 and therefore complies with Clause 17(1)(a)(ii).</p> <p>N/A</p> <p>Complies The proposed additional FSR is proposed as affordable housing as nominated on the architectural plans accompanying this DA.</p>
<p>18 Non-discretionary development standards—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—</p> <p>(a) a minimum site area of 450m²,</p> <p>(b) for a development application made by a social housing provider—at least 35m² of landscaped area per dwelling,</p> <p>(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,</p> <p>(d) a deep soil zone on at least 15% of the site</p>	<p>Noted</p> <p>Complies The site area is 2,360.4m².</p> <p>N/A</p> <p>Complies BKA Architecture has confirmed that the proposal provides 746.4m² or 31.6% of the site as landscaped area.</p> <p>Complies</p>

CONTROL	RESPONSE
<p>area, where—</p> <ul style="list-style-type: none"> (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, <p>(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p> <p>(f) for a development application made by a social housing provider for development on land in an accessible area—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, <p>(g) if paragraph (f) does not apply—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, <p>(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment,</p> <p>(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</p> <p>(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—65m², or (ii) for each dwelling containing 2 bedrooms—90m², or (iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms. 	<p>BKA Architecture has confirmed that the proposal provides 722.98m² or 30.6% of the site as deep soil, the majority of which is located within the rear yards of the dwellings on the site (refer to DA-301 accompanying this DA).</p> <p>Complies Refer to BKA Solar Access diagrams.</p> <p>N/A</p> <p>Complies No changes are proposed to the approved parking under DA-84/2020.</p> <p>The proposal incorporates four (4) x three (3) bedroom dwellings and a discussion in relation to car parking is provided in the Traffic and Parking Assessment which accompanies this DA.</p> <p>N/A</p> <p>Complies Each of the proposed three (3) bedroom dwellings has a floor area of 133m² which exceeds the minimum 115m² requirement.</p>
19 Design requirements	

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<p>(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy—</p> <p>(a) the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004,</p> <p>(b) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the Low Rise Housing Diversity Design Guide.</p> <p>(2) Subsection (1) does not apply to development to which <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> applies.</p> <p>(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>N/A</p> <p>Complies The proposal has been designed to achieve the intent of the Low Rise Housing Diversity Design Guide as it applies to multi-dwelling housing.</p> <p>N/A</p> <p>Complies Land and Environment Court of NSW decisions pertaining to the “character test” indicate that the following two questions should be considered in determining whether a proposal is compatible with its context:</p> <ul style="list-style-type: none"> • Are the proposal's physical impacts on surrounding developments acceptable? • Is the proposal's appearance in harmony with the buildings around it and the character of the street? <p><u>Physical impacts</u></p> <p>A detailed assessment of the impacts of the proposal is provided below. In summary, the assessment concludes that the impacts are acceptable.</p> <p><u>Appearance</u></p> <p>A detailed discussion of the character of the local area is provided above in Sections 2.2 and 2.3. As discussed previously, the site is located within an area containing a mix of residential building styles and uses, including dwelling houses, dual occupancies and multi-dwelling housing.</p> <p>The proposal's front setback is consistent with the front setback of the neighbouring</p>

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	<p>dwelling at No. 2a Martin Street, and provides a landscaped front yard, consistent with the prevailing character of Martin Street in the vicinity. The proposed rear setback is also consistent with the adjoining dwelling at No. 2a Martin Street.</p> <p>The building has been designed with articulation and modulation along with variations in colour and materiality assist in minimising the perception of bulk and scale and minimises the apparent height of the building.</p> <p>The proposed development adopts a contemporary character and style, and achieves a bulk, scale and elevational character that complements the surrounding buildings in an infill form.</p> <p>The proposed landscaped and open space areas will contribute significantly to the amenity and enjoyment of future occupants of the development while also providing a visually interesting aspect from the properties adjoining the site. Screen planting is proposed along the boundaries of the site, to provide a visual buffer between the site and the neighbouring properties.</p> <p>The proposed side and rear setbacks have been derived having regard to minimising amenity impacts on neighbouring properties.</p> <p>On the basis of the above discussion, it is considered that the proposal is consistent with the character of the local area, in satisfaction of Clause 19(3).</p>
<p>20 Continued application of SEPP 65 Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> to residential development to which this Division applies.</p>	N/A
<p>21 Must be used for affordable housing for at least 15 years (1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—</p>	Noted – appropriate conditions of consent can be imposed to ensure compliance with Clause 21(1).

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<p>(a) the affordable housing component of the residential development will be used for affordable housing, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p> <p>(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.</p> <p>(3) In this section— affordable housing component, in relation to development to which this Division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).</p>	
<p>22 Subdivision permitted with consent Land on which development has been carried out under this Division may be subdivided with development consent.</p>	<p>Noted – however subdivision is not proposed as part of this DA.</p>

4.7 State Environmental Planning Policy (BASIX) 2004

This DA is accompanied by a BASIX Certificate, as required.

4.8 Canterbury Local Environmental Plan (CLEP) 2012

CLEP 2012 applies to the proposal, and the clauses in the Policy of relevance to this DA are considered below.

4.8.1 Clause 2.7: Demolition

Clause 2.7(1) of CLEP 2012 states the following:

“The demolition of a building or work may be carried out only with development consent.”

This DA seeks consent to demolish all improvements on No. 2 Martin Street, as per the documentation accompanying this DA.

4.8.2 Zoning and permissibility

Pursuant to CLEP 2012, the site is located within the R3 Medium Density Residential zone. The objectives of the zone are as follows:

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

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.”*

The proposed development, incorporating construction of a new multi-dwelling housing development (along with the amalgamation with Nos. 4-6 Martin Street) is permissible with consent in the zone.

The proposed development is also consistent with the relevant zone objective as:

- it provides four (4) new dwellings, including one (1) affordable dwelling, to contribute to meeting the needs of the community, within a medium density residential environment; and
- it provides new multi-dwelling housing within a streetscape where a range of housing types, in a medium density environment, are situated. The proposed multi-dwelling housing contributes to the range of housing types.

4.8.3 Clause 4.3: Height of buildings

Pursuant to Clause 4.3(2) of CLEP 2012, a maximum building height of 8.5m is permitted at the site. As outlined above in **Table 2**, the proposed development has a maximum height of 8.1m in compliance with Clause 4.3(2).

4.8.4 Clause 4.4: Floor space ratio

Clause 4.4(2) of CLEP 2012 permits a maximum FSR of 0.5:1. As noted above in **Table 3**, additional FSR is permitted on the basis that the proposal provides affordable housing, and to this end, the maximum FSR complies with that permitted under SEPP (Housing) 2021.

4.8.5 Clause 5.21: Flood planning

As discussed previously, the site is not located within the flood planning area in the maps accompanying CLEP 2012. Notwithstanding, issues pertaining to potential flooding were raised during Council's assessment of DA-84/2020 and as such, this new DA is accompanied by a Flood Statement and the proposed new dwellings have been designed to achieve the recommended freeboards specified in this document.

4.8.6 Clause 6.1: Acid sulfate soils

The site is not identified in the acid sulfate soils maps accompanying CLEP 2012.

4.8.7 Clause 6.2: Earthworks

Pursuant to Clause 6.2 of CLEP 2012, consent is required for the carrying out of earthworks at the site, and the following matters are to be considered:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*

- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

This DA is accompanied by a range of consultant information, including stormwater consent plans and sediment/erosion control plans which provide details in satisfaction of Clause 6.2 of CLEP 2012. Should any further detail be required in this regard, it is considered that appropriate conditions of consent can be imposed, requiring the submission of the additional detail prior to the issue of a CC.

4.8.8 Clause 6.4: Stormwater management

As discussed previously, the existing stormwater easement which traverses the rear of the site has been approved for relocation under DA-84/2020.

This DA is accompanied by a range of consultant information, including stormwater consent plans and sediment/erosion control plans which provide details in satisfaction of Clause 6.4 of CLEP 2012. Should any further detail be required in this regard, it is considered that appropriate conditions of consent can be imposed, requiring the submission of the additional detail prior to the issue of a CC.

4.9 Canterbury Development Control Plan 2012 (CDCP 2012)

CDCP 2012 applies to the proposal, and sections of relevance to the proposal are considered below.

4.9.1 Section B1: Transport and Parking

Issues pertaining to transport and parking are addressed in the Traffic and Parking Assessment which accompanies this DA.

4.9.2 Section B2: Landscaping

Consistent with the requirements of Section B2.2, this DA is accompanied by a Site Plan and Landscape Concept Plan. The landscape design has been undertaken to meet the requirements of Section B2 of CDCP 2012 in terms of species selection, pot sizes, maintenance, design and the like.

4.9.3 Section B3: Tree preservation

As discussed previously, this DA seeks consent to remove one (1) street tree and a replacement tree is proposed in the Landscape Plan to offset this loss.

4.9.4 Section B4: Accessible and adaptable design

This DA has been designed to meet the intent of CDCP 2012, the BCA and DDA in relation to accessibility. The proposal provides one (1) adaptable dwelling (Dwelling 2C) and appropriate conditions of consent can be imposed in relation to the design of the dwelling, if required.

4.9.5 Section B5: Stormwater and flood management

Consistent with Section B5 of CDCP 2012, this DA is accompanied by a Flood Review which provides recommendations in relation to design and freeboard, which have been adopted in the proposal the subject of this DA.

This DA is also accompanied by detailed stormwater concept plans which have been prepared having regard to the requirements of Section B5.

4.9.6 Section B6: Energy and water conservation

This DA is accompanied by a BASIX Certificate as required and design measures have been adopted to ensure a high level of sustainability.

4.9.7 Section B7: Crime prevention and safety

The proposed development has been designed having regard to CPTED principles as required by Section B7 of CDCP 2012, as follows:

- passive surveillance will be provided with four (4) new dwellings offering opportunities for overlooking of the public domain in the vicinity of the site;
- each proposed new dwelling has a clearly identifiable entry which is visible from the street;
- appropriate lighting will be provided around the site, if required;
- concealment points have been minimised; and
- landscape design results in an open character, to ensure sightlines around the site.

4.9.8 Section B9: Waste management

A Waste Management Plan accompanies this DA, as required. Space for the storage of bins is provided as an integrated element within the proposed front fences, for easy transfer of bins to the kerb for collection.

4.9.9 Chapter C3: Multi dwelling housing and attached dwellings

Table 4 below provides an assessment of the proposal having regard to the relevant controls in Chapter 3 of CDCP 2012.

Table 4: Assessment against relevant provisions at Chapter 3 of CDCP 2012

CONTROL	RESPONSE
C3.2 Site planning	
C3.2.1 Minimum Lot Sizes and Frontage	
C1 Multi dwelling housing and attached dwellings must have a street frontage.	Complies The site has a frontage to Martin Street.
C2 The minimum primary street frontage width for multi dwelling housing and attached dwellings is: (a) 27m for development along major roads; or (b) 20m for development any local road.	Complies The site has a frontage of more than 20m to Martin Street.
C3.2.2 Isolated Sites	
C1 Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment.	Complies The site does not isolate any adjoining properties. Nos. 2a Martin Street and 84 Bonds Road have a combined frontage of approximately 42m which exceeds the minimum frontage requirements for multi-dwelling housing and attached dwellings.
C2 Undertake negotiations with neighbouring owners to seek amalgamation and enable coordinated redevelopment.	N/A
C3 If neighbouring landowners do not agree on terms for amalgamation, provide evidence of reasonable offers, including at least two recent independent valuations.	N/A
C4 If the amalgamation of adjoining properties cannot be achieved, demonstrate that the remaining property has reasonable potential for redevelopment by preparing an indicative schematic design that demonstrates: (a) A building envelope; and (b) A general layout that complies with the current applicable planning controls.	N/A
C5 The development of existing isolated sites is not to detract from the character of the streetscape.	N/A
C6 Isolated sites should achieve a satisfactory level of residential amenity for its occupants and those on adjoining properties.	N/A
<i>Note: It is important to note that any development of existing isolated sites may not be able to achieve the maximum potential particularly in terms of height and floor space ratio and each case will be assessed on its individual merit.</i>	
C3.2.3 Private Open Space	
General Design	
C1 Attached Dwellings and Multi Dwelling Housing must provide 40m ² of private open space per dwelling.	Proposed Dwelling 1C provides 35m ² of private open space with dimensions of 3.5m x 10m. Dwellings 2C, 3C and 4C provide 26m ² of private open space each, with

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<p>C2 Private open space must include an area 2.5m by 2.5m suitable for outdoor dining facilities.</p> <p>C3 Private open space must be located adjacent to the main living areas, such as a living room, dining room or kitchen.</p> <p>C4 The principal area of open space for each dwelling may comprise a combination of privacy-screens, sun-shading devices and landscaped areas.</p> <p>C5 Be designed to prevent direct overlooking from a public space, communal place or from neighbouring buildings.</p> <p>C6 Be designed to accommodate both recreation and service activities.</p> <p>C7 Include a suitably screened area for clothes drying facilities.</p> <p>C8 Be oriented to provide maximum exposure to midwinter daylight whilst optimising privacy.</p> <p>C9 On corner sites, private open space is permitted to be provided in the front setback area for dwelling(s) facing the primary street frontage.</p> <p>C10 On corner sites, private open space is not permitted to be provided within the front setback areas, facing the secondary street Ground Level Design</p> <p>C11 Private open space at ground level must be a minimum of 4m in any direction for attached dwellings and multi dwelling housing.</p> <p>C12 Private open space at ground level shall have a</p>	<p>dimensions of 3.5m x 7m. While the dwellings do not meet the minimum area requirements, the dimensions exceed the minimum requirement for outdoor dining areas and the areas are functional, enjoy a northern orientation and provide good opportunities for a range of uses and landscaping, consistent with the Objectives at Part C3.2.3 of CDCP 2012. The future occupants of the proposed new dwellings will have access to the approved communal open space within the site. To this end, the departure from the minimum private open space requirement is considered acceptable.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies Perimeter landscaping including large trees to the rear of the new dwellings will minimise opportunities for overlooking from the adjoining dwellings in Building A.</p> <p>Complies The private open space areas incorporate clotheslines as well as space for outdoor dining and recreation.</p> <p>Complies The private open space areas incorporate clotheslines.</p> <p>Complies The private open space areas are oriented to the north and landscaping will assist in mitigating potential privacy impacts.</p> <p>N/A</p> <p>N/A</p> <p>The private open spaces have a minimum dimension of 3.5m, which is generally consistent with the minimum required. As discussed above, the areas are functional and enjoy good levels of amenity due to their design and orientation.</p> <p>Private open spaces have a gentle slope.</p>

CONTROL	RESPONSE
<p>maximum gradient of 1:50.</p> <p>C13 Ensure that balconies, verandas or pergolas do not encroach upon any required deep soil area.</p> <p><i>Balconies</i></p> <p>C14 Design and detail the balcony to take advantage of local climate and context.</p> <p>C15 Where practical face balconies predominantly north, east or west to optimise solar access.</p> <p>C16 Orient balconies towards views of local neighbourhoods, prominent open spaces and district city skylines.</p> <p>C17 Use sun screens, pergolas, shutters and operable walls to control sunlight and wind.</p> <p>C18 Consider operable screens, or operable walls/sliding doors with a balustrade where noise or high winds exclude completely open balconies.</p> <p>C19 Consider cantilevered, partially cantilevered or recessed balconies in response to requirements for daylight access, wind protection, acoustic and visual privacy.</p> <p>C20 Where practical, limit the depth of a balcony so that it does not prevent sunlight entering the apartment below.</p> <p>C21 Design balustrades to allow views and passive surveillance of the street while providing for safety and visual privacy. Use a proportion of solid to transparent materials to address sight lines from the street, public domain or adjacent development.</p> <p>C22 Use screening devices to obscure seated persons, clothes drying areas, bicycle storage or air conditioning units from public view.</p> <p>C23 Provide additional amenity and choice with a secondary balcony or operable wall with balustrades adjacent to bedrooms.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>C3.2.4 Layout and Orientation</u></p> <p>C1 Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.</p> <p>C2 Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.</p>	<p>Complies The proposed new dwellings have a northern orientation to maximise solar access. Shading devices are proposed and windows minimised on the western elevation, to ensure acceptable heat load.</p> <p>Complies Refer to shadow diagrams accompanying this DA. The impacts of the proposal are commensurate with the</p>

CONTROL	RESPONSE
<p>C3 Coordinate design for natural ventilation with passive solar design techniques.</p> <p>C4 Site new development and private open space to avoid existing shadows cast from nearby buildings.</p> <p>C5 Site a building to take maximum benefit from cross-breezes and prevailing winds.</p> <p>C6 Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.</p>	<p>impacts of the existing development on the site.</p> <p>Complies The dwellings have a northern orientation to the rear and good opportunities are provided for natural ventilation.</p> <p>Complies Refer to shadow diagrams accompanying this DA.</p> <p>Complies</p> <p>Complies Each proposed new dwelling has windows associated with habitable rooms oriented towards Martin Street to ensure passive surveillance.</p>
C3.3 Building Envelope	
<p><u>C3.3.1 Floor Space Ratio</u></p> <p>Floor space ratio (FSR) is a measure that assists in controlling the mass, bulk and scale of a development.</p> <p>FSR functions in conjunction with building height, site coverage and setback controls to define the three dimensional space within which a development may occur. This is referred to as the building envelope.</p> <p>FSR is expressed as a ratio of the permissible gross floor area to the site area, as defined under LEP.</p> <p>The maximum permissible FSR for any development is prescribed in the LEP.</p>	<p>Complies The proposed FSR complies with the maximum permitted under SEPP (Housing) 2021.</p>
<p><u>C3.3.2 Height</u></p> <p>C1 Development for the purposes of multi dwelling housing must not exceed the following numerical requirements:</p> <p>(a) Maximum height of one storey where the building is located more than 20m (in addition to the required front setback) or a distance of 65% of the total length of the allotment, as measured from the front boundary (whichever is the greater).</p> <p>(b) Maximum height of two storeys except in locations stated in (a) above.</p> <p>(c) Two (2) storey dwellings may be permitted at the rear of an allotment in R3 zones only where that part of the site faces an industrial development, a road, a railway line or an area of open space.</p> <p>(d) Maximum external wall height of 3.8m where the one storey restriction applies.</p>	<p>N/A</p> <p>Complies Two (2) storey development is proposed.</p> <p>N/A as no changes are proposed to the existing two (2) storey development at the rear of the site.</p> <p>N/A</p>

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(e) Maximum external wall height of 7m where two storeys are permitted and the height of buildings under the LEP is 8.5m.	The proposal exceeds the maximum 7m external wall height control, generally as a result of the flooding constraints affecting the site, which necessitates elevating the building above existing ground level so as to achieve suitable freeboard. The proposal complies with the maximum 8.5m height standard in CEP 2012.
C2 Development for the purposes of attached dwellings must not exceed the following numerical requirements:	
(a) Maximum of two (2) storeys and 7m maximum external wall height, where the height of buildings under the LEP is 8.5m.	
(b) Maximum three (3) storeys and 10m maximum external wall height, where the height of buildings under the LEP is 11.5m	N/A
<i>Basement and Sub-floor Projection</i>	
C3 Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.	The proposed sub-floor area protrudes more than 1m in parts, as a result of the requirement to elevate the building to achieve minimum freeboard for flood protection. The sub-floor area is treated with 25mm battens at 100mm spacing, to ensure floodwater can pass beneath the dwellings. The open design of the sub-floor area minimises the visual impact of the element.
<i>Attics and Roof Terraces</i>	
C4 Attics and mezzanine floors do not comprise a storey.	
C5 Roof top terraces are not acceptable on any building or outbuilding in any residential zone. Basement and Sub-floor	N/A
C6 Attached dwelling development must not include basement or subfloor parking.	N/A
C7 Basement and sub-floor parking is suitable in the R4 High Density Residential Zone under the LEP for multi dwelling housing.	N/A
C8 The provision of basement parking for multi dwelling housing in the R3 Medium Residential Zone of the LEP may be considered where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.	N/A
C9 Basement and sub-floor parking is only suitable where compliance with Chapter B1 Transport and Parking of this DCP can be demonstrated.	N/A
C10 Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.	As discussed above, part of the sub-floor area exceeds 1m above ground level however this occurs due to the requirement to provide flood protection. The space is

CONTROL	RESPONSE
<p><i>Retaining Walls – Development Without Basement Parking</i></p> <p>C11 Walls that would enclose a sub-floor area: (a) Maximum 2m for steeply sloping land; and (b) Maximum 1m for all other land.</p> <p>C12 Retaining walls that would be located along, or immediately adjacent to, any boundary: (a) Maximum 3m for steeply sloping land, but only to accommodate a garage that would be located at street level; and (b) Maximum 1m for all other land.</p> <p><i>Cut and fill – Development Without Basement Parking</i></p> <p>C13 Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.</p> <p>C14 No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level.</p> <p>C15 Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.</p> <p>C16 If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.</p>	<p>generally open to permit water to flow beneath the buildings and is considered acceptable in this regard.</p> <p>The proposed sub-floor area is not walled.</p> <p>Noted</p> <p>Complies The proposal generally maintains existing ground levels.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>C3.3.3 Setbacks</u></p> <p>C1 Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.</p> <p><i>Setbacks in the R3 Zone</i></p> <p>C2 Multi dwelling housing and attached dwelling development must comply with the minimum setbacks as follows: (a) A minimum setback of 6m from the front boundary.</p>	<p>N/A</p> <p>The proposed new dwellings are setback 3.54m from the front boundary, consistent with the front setback of the adjacent No. 2a Martin Street. The proposed front setback also relates appropriately to the bin enclosure to the east and ensures an appropriate transition in terms of front setbacks, from that at No. 8 Martin Street to No. 2a Martin Street.</p>

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(b) A minimum setback of 3m from the rear boundary where the building the subject of the setback, is single storey.	N/A
(c) Minimum 3m or 5m width of deep soil along the front and rear boundaries based on setback requirements.	Complies Deep soil planting is provided in the front and rear setbacks.
(d) On corner lots a minimum of 5.5m from the longer street frontage.	N/A
C3 Multi dwelling housing development must comply with the following side setbacks:	
(a) A minimum of setback of 1.5m from the side boundaries for dwellings that would be fronting the street or front setback.	Complies The proposed western setback to No. 2a martin Street is 2.5m.
(b) A minimum setback of 2.5m from the side boundaries for building that does not front the street or front setback.	N/A
(c) A minimum of 1m width of deep soil along side boundaries.	Complies
<i>Setbacks in the R4 Zone</i>	
Multi dwelling housing development must comply with the minimum setbacks as follows:	N/A
(a) A minimum setback of 6m from the front and rear boundary.	N/A
(b) A minimum setback of 4m from the side boundaries.	N/A
C5 Attached dwelling development must have a 6m setback from front and rear boundaries.	N/A
C6 A minimum 2m width of deep soil along side boundaries and minimum of 5m wide along front/rear boundaries must be provided in the setback areas.	N/A
<i>Exceptions and Other Requirements</i>	
C7 External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.	N/A
C8 Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	N/A
C9 Swimming pools must not be located within any front setback.	N/A
C10 One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The	N/A

CONTROL	RESPONSE
<p>garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.</p> <p>C11 For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback. Car parking structures must satisfy BCA requirements. For existing dwellings one single space carport may encroach beyond the minimum front setback, where it can be demonstrated that vehicular access cannot be provided behind the building line given that side driveway access is less than 2.7m. Carports must not be wider than 3m.</p> <p>C12 The following minor building elements may project up to 1m into the minimum side setback area:</p> <p>(a) Roof eaves, awnings, pergolas and patios;</p> <p>(b) Stair or ramp access to the ground floor;</p> <p>(c) Rainwater tanks; and</p> <p>(d) Terraces above basement parking that are no higher than 1m above ground level (except dwelling houses, semi-detached dwellings and dual occupancy).</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>C3.3.4 Building Depth</u></p> <p>C1 Building depth must not exceed a maximum of 25m.</p> <p>C2 The building depth may be increased to 35m in the R4 Zone provided facades incorporate deep soil courtyards that are:</p> <p>(a) Parallel to front or rear boundaries (or that have an orientation which is generally parallel to those boundaries) provided that the adjacent deep soil setbacks each accommodate at least three major canopy trees; or</p> <p>(b) Parallel to side boundaries (or have an orientation that is generally parallel to side boundaries) provided that the facades will incorporate deep soil courtyards that each have a minimum area 6m by 6m and will each accommodate at least one major canopy tree.</p>	<p>Complies The proposed new dwellings have a building depth of approximately 12m.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>C3.3.5 Building Separation</u></p> <p>C1 Multi dwelling housing must provide a minimum 5m separation between buildings that are on one site (measured from the outer faces of the exterior wall of each building).</p> <p>C2 In the separation area:</p>	<p>Complies A separation distance of 6.25m is proposed between the proposed new dwellings and approved Building A.</p>

CONTROL	RESPONSE
(a) Deep soil or private open spaces are permitted as well as communal open space.	Complies Deep soil private open space is provided within the rear setback of the new development.
(b) Driveways, walkways and building lobbies are permitted (driveways should have planted verges at least 1m wide comprising canopy trees, along both sides).	Complies The approved development at Building A comprises a pathway and planting within the building separation zone.
(c) Garages, carports or outdoor parking are not permitted.	Complies
C3.4 Building Design	
<u>C3.4.1 General Design</u>	
<i>Contemporary Built Form</i>	
C1 Contemporary architectural designs may be acceptable if:	Complies
(a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours.	The site is not a heritage item.
(b) The proposed addition is not visually prominent from the street or from a public space.	N/A. The proposal is for an infill development not an addition.
(c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	N/A.
C2 New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	Complies
C3 Access to upper storeys must not be via external stairs.	Complies
C4 All dwellings must contain one kitchen and laundry facility.	Complies
C5 Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	N/A
C6 Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space.	N/A
<i>Building Entries</i>	
C7 Entries to residential buildings must be clearly identifiable.	Complies
C8 A minimum of one habitable room per dwelling must be oriented towards the street to promote positive social interaction and community safety.	Complies
C9 Sight lines to the street from habitable rooms or	Complies

CONTROL	RESPONSE						
entrances must not be obscured by ancillary structures.							
C10 In multiple unit development, face at least one habitable room or private open space area towards a communal space, internal driveway or pedestrian way.	Complies						
C11 Ground level private terraces located within the front setback must be setback at least 1m from the street boundary to accommodate a landscape strip which should remain in communal ownership.	N/A						
C12 Landscaping of street setbacks should not include continuous visually-solid hedges that would block sight lines from dwellings or conceal intruders.	Complies						
C13 Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	N/A as private open spaces are located in the rear setback.						
C14 The combined width of front fencing is not to occupy more than 50% of the frontage of the site.	Complies						
C15 Dwellings that face the street must have private entrances direct from the street footpath.	Complies						
<i>Façade Treatment</i>							
C16 Development on corner lots must address both street frontages through façade treatment and articulation of elevations.	N/A						
C17 Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	Complies						
C18 Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	Complies						
C19 Facades visible from the street should be designed as a series of articulating panels or elements.	Complies Refer to discussion above.						
C20 The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	Complies						
C21 The width of articulating panels shall be in accordance with the numerical requirements below:	Complies						
<table><tr><th>Facade</th><th>Street Elevation</th><th>Side Elevation</th></tr><tr><td>Width of articulating panels</td><td>4m to 6m</td><td>10m to 15m</td></tr></table> Table C3.1: Width of articulating panels	Facade	Street Elevation	Side Elevation	Width of articulating panels	4m to 6m	10m to 15m	
Facade	Street Elevation	Side Elevation					
Width of articulating panels	4m to 6m	10m to 15m					
C22 Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall or other protruding feature) of at least 0.5m for residential buildings.	Complies						

CONTROL	RESPONSE
C23 Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	Complies
C24 Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1m from the general wall alignment.	Complies
<i>Pavilions</i>	
C25 The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements.	N/A
C26 Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	N/A
C27 Pavilion elements shall have a depth between 10-15m.	N/A
C28 Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	N/A
C29 Separate pavilion elements in multi dwelling housing by courtyards that are at least 6m wide.	N/A
<i>Windows</i>	
C30 Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	N/A
C31 Large windows should be screened with blinds, louvres, awnings or pergolas.	Complies
C32 Windows must be rectangular.	Complies
C33 Square, circle and semi-circle windows are acceptable in moderation.	N/A
C34 Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	Complies
C35 Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Complies
C36 Dormer windows on buildings in the residential zone do not appear as additional storey must comply with the following design requirements: Individual dormers are no wider than 1.5m in width; Provide a minimum 2.5m separation between dormers; and Dormers do not extend encroach above the ridgeline of the building.	N/A
<i>Ventilation</i>	
C37 Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents	Complies

CONTROL	RESPONSE
<p>and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).</p> <p>C38 Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.</p>	N/A
<p><u>C3.4.2 Roof Design and Features</u></p> <p>C1 Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.</p> <p>C2 Avoid complex roof forms with multiple gables, hips and valleys, or turrets.</p> <p>C3 Roof pitches are to be compatible and sympathetic to nearby buildings.</p> <p>C4 Parapet roofs that increase the height of exterior walls are to be minimised.</p> <p>C5 Use minor gables only to emphasise rooms or balconies that project from the body of a building.</p> <p>C6 Mansard roofs (or similar) are not permitted.</p> <p>C7 Pitched roofs should not exceed a pitch of 30 degrees.</p> <p>C8 Relate roof design to the desired built form and context.</p> <p>C9 Roofs with greater pitches will be considered on merit taking into account matters such as streetscape, heritage value and design integrity.</p> <p>C10 Relate roof design to the desired built form and context.</p>	<p>N/A as a flat roof is proposed to be consistent with the approved development on the site and other newer developments in the locality.</p> <p>Complies</p> <p>Complies</p> <p>The proposal incorporates a parapet roof form so as to complement the approved development on the site. Given that the building is required to be elevated for flood protection, incorporation of a pitched roof would create additional height which would likely result in a building which exceeds the maximum building height control in CLEP 2012 and create additional overshadowing impacts. To this end, a flat roof form is considered appropriate.</p> <p>N/A</p> <p>Complies</p> <p>N/A</p> <p>Complies</p> <p>A flat roof is proposed to be consistent with the approved development on the site and other newer developments in the locality.</p> <p>N/A</p> <p>Complies</p>
<p><u>C3.4.3 Dwelling Layout & Mix</u></p> <p>C1 Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.</p> <p>C2 The primary living area and principal bedroom must</p>	<p>Complies</p> <p>The living rooms all exceed a minimum width of 3.1m.</p>

CONTROL	RESPONSE
<p>have a minimum width of 3.5m.</p> <p>C3 Secondary bedrooms must have a minimum width of 3m.</p> <p>C4 Provide general storage in addition to bedroom wardrobes and kitchen cupboards.</p> <p>C5 The minimum amount of storage required is 6m³ for one bedroom dwellings 8m³ for two bedroom dwellings, or 10m³ for dwellings with three or more bedrooms.</p> <p>C6 Stairwells should be designed to receive natural daylight and ventilation.</p> <p>C7 10% of dwellings in any new multiple dwelling development must be accessible or adaptable to suit current or future residents with special needs.</p>	<p>Principal bedrooms have dimensions of 3.1m x 3.6m. The floorplans show that the rooms can be appropriately furnished and on this basis the minor departure is considered acceptable.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Internal stairs are proposed.</p> <p>Complies The proposal incorporates one (1) adaptable dwelling (proposed Dwelling 2C).</p>
3.5 Amenity	
<p><u>C3.5.1 Solar Access and Overshadowing</u></p> <p><i>Solar Access to Proposed Development</i></p> <p>C1 Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June.</p> <p>C2 Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area.</p> <p>C3 Dwellings must comply with the following:</p> <p>(a) At least one living room window and at least 50% or 35m² with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space.</p> <p>(b) Receives a minimum of 3 hours sunlight between 8:00 am and 4:00 pm on 21 June.</p> <p>(c) Where existing overshadowing by buildings and fences is already greater than this, sunlight is not to be reduced by more than 20%.</p> <p><i>Solar Access to Neighbouring Development</i></p> <p>C4 Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</p>	<p>Complies Refer to Solar Study accompanying this DA.</p> <p>Complies Refer to Solar Study accompanying this DA.</p> <p>Generally complies. Refer to Solar Study accompanying this DA.</p> <p>Generally complies. Refer to Solar Study accompanying this DA.</p> <p>Noted</p> <p>BKA Architecture has confirmed that the overshadowing impacts from the proposed new development are commensurate with those of the existing development.</p>

CONTROL	RESPONSE
C5 If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	Noted
<p>C6 Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:</p> <p>(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</p> <p>(b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.</p>	N/A
C7 Clothes drying areas on adjoining residential properties must receive a minimum of 2 hours of sunlight on 21 June.	Complies
<i>Shading Devices</i>	
C8 Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Complies
C9 Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Devices include eaves, awnings, shutters, louvres, pergolas, balconies, colonnades or external planting.	Complies
C10 Provide horizontal shading to north-facing windows and vertical shading to east or west windows.	Complies
C11 Use moveable shading devices on large windows facing east and west, that are capable of covering 100% of glazed areas. Eaves shall be a minimum of 350mm wide and allow for an overhang of approximately 65 degrees above the horizontal.	N/A
C12 Avoid reducing internal natural daylight or interrupting views with shading devices.	Complies
C13 Use double-glazing, solar coated windows, curtains, or internal shutters to prevent heat loss and provide extra summer protection.	Complies
C14 Use high performance glass with a reflectivity below 20%.	Complies
C15 Minimise external glare by avoiding reflective films and use of tint glass.	Complies
<u>C3.5.2 Visual Privacy</u>	
C1 Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	Complies

CONTROL	RESPONSE
<p>C2 Minimise direct overlooking of rooms and private open space through the following:</p> <p>(a) Provide adequate building separation, and rear and side setbacks; and</p> <p>(b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.</p> <p>C3 If living room windows or private open spaces would directly overlook a neighbouring dwelling:</p> <p>(a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or</p> <p>(b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level. Screening of bedroom windows is optional and dimensions are not restricted.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>N/A</p>
<p><u>C3.5.3 Acoustic Privacy</u></p> <p>C1 Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring living areas.</p> <p>C2 Bedroom windows in new dwellings that would be located at or close to ground level are to be raised above, or screened from, any shared pedestrian pathway.</p> <p>C3 Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.</p> <p>C4 Address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline (2008)' published by the NSW Department of Planning.</p>	<p>Complies</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
C3.6 Fences and Ancillary Development	
<p><u>C3.6.1 Fences</u></p> <p>C1 Provide boundary definition by construction of an open fence or low hedge to the front street boundary.</p> <p>C2 Front fences within the front boundary setback are to be no higher than 1.2m.</p> <p>C3 Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m.</p>	<p>Complies</p> <p>The proposed front fence varies between 1.3m and 1.6m owing to the topography of the site. The fence is generally open and the lack of gates across the proposed new driveways provides additional "openness" within the front boundary treatment.</p> <p>Complies</p>

CONTROL	RESPONSE
C4 On corner sites where the façade of a building presents to two street frontages, fences are to be no higher than 1.2m.	N/A
C5 Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	N/A
<u>C3.6.2 Building Services</u>	
C1 All letterboxes be installed to meet Australia Post standards.	Complies Conditions of consent can be imposed in this regard.
C2 Design and provide discretely located mailboxes at the front of the property.	Complies Conditions of consent can be imposed in this regard.
C3 Integrate systems, services and utility areas (such as plant rooms, hydrants, equipments and the like) with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.	Complies
C4 The location and design of substations must be shown on the plans.	N/A
C5 Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	N/A
C6 Substations must not be located forward of the front building line.	N/A
C7 Facilities should not be visually obtrusive and should not detract from soft landscaped areas that are located within the required setbacks or building separations.	Complies
C8 Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes.	Complies
C9 Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site:	Complies
(a) Screen air conditioning units behind balcony balustrades;	Complies
(b) Provide screened recesses for water heaters rather than surface mounting them on exterior walls; and	N/A
(c) Locate meters in service cabinets.	Complies
C10 Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation.	Complies

CONTROL	RESPONSE
C11 Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design.	Complies
C12 Location and design of service areas should include:	
(a) Screening of clothes drying areas from public and semi-public places; and	Complies
(b) Space for storage that is screened or integrated with the building design.	Complies
C13 Minimise visual impact of solar hot water systems by:	
(a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties;	Complies
(b) Using a colour that is consistent with the colour of roof materials;	Complies
(c) Designing solar panels, where possible, as part of the roof;	N/A
(d) Setting the solar panels back from the street frontage and position below the ridgeline; and	N/A
(e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).	N/A

4.10 Draft SEPP (Environment)

Draft SEPP (Environment) proposes to consolidate the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- State Environmental Planning Policy No. 50 – Canal Estate Development;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 - 1997);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

There are no specific new provisions in the draft Policy of relevance to this DA.

5.0 IMPACTS OF THE DEVELOPMENT

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

5.1 Construction Impacts

The proposed works will be carried out during standard hours for construction work and appropriate conditions of consent can be imposed to mitigate impacts.

5.2 Traffic and parking

The proposal will not give rise to any unreasonable adverse traffic generation or unreasonable demand for parking as discussed in the Traffic and Parking Assessment accompanying this DA.

5.3 Streetscape and heritage

The proposed development will have positive streetscape impacts, as discussed previously, as it relates to the approved development on the site and provides a sensitive transition to the adjoining dwelling house at No. 2a Martin Street (see **Figure 8** below).



Figure 8: Photomontage showing the proposed development when viewed from Martin Street
(Source: BKA Architecture)

5.4 Landscape

The proposed development incorporates appropriate planting and landscaping and the maintenance of significant trees and vegetation, as per the Landscape Plan accompanying this DA.

5.5 Social and economic impacts

The proposed development will have positive social or economic impacts by improving the adding to the availability of residential accommodation in the locality, including one (1) additional affordable dwelling.

5.6 Suitability of the site for the proposed development

The site is appropriate for the development, given its current use, zoning and desired future character for the area. The proposed development has been sensitively designed and will contribute to the functionality of the site.

5.7 Consultation and submissions

The proposed development will be notified, as per Council's standard procedure for Development Applications.

5.8 The public interest

The proposed development will provide additional residential accommodation including one (1) additional affordable dwelling (on top of the two (2) affordable dwellings already approved at the site).

The proposal will improve the visual quality of the site and its contribution to the local streetscape.

On this basis and having regard to the lack of environmental impacts associated with the proposed development, it is considered to be in the public interest.

6.0 CONCLUSION

Pursuant to Section 4.15 of the Act, it is submitted that the proposed development will not result in any unreasonable adverse impacts on the adjoining properties or the local environment. The proposed development is permissible with consent and consistent with the objectives of the zone. The proposed development achieves is generally consistent with the intent of the applicable planning controls and has an acceptable impact in terms of impacts on the locality and environment.

The proposal satisfies the intent of the statutory planning controls for the site. The proposal suitably responds to site constraints. The proposed development is therefore considered suitable in environmental terms.

The proposal will have significant public benefits in terms of the provision of additional affordable housing.

Additionally, the proposed development will in not result in any unreasonable adverse amenity impacts on the locality.

As such, it is recommended to Canterbury Bankstown Council, that the proposed development is appropriate for approval subject to appropriate conditions.