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STATEMENT OF ENVIRONMENTAL EFFECTS

Date: 21 June 2024

Reference No. 24VSB

Revision No. A

Subject Site(s):

2 – 4 Vimy Street, Bankstown

Prepared on behalf of:

Dr Ghayath Al Shelh

Proposal:

Construction of a three (3) storey residential flat building comprising of 12 residential apartments, three (3) x one (1) bedroom apartments and nine (9) x two (2) bedroom apartments including a basement level, car parking to accommodate 11 off-street parking spaces and other site works ancillary to the development.



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1. EXECUTIVE SUMMARY

This Statement of Environmental Effects has been commissioned on behalf of Dr Ghayath Al Shelh and serves as an integral component of the Development Application submitted to the City of Canterbury Bankstown Council ("Council") seeking development consent for the construction of a three (3) storey residential flat building comprising of 12 residential apartments, three (3) x one (1) bedroom apartments and nine (9) x two (2) bedroom apartments including a basement level, car parking to accommodate 11 off-street parking spaces and other site works ancillary to the development on land at 2 – 4 Vimy Street, Bankstown.

The subject application is made pursuant to *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 for the purposes of in-fill affordable housing with 12.3% of the total floor area being dedicated to affordable housing which comprises of Units 1 and 6. The proposed is also at variance with Clause 4.1B as the subject site(s) do not meet the minimum lot width of 30 metres as specified in Clause 4.1B(2)(b) of the *Canterbury Bankstown Local Environmental Plan 2023* and has been supported with a Clause 4.6 request for an exemption to the development standard.

The proposed is development requiring development consent pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979*. This statement is made in accordance prescribed application requirements as outlined by the Planning Secretary on the NSW Planning Portal and serves as a fundamental component of the application submitted to Council.

The application has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2021* and this statement serves as a fundamental component of the application submitted to Council. This statement provides a comprehensive analysis within the framework of the *Environmental Planning and Assessment Act 1979* and should be read in conjunction with all associated documentation submitted with the development application.

The structure of this statement encompasses the following key components:

- **Site and context:** Details and examination of the site and its surrounding context.
- **Proposal details:** Detailed information regarding the proposed development.
- **Consideration of the relevant statutory provisions:** Provide an analysis of relevant statutory provisions applicable to the development.
- **Consideration of impacts:** Assist the consent authority in identifying any associated environmental impacts which could potentially arise from the development and address how those impacts are mitigated and/or achieve the objects of the relevant standard(s).
- **Recommendation:** Provide a recommendation for the proposed development to assist the consent authority in their determination of the application.



The development in our opinion represents an acceptable form of development that satisfies the intended objectives of the zone that is in harmony with the surrounding built and natural environment.

The proposed neither is considered to unduly result in significant adverse material, environmental, social or economic impacts and is considered is suitable for the site. The proposed is not considered to raise any issues which would be contrary to the public interest and finally, it is recommended that a favourable determination be sought by Council.

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2. THE SITES AND CONTEXT

2.1 Site(s) Identification

The subject sites are located along the eastern side of Vimy Street, positioned at the bend of Ross Street and Vimy Street and are legally described as Lots 49 and 50, in DP 13055 commonly known as Nos. 2 and 4 Vimy Street, Bankstown.

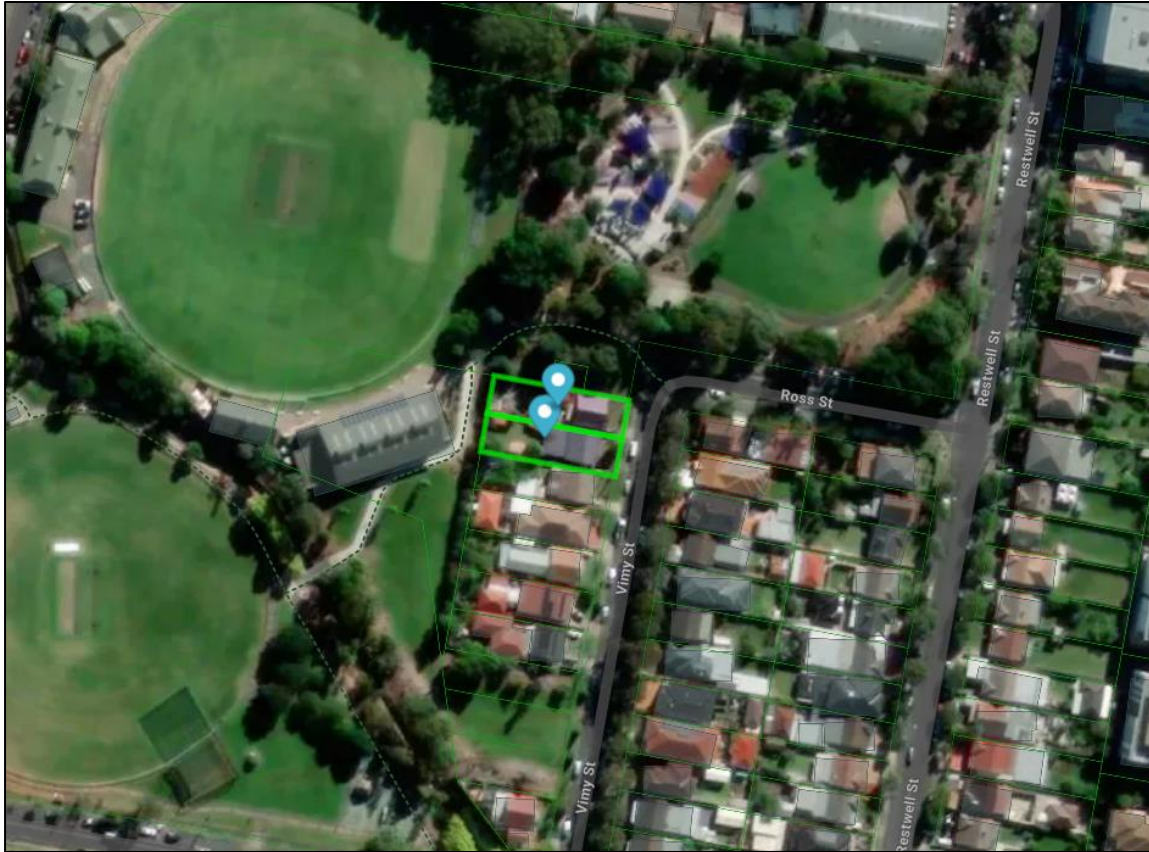


Figure 1: Aerial Photograph of Subject Sites (Source: Mecone Mosaic).

2.2 Site Areas and Dimensions

2 Vimy Street:

No. 2 Vimy Street has an area of 585.2m², is rectangular in shape and characterised as a standard lot. The site has a frontage of 12.8 metres to Vimy Street, depths of 45.75 metres at the northern and southern boundaries adjoining 4 and 6 Vimy Street and a width of 12.8 metres at the western rear boundary adjoining Bankstown Oval.

4 Vimy Street:

No. 4 Vimy Street also has an area of 585.2m², is rectangular in shape and characterised as a standard lot similar to No. 2 Vimy Street. The site has a frontage of 12.8 metres to Vimy Street, depths of 45.75 metres at the northern and southern boundaries adjoining 2 Vimy Street and the Bankstown City Gardens including a width of 12.8 metres at the western rear boundary adjoining Bankstown Oval.

Area and Dimensions Collectively:

Cumulatively, the amalgamated site will consist of an area of 1,170.4m², will be rectangular in shape and will remain characterised as a standard. The amalgamated site will consists of a frontage of 25.6 metres to Vimy Street, depths of 45.75 metres at the northern and southern boundaries adjoining 2 Vimy Street and the Bankstown City Gardens and a width of 25.6 metres at the western rear boundary adjoining Bankstown Ovals.

2.3 Existing Development

The subject sites are presently vacant, however have been historically been used for lower scale residential accommodation being single dwelling houses. The existing dwelling house have since been demolished.



Figure 2: Street View of subject sites (Source: Site Inspection)

2.4 Topography

Collectively, there is no notable topographical features of the site as the subject sites as they are relatively flat with a gentle fall of 320mm from the western boundary (RL 12.8) to the south eastern corner (RL 12.48).



2.5 Location, Zoning and Surrounding Development

The subject sites are bounded between 6 Vimy Street to the south, the Bankstown City Gardens to the north and the Bankstown memorial park and oval to the west. The site also adjoins a brick substation which is located within the Bankstown City Gardens to the north known as No. 1278, Lot 1 in DP 626844.

The subject sites are located within an R4 High Density Residential under the Canterbury Bankstown Local Environmental Plan 2023 and are located in the Bankstown Central Business District Precinct – Southern Frame of the CBD Canterbury Bankstown Development Control Plan 2015, Section 2. The sites are also surrounded by a various mix of zones such as R3 Medium Density Residential, RE1 Public Recreation, R2 Low Density Residential, B4 Mixed Use and SP2.

Within the immediate vicinity Vimy Street, Ross Street, Macauley Avenue and Restwell Street existing development consists of a mix of lower density residential developments each diverse in age, scale, intensity and architectural style within a domesticated landscaped setting. However, in the broader context north of Restwell Street there is a diverse mix of building typologies which includes (but not limited to) higher density residential and commercial use including that of mixed use. The subject sites are also within an approximate 750 metre walking distance of Bankstown Bus and Train stations.



Figure 3: Aerial Photograph of Subject Sites (Source: Mecone Mosaic).

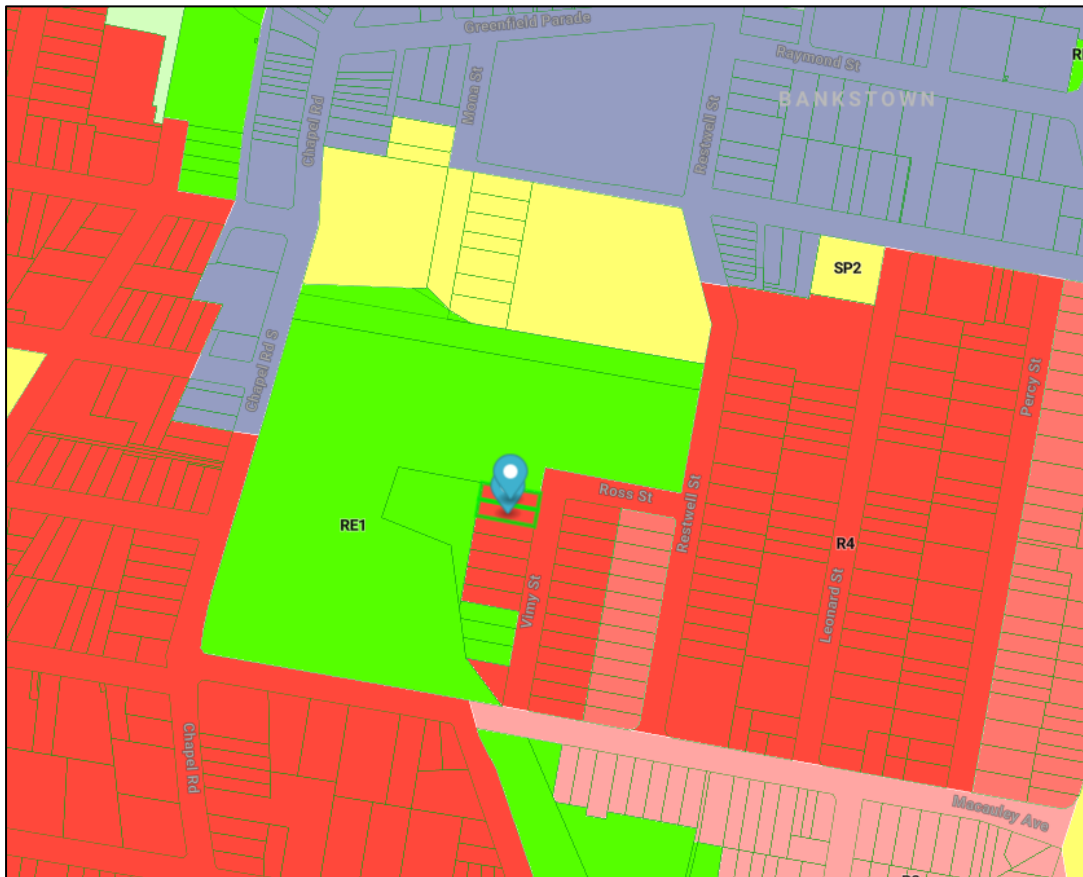


Figure 4: Land zoning and surrounding zones (Source: Mecone Mosaic).

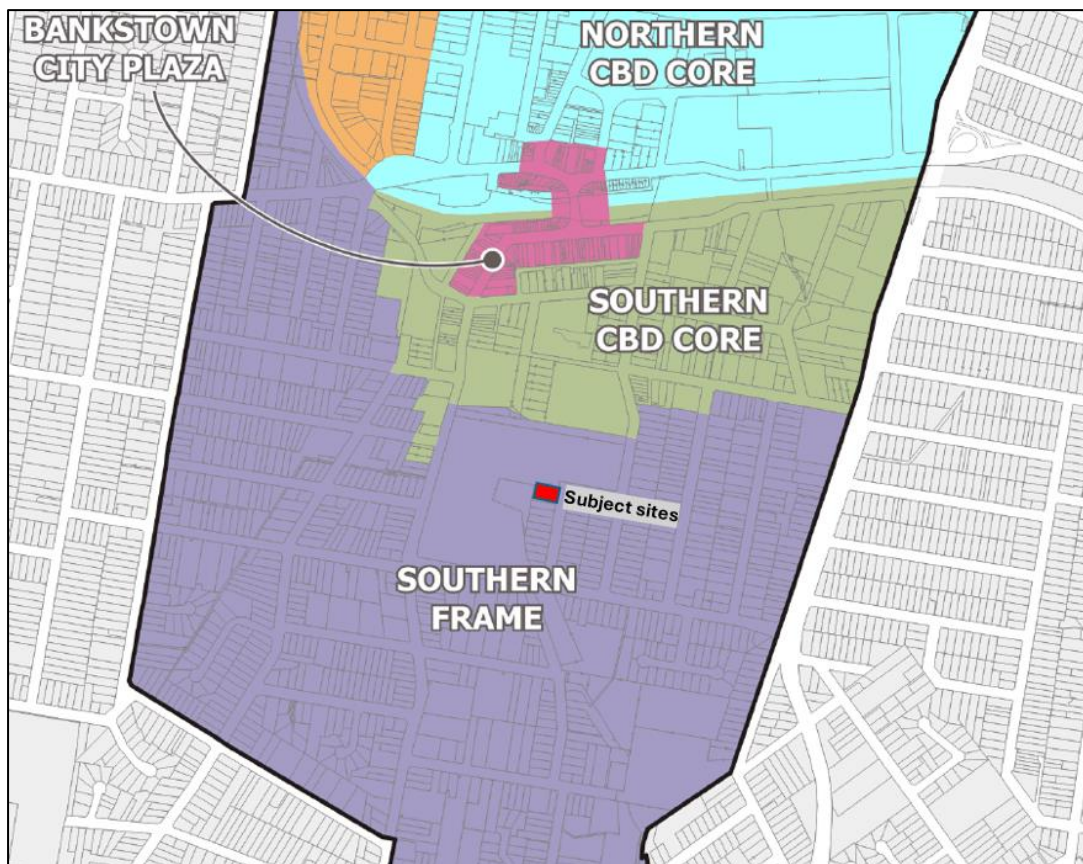


Figure 5: Location of subject sites in the Bankstown Central Business District Precinct – Southern Frame (Source: Canterbury Bankstown Development Control Plan 2023 – Chapter 6).



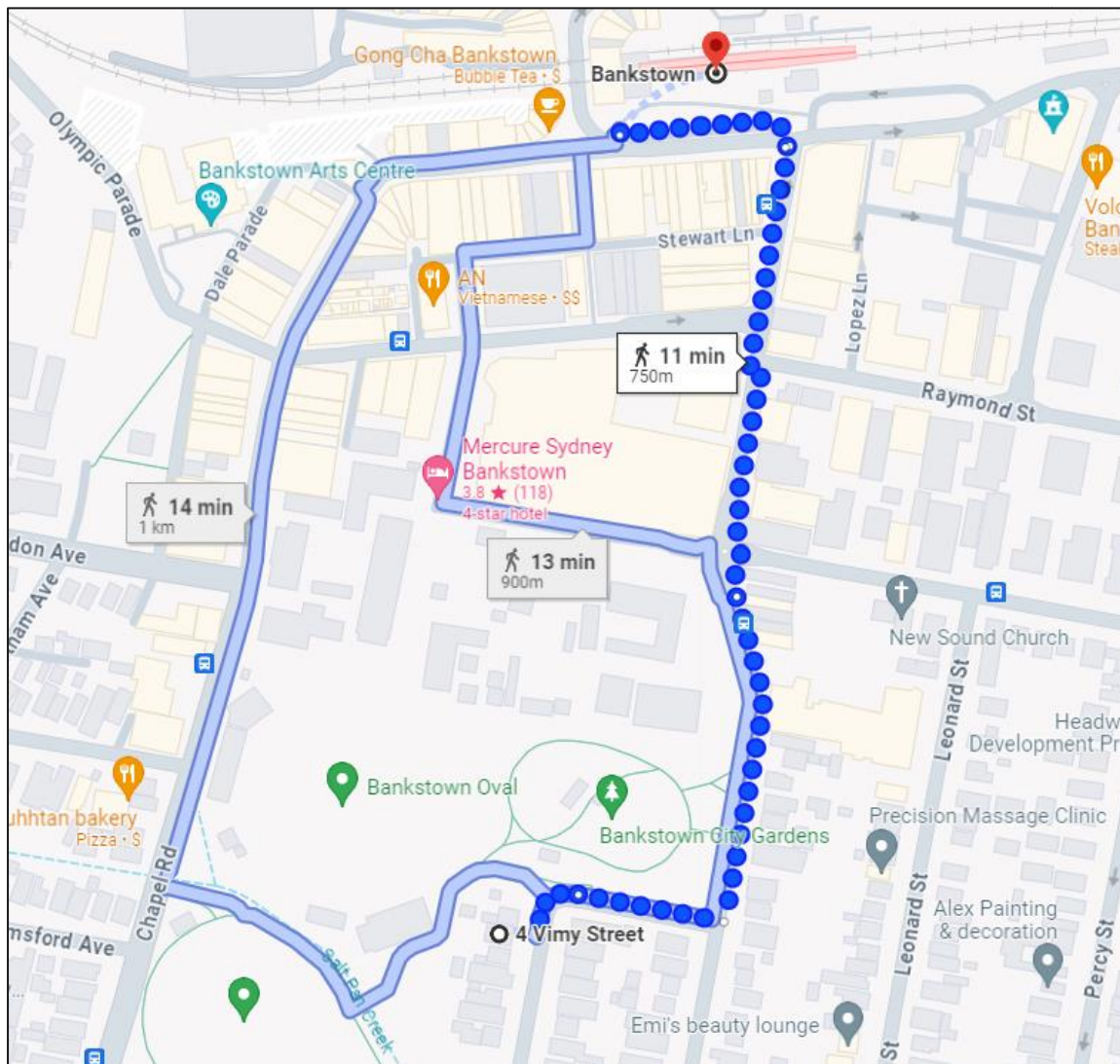


Figure 6: Subject sites distance from Bankstown Train and Bus Stations (Source: Google Maps).

2.7 Heritage

The subject sites are not items of heritage significance or within a conservation area, however are located within the immediate vicinity of WSHC House, “Weymouth” and WSHC House, “The Nest” located at Nos. 10 and 22 Vimy Street which are items of local heritage significance pursuant to Schedule 5 of CBLEP 2023.

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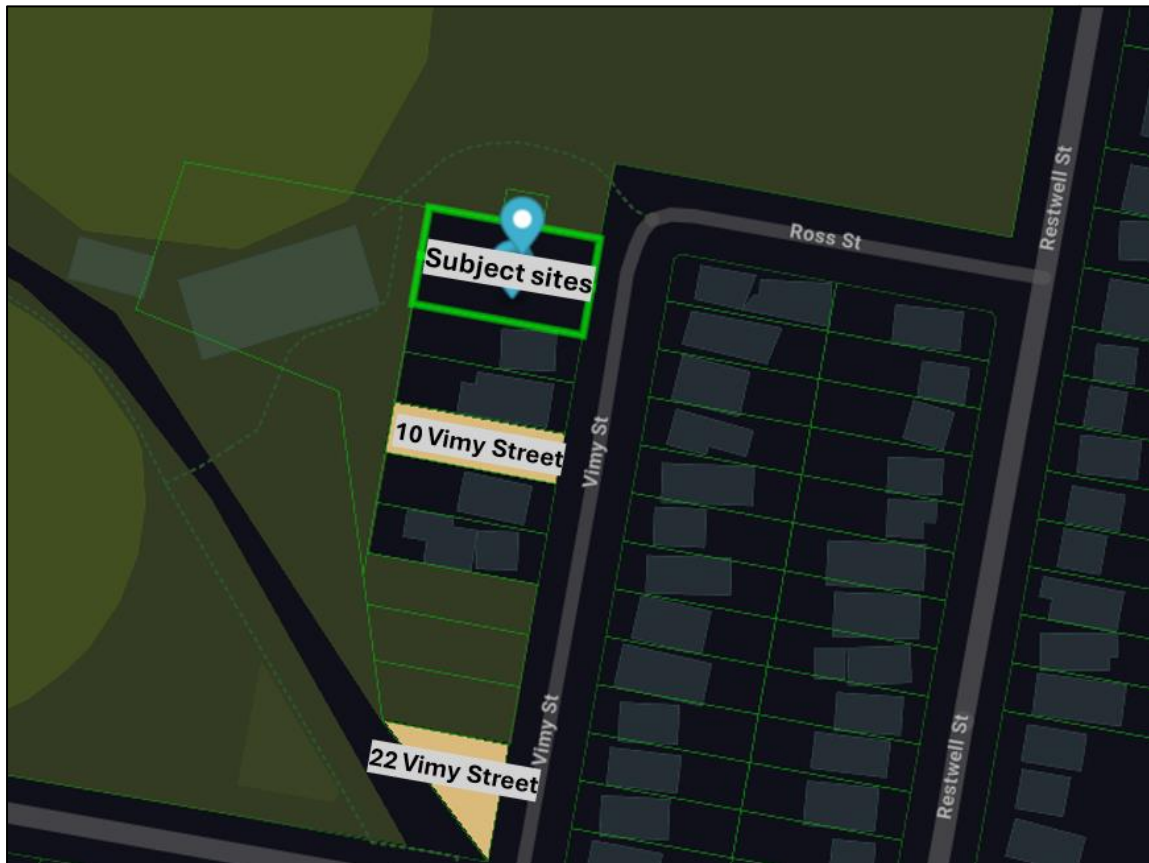


Figure 7: Location of subject sites in the vicinity of heritage items (Source: Mecone Mosaic).

Note: In applying the criteria of, items of local heritage “within the vicinity” is taken to be any item that is within a 100 metre radius of the boundaries of the subject site.

2.8 Development History

There is no notable history associated with the subject site applicable to the proposed development.

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3. THE PROPOSAL

The proposal seeks Council's Consent for the construction of a three (3) storey residential flat building comprising of 12 residential apartments, three (3) x one (1) bedroom apartments and nine (9) x two (2) bedroom apartments including a basement level, car parking to accommodate 11 off-street parking spaces and other site works ancillary to the development. Details of the development as are identified below.

3.1 Basement (RL 10.400)

Proposed excavation to a maximum approximate depth of 2.5 metres (EGL 12.90 – FGL 10.400) to accommodate a basement level which consist of 11 off-street parking spaces, two (2) motorcycle parking spaces, a shared zone, fire stair, a lift and services.

3.2 Ground Floor (RL 13.400)

The internal layout of the ground floor consists of a lobby, fire stairs, an area for lift and services and four (4) residential apartments. External to the ground floor includes a waste room, access ramps and 271.5m² of communal open space. The proposed layout of each residential apartments is as follows:

Unit No.	Total Area	Layout
1	56.76m ²	One (1) bedroom apartment with open plan living and kitchen, storage, a bathroom, laundry facilities and a ground level alfresco for principal private open space.
2	57.77m ²	One (1) bedroom apartment with open plan living and kitchen, a walk in robe, storage, a bathroom, laundry facilities and a ground level alfresco for principal private open space.
3	56.81m ²	One (1) bedroom apartment with open plan living and kitchen, storage, a bathroom, laundry facilities and a ground level alfresco for principal private open space.
4	83.68m ²	Two (2) bedroom apartment with an open plan living, dining and kitchen, storage, a bathroom and ensuite, laundry facilities and a ground level alfresco for principal private open space.

3.3 First Floor (RL 16.800)

The internal layout of the first floor consists of a lobby, fire stairs, an area for lift and services and four (4) residential apartments. External to the first floor is a landscaped roof area above the waste room. The proposed layout of each residential apartments is as follows:

Unit No.	Total Area	Layout
5	94.38m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a bathroom and ensuite, laundry facilities and a balcony for principal private open space.
6	78.08m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a bathroom and ensuite, laundry facilities and a balcony for principal private open space.

7	83.22m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a bathroom, laundry facilities and a balcony for principal private open space.
8	73.76m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a combined bathroom with laundry, an ensuite and a balcony for principal private open space.

3.4 Second Floor (20.200)

The internal layout of the second floor consists of a lobby, fire stairs, an area for lift and services and four (4) residential apartments.

Unit No.	Total Area	Layout
9	102.696m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a bathroom and ensuite, a laundry and a balcony for principal private open space.
10	78.170m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a bathroom and ensuite, a laundry and a balcony for principal private open space.
11	83.960m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a bathroom, laundry facilities and a balcony for principal private open space.
12	73.709m ²	Two (2) bedroom apartment with open plan living and kitchen, storage, a combined bathroom with laundry, an ensuite and a balcony for principal private open space.

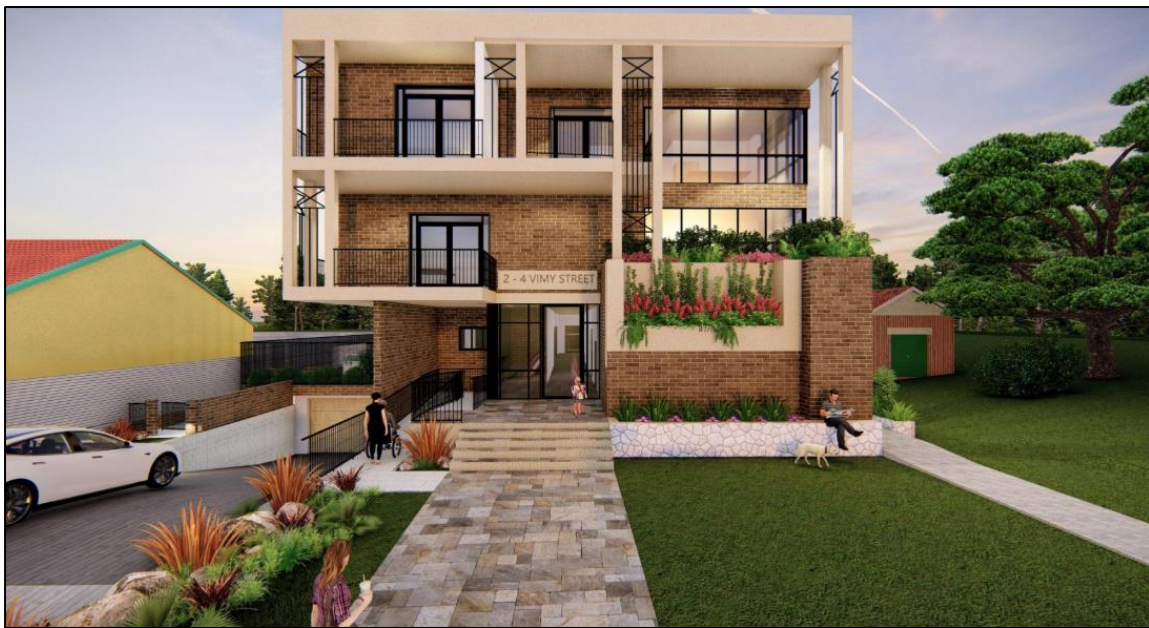


Figure 8: Architectural perspective of the proposed development viewed from Vimy Street (Source: Architectural Plans prepared by ABCON).





Figure 9: Architectural perspective of the proposed development standing at the bend between Vimy Street and Ross Street. (Source: Architectural Plans prepared by ABCON).



Figure 10: Architectural perspective from the Bankstown City Gardens and Memorial Reserve (Source: Architectural Plans prepared by ABCON).





Figure 11: Architectural perspective of the proposed development standing along Vimy Street at the south eastern corner of the site. (Source: Architectural Plans prepared by ABCON).

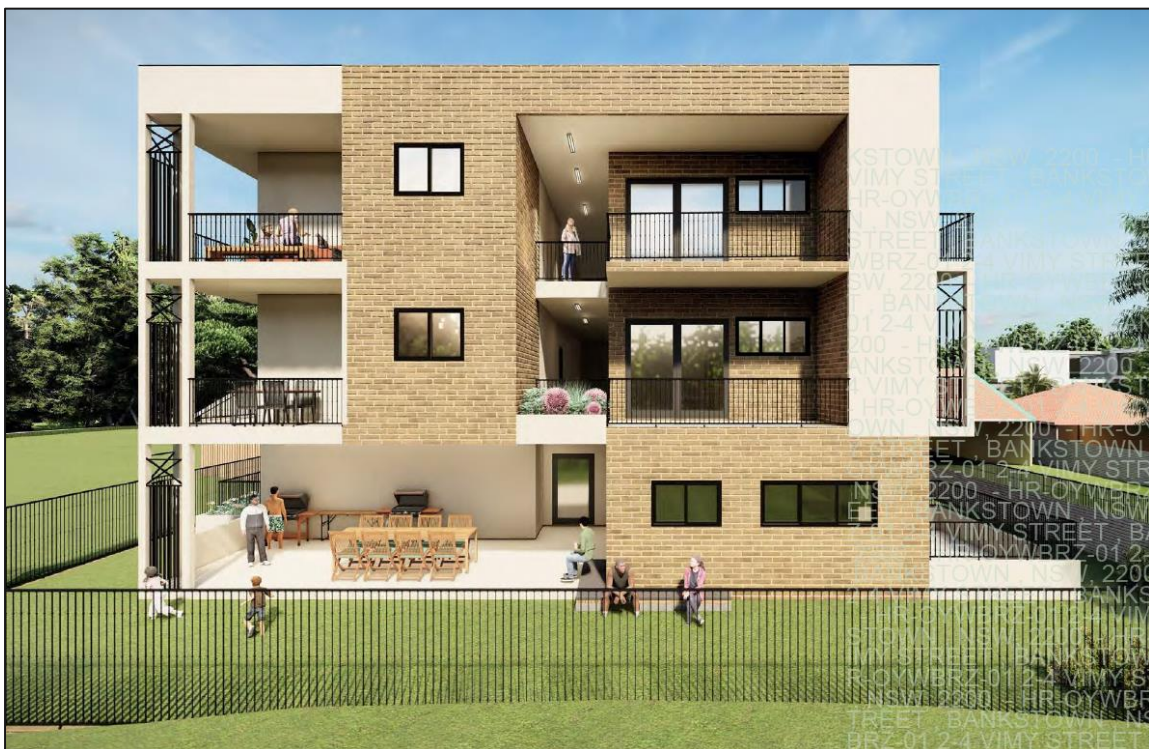


Figure 12: Architectural perspective of the proposed developments rear elevation. (Source: Architectural Plans prepared by ABCON).



4. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

4.1 Meaning of Development (Section 1.5)

Section 1.5 of the EP&A Act defines development as use of land, subdivision, erection of a building, carrying out of work, demolition or any other act controlled by an environmental planning instrument. The proposed development seeks consent for the construction of a building to be used for residential accommodation that is permissible with consent under the Canterbury Bankstown Local Environmental Plan 2023. The proposed falls within the definition of development as defined under the Act.

4.2 Application of other Acts (Section 1.7)

This section relates to how this Act interacts with the terrestrial and aquatic environments as governed by the *Biodiversity Conservation Act 2016* and *Fisheries Management Act 1994*. The following table below provides detail of the Acts and the developments applicability to being subject of those Acts.

Act	Part	Application
Biodiversity Conservation Act 2016	Part 7	Not applicable. The proposal does not impact on any critical terrestrial habitat, species, flora or fauna with biodiversity significance.
Fisheries Management Act 1994	Part 7A	Not applicable. The proposal does not impact on any critical aquatic habitat or species with aquatic biological significance.

5. STATE ENVIRONMENTAL PLANNING INSTRUMENTS - Section 4.15(a)(i)

Below is a table listing the State Environmental Planning Policies (SEPPs) currently in force to allow for a clear determination of the policies chapters applicability to the subject proposal. Following the table, a discussion is also provided on the SEPPs and chapters that are pertinent to the subject development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021
➤ Chapter 2 Vegetation in non-rural areas applies.
➤ Chapter 6 Water catchments applies.
State Environmental Planning Policy (Sustainable Buildings) 2022
➤ Chapter 2 Standards for residential development—BASIX applies.
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
➤ Chapter 2 Affordable housing applies.
➤ Chapter 3 Diverse housing applies.
➤ Chapter 4 Design of residential apartment development applies.
State Environmental Planning Policy (Industry and Employment) 2021
No Chapters directly apply to the proposal.
State Environmental Planning Policy (Transport and Infrastructure) 2021
➤ Chapter 2 Infrastructure applies.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021
No Chapters directly apply to the proposal.
State Environmental Planning Policy (Precincts—Central River City) 2021
No Chapters directly apply to the proposal.



State Environmental Planning Policy (Precincts—Western Parkland City) 2021
No Chapters directly apply to the proposal.
State Environmental Planning Policy (Precincts-Regional) 2021
No Chapters directly apply to the proposal.
State Environmental Planning Policy (Resilience and Hazards) 2021
➤ Chapter 4 Remediation of land applies.
State Environmental Planning Policy (Resources and Energy) 2021
No Chapters directly apply to the proposal.
State Environmental Planning Policy (Primary Production) 2021
No Chapters directly apply to the proposal.

5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.1.1 Chapter 2 - Vegetation in non-rural areas

Chapter 2 aims 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 preservation of trees and other vegetation. This Chapter applies to the Canterbury-Bankstown Local Government area and on land zoned R4 High Density Residential.

There are no existing trees or vegetation located on the subject sites and the proposed development will not unduly impact upon any vegetation or species with a biodiversity value. Therefore, the proposal is considered consistent with the provisions of the SEPP.

5.1.1 Chapter 6 - Water catchments

The subject land is located within the Georges River Catchment and as such Chapter 6 of the Biodiversity and Conservation SEPP, applies to the application. The following table below provides commentary on the developments performance against the relevant provisions contained in Chapter 6.

Provision	Comment
Division 2 Controls on development generally	
Clause 6.6 - Water quality and quantity	<p>The proposed development integrates effective sediment and erosion control measures alongside stormwater management strategies, all aligned with Water-Sensitive Urban Design (WSUD) Principles.</p> <p>Although there may be an increase in stormwater runoff from the site, the implementation of WSUD Principles aims to minimise its impact on the catchment. The proposed earthworks are not considered significant to affect the water table, ensuring minimal cumulative impact on the water catchment.</p> <p>The measures taken are designed to avoid impact where practical, with adequate provisions made to protect both the quality and quantity of groundwater, reflecting a preservation in the environmental integrity of the</p>



Provision	Comment
	catchment. Overall, the development is designed to ensure that the effect on water quality entering the catchment is as close as possible to neutral or beneficial.
Clause 6.7 - Aquatic ecology	<p>The development is not situated within 40 metres of a waterbody as the sites are situated at minimum 76 metres from Salt Pan Creek. The subject sites are neither identified as riparian land and does not require a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994.</p> <p>The sites are neither situated in proximity to coastal wetlands and littoral rainforests, thereby eliminating the risk of adverse impact on these environmentally sensitive areas. Therefore, the development is considered to contain minimal direct, indirect or cumulative adverse impacts on terrestrial, aquatic, or migratory animals or vegetation.</p>
Clause 6.8 - Flooding	The subject site is identified as a flood control lot. However, given that the proposed usage is residential and not one that generates pollutants, is unlikely that the development will release pollutants that may have an adverse impact on the water quality of a natural waterbody or a direct impact on periodic flooding that benefits wetlands and other riverine ecosystems.
Clause 6.9 - Recreation and public access	The development is located on private land and does not impact upon any area for recreation and public access.
Clause 6.10 - Total catchment management	Not required in this case as the downstream local government area is Canterbury Bankstown.

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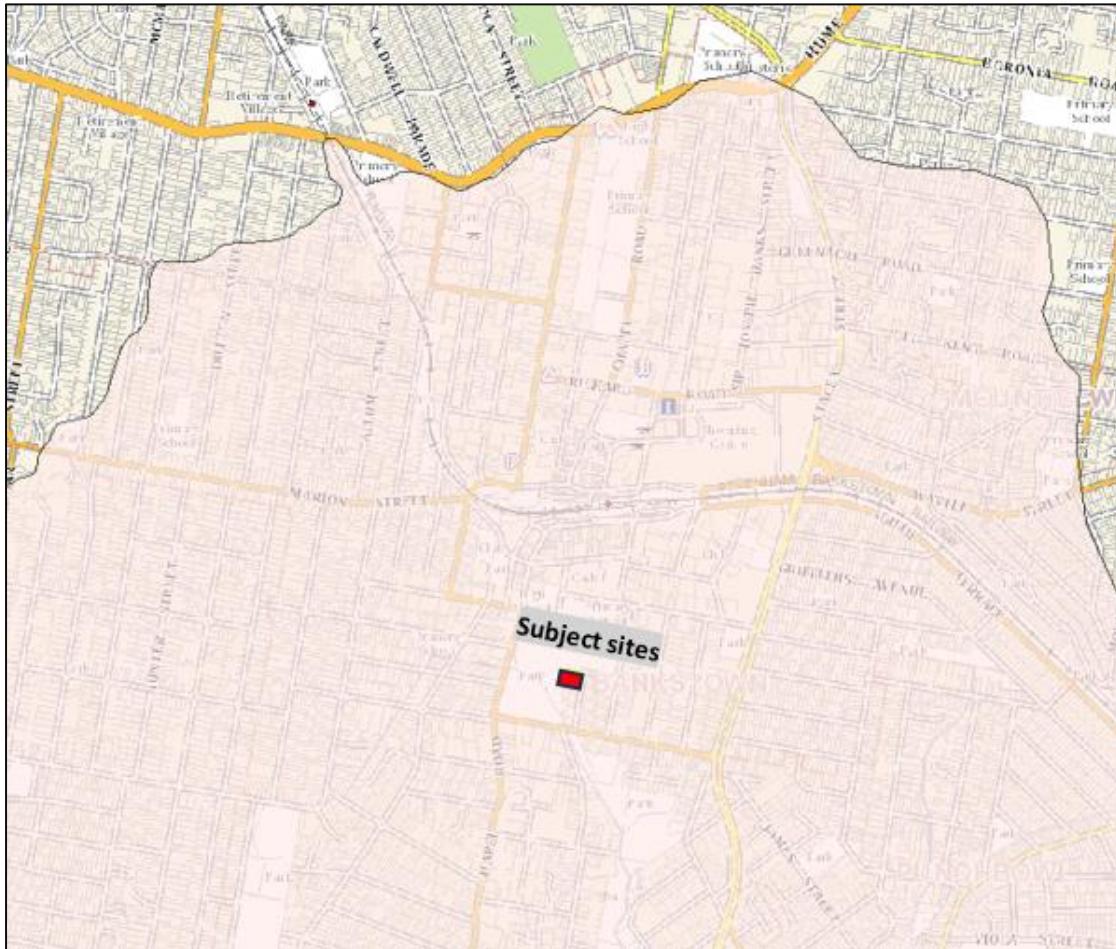


Figure 13: Subject sites within the Georges River Catchments. (Source: E-planning spatial viewer).

5.2 State Environmental Planning Policy (Sustainable Buildings) 2022

5.2.1 Chapter 2 Standards for residential development

The development is a BASIX affected development as defined in the Regulations. As such, a BASIX certificate has been issued for the proposed development as required under the SEPP. The Certificate confirms that the development will meet the NSW government's requirements for sustainability.

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5.3 State Environmental Planning Policy (Housing) 2021

5.3.1 Chapter 2 Affordable housing

The proposed development is in-fill affordable housing pursuant to Chapter 2, Part 2, Division 1 of the Housing SEPP. The below table provides a commentary of the developments performance against the development standards contained in Division 1.

Provision	Comment
Division 1 In-fill affordable housing	
15C Development to which division applies	
(1) This division applies to development that includes residential development if—	
(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and	Residential flat buildings are permitted with consent pursuant to the Canterbury Bankstown Local Environmental Plan 2023 which is the local EPI applying to the land.
(b) the affordable housing component is at least 10%, and	134.47m ² (12.3%) of the total floor area is proposed to be dedicated to affordable housing, comprising of Units 1 and 6.
(c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	<p>Canterbury-Bankstown is located within the Central River City which is part of the Six Cities Region and its cities pursuant to Schedule 1 pursuant to the Greater Cities Commission Act 2022 No 8.</p> <p>As defined under the Housing SEPP, accessible area means land within—</p> <p>(a) 800m walking distance of— (i) a public entrance to a railway, metro or light rail station, or (ii) for a light rail station with no entrance—a platform of the light rail station, or (iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates,</p> <p>(b) (Repealed)</p> <p>(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between— (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and (ii) 8am and 6pm on each Saturday and Sunday.</p> <p>As illustrated in Figure 6 above, the subject site is approximately 750 metres walking</p>



Provision	Comment
	distance of Bankstown Train Station servicing the T1 North Shore & Western Line, T2 Inner West & Leppington Line and T3 Bankstown Line. The sites are also within walking distance of multiple bus services such as Bus Routes 922, 923, 924, 926, 945, 960, 925, M90, M91 and 487. Each mode of transport provides services that are on a regular basis. Further details of these services are illustrated in the Traffic and Parking Impact Statement prepared by TEF Consulting dated 1 April 2024.
(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.	
Comment: Noted.	
16 Affordable housing requirements for additional floor space ratio	
(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	Additional floor area permitted under the Housing SEPP is an addition to the permissible FSR allowable. The development proposes an additional 24.6% FSR. This addition sums to a permissible GFA of 1093.73m ² . The developments GFA equates to 1093.26m ² , complying with the bonus provisions applicable under the Housing SEPP.
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— affordable housing component = $\frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$	
(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	The maximum allowable height limit permitted under CBLEP 2023 is 10 metres. Given that the additional FSR allowable is 24.6% a maximum allowable height of 12.46 metres is permitted. The maximum height of the development is 11.8 metres being below the maximum height limit allowable.
(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	Not applicable.
18 Affordable housing requirements for additional building height	
(1) This section applies to development that includes residential development to which this division applies if the development— (a) includes residential flat buildings or shop top housing, and	Not applicable. Refer to Clause 16 (3) above.



Provision	Comment
(b) does not use the additional floor space ratio permitted under section 16.	
(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).	Not applicable. Refer to Clause 16 (3) above.
(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional building height}}{(\text{as a percentage})} \div 2$	Not applicable. Refer to Clause 16 (3) above.
19 Non-discretionary development standards—the Act, s 4.15	
(1) <i>The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	
Note— <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i>	
(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i>	
(a) a minimum site area of 450m ² ,	Total site area: 1,170.40m²
(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	35m² per dwelling: (35m² x 12) = 420m² 30% of site area: (1,170.40m² x 0.3) = 351.12m² Subsection (ii) is the lesser requirement for landscaped area and therefore the minimum required landscaped area is 351.12m ² . Total landscaped area provided: 409.85m²
(c) a deep soil zone on at least 15% of the site area, where— (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.	Not applicable. Non-discretionary development standard does not apply pursuant to Subsection (3), as Chapter 4 of the SEPP applies to the proposed. <i>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i>
(d) 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,	Not applicable. Non-discretionary development standard does not apply pursuant to Subsection (3), as Chapter 4 of the SEPP applies to the proposed. <i>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</i>



Provision	Comment																																							
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The number of bedrooms specified for each unit is as follows: <table><tr><th>Unit No.</th><th>No of bedrooms</th></tr><tr><td>1 (affordable)</td><td>One (1)</td></tr><tr><td>2</td><td>One (1)</td></tr><tr><td>3 (affordable)</td><td>One (1)</td></tr><tr><td>4</td><td>Two (2)</td></tr><tr><td>5</td><td>Two (2)</td></tr><tr><td>6</td><td>Two (2)</td></tr><tr><td>7</td><td>Two (2)</td></tr><tr><td>8</td><td>Two (2)</td></tr><tr><td>9</td><td>Two (2)</td></tr><tr><td>10</td><td>Two (2)</td></tr><tr><td>11</td><td>Two (2)</td></tr><tr><td>12</td><td>Two (2)</td></tr><tr><td>Required Parking Spaces (affordable):</td><td>0.8 spaces</td></tr><tr><td>Required Parking Spaces (non affordable):</td><td>9.5 spaces</td></tr><tr><td>Total Required:</td><td>10 spaces</td></tr><tr><td>Total Provided:</td><td>11 spaces</td></tr></table>	Unit No.	No of bedrooms	1 (affordable)	One (1)	2	One (1)	3 (affordable)	One (1)	4	Two (2)	5	Two (2)	6	Two (2)	7	Two (2)	8	Two (2)	9	Two (2)	10	Two (2)	11	Two (2)	12	Two (2)	Required Parking Spaces (affordable):	0.8 spaces	Required Parking Spaces (non affordable):	9.5 spaces	Total Required:	10 spaces	Total Provided:	11 spaces					
Unit No.	No of bedrooms																																							
1 (affordable)	One (1)																																							
2	One (1)																																							
3 (affordable)	One (1)																																							
4	Two (2)																																							
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Total Required:	10 spaces																																							
Total Provided:	11 spaces																																							
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,																																								
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	The ADG specifies a minimum internal area of 50m ² for one (1) bedroom apartments and 70m ² for two (2) bedroom apartments. The following table below illustrates the number of bedroom per apartment and the proposed internal area for each apartment. <table><tr><th>Unit</th><th>No. Bedrooms</th><th>Area (m²)</th></tr><tr><td>1</td><td>One (1)</td><td>56.76m²</td></tr><tr><td>2</td><td>One (1)</td><td>57.77m²</td></tr><tr><td>3</td><td>One (1)</td><td>56.81m²</td></tr><tr><td>4</td><td>Two (2)</td><td>83.68m²</td></tr><tr><td>5</td><td>Two (2)</td><td>94.38m²</td></tr><tr><td>6</td><td>Two (2)</td><td>78.08m²</td></tr><tr><td>7</td><td>Two (2)</td><td>83.22m²</td></tr><tr><td>8</td><td>Two (2)</td><td>73.76m²</td></tr><tr><td>9</td><td>Two (2)</td><td>102.696m²</td></tr><tr><td>10</td><td>Two (2)</td><td>78.170m²</td></tr><tr><td>11</td><td>Two (2)</td><td>83.960m²</td></tr><tr><td>12</td><td>Two (2)</td><td>73.709m²</td></tr></table>	Unit	No. Bedrooms	Area (m ²)	1	One (1)	56.76m ²	2	One (1)	57.77m ²	3	One (1)	56.81m ²	4	Two (2)	83.68m ²	5	Two (2)	94.38m ²	6	Two (2)	78.08m ²	7	Two (2)	83.22m ²	8	Two (2)	73.76m ²	9	Two (2)	102.696m ²	10	Two (2)	78.170m ²	11	Two (2)	83.960m ²	12	Two (2)	73.709m ²
Unit	No. Bedrooms	Area (m ²)																																						
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12	Two (2)	73.709m ²																																						
(h) 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,	Not applicable. Residential Flat Building.																																							
(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—	Not applicable. Paragraph (g) applies.																																							



Provision	Comment
<p>(i) for each dwelling containing 1 bedroom—65m²,</p> <p>(ii) for each dwelling containing 2 bedrooms—90m²,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p>	
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	
Comment: Noted as above.	
20 Design requirements	
<p>(3) Development consent must not be granted to development under this division 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>	See Character Compatibility section below.
21 Must be used for affordable housing for at least 15 years	
<p>(1) Development consent must not be granted to development 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 for the development—</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p>	<p>This matter is generally subject to a conditional requirement for restriction to be registered of the title of the units dedicated for affordable housing prior to the issue of an Occupation Certificate.</p> <p>Nevertheless, a Letter of Intent has been provided by Home Ground Real Estate Sydney which are a social enterprise of Bridge Housing Limited a registered Tier 1 community housing provider to manage those units dedicated for affordable housing.</p>
22 Subdivision permitted with consent	
Land on which development has been carried out under this division may be subdivided with development consent.	Noted.



5.3.2 Character Compatibility

Pursuant to Clause 23(a) and(b) of the Housing SEPP 2021 the consent authority must consider whether the design of the residential development is compatible with the desirable elements of the character of the local area, or for precincts undergoing transition the desired future character of the precinct. To satisfy the requirements of Clause 23, consideration on character compatibility of the development is addressed.

In order to analyse and determine the character compatibility of development, consideration is given to the following:

- The Planning Principles examined in the Land and Environment Court in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003) NSWLEC 268*. Despite this case making reference to SEPP 5 (now repealed) the guiding principles in that case are considered to evaluate how a development should respond to the character of its environment.
- The Planning Principles established in *Project Venture Developments v Pittwater Council (2005) NSWLEC 191*. These principles provide a test on whether a development is compatible within its context.

In the case of *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003) NSWLEC 268* Senior Commissioner Roseth developed the following Planning Principles:

Principle 1:

"The first principle is that buildings in a development do not have to be single-storey to be compatible with the streetscape even where most existing buildings are single storey. The principle does not apply to conservation areas where single storey dwellings are likely to be the major reason for conservation."

Comment:

An analysis of the built form along Vimy Street indicates that the existing streetscape is predominantly composed of modestly scaled single-storey dwellings. These dwellings were constructed as part of the Commonwealth War Services Home Commission after World War I. However, there are also several two (2) storey infill developments that add diversity to the existing character of the area. More contemporary developments on Vimy Street and across the Bankstown locality reflect the broader increase in urban growth and redevelopment.

The subject site is zoned as R4 High-Density Residential under the Canterbury Bankstown Local Environmental Plan 2023. The areas evolving character must consider this zoning as it anticipates a transformation toward higher residential densities. This transition aligns with the increasing demand for housing close to the Bankstown Central Business District, public transportation and other amenities. As a result, the development will involve the renewal of existing housing stock for high-density purposes such as residential flat buildings or other forms of increased density.

The subject site is not situated within a heritage conservation area that would impose restrictions based on a consistent prevailing character. Though 10 Vimy Street is in the vicinity and carries heritage significance, however the development leverages its zoning which permit higher density and it is unlikely to see redevelopment of low-scale single dwellings or medium density development and moreover residential flat buildings within the R4 zoned land.

Through this zoning, Council has indicated that the precinct will transition from low-density to high-density residential housing and the proposed development aligns with those goals. The proposed three (3) storey residential flat building contains, accommodates increased density and responding to urban growth in the southern frame of the CBD.

The development aligns with the first principle by adapting to the evolving character of the neighbourhood by reflecting the trend of transitioning the area to higher density through the renewal of the existing housing stock, ensuring compatibility with the evolving streetscape while taking advantage of the economic opportunities presented by the zoning.

Principle 2:

“The second principle is that where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and landscaping.”

Comment:

The second principle can be achieved by creating sections or separate elements in the building design, along with generous breaks and landscaping. The proposed development aligns with the second principle, which emphasises the need to visually break up a larger development so that it does not appear as a single monolithic structure when it exceeds the size of other buildings in the street.

The built form is three (3) storeys with a basement level and has been designed to break up the visual massing of the building. This is achieved through architectural features and elements that create articulation and variety in the facade. The development is architecturally designed featuring appealing elements like balconies, planter boxes and other structures that enhances the buildings articulation. The façade minimises the use of blank walls facing orientated to the street and incorporates a well-defined, articulated design façade.

This façade includes characteristic elements found in existing developments along Vimy Street, such as the use of face brick, rendered finishes, windows, porch styles and wrought iron fencing for balustrade, which echo the historical significance of Vimy Street. This approach ensures consistency with Vimy Streets historical value and heritage aesthetic while seamlessly blending with other buildings that share similar attributes.



The developments architectural style further integrates appealing features such balconies, planter boxes and other structures that enhance articulation. The building's façade minimizes blank walls facing the street and features a well-articulated design that clearly defines building entrances. The developments landscape design enhances the visual appeal of the site in combination with the underground vehicular access being setback far enough behind the building line to minimise the visual impact of the excavation and parking area.

The developments design is considered to be consistent with the desired future development character of the area and sets a standard for the style and scale of newer developments along Vimy Street. The development is considered to successfully align with the second principle as the design visually breaks up the building, creates articulation and incorporates a suitable landscaped setting. The development is also designed in a way that respects the existing historical character of Vimy Street which is anticipated by the zoning to undergo change toward a higher density.

Principle 3:

“The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that make development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site’s edges to destroying it and planting new vegetation.”

Comment:

Despite the relatively flat topography and absence of existing vegetation, which typically offers little concealment for new construction, the landscaping design incorporates deep soil areas that provides sufficient space for future vegetation growth that will naturally enhance the sites appearance. This ensures that the visual appeal is maintained and even improved over time, in line with Principle 3.

Principle 4:

“The fourth principle is that a development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced only that their introduction should be done with care and sensitivity.”

Comment:

The development is designed to be in keeping with the historic War Service Commission Homes that define the character of Vimy Street, the development incorporates a curated selection of materials and architectural features. Elements such as textured render, face brick, porch columns and fence and gate styles are reminiscent of these historic homes, ensuring the new building reflects the Vimy Streets historical significance. By maintaining a contemporary yet complementary architectural language, the development successfully assimilates into the existing streetscape without attempting to replicate or overwhelm its surroundings.



By incorporating historical references and a sensitive landscaped setting, the development achieves a balanced design that respects the existing site characteristics while blending cohesively into the characters aesthetic. Therefore, the developments design is consistent with Principle 4 as the development integrates well into its surroundings while acknowledging and building upon the areas historical significance.

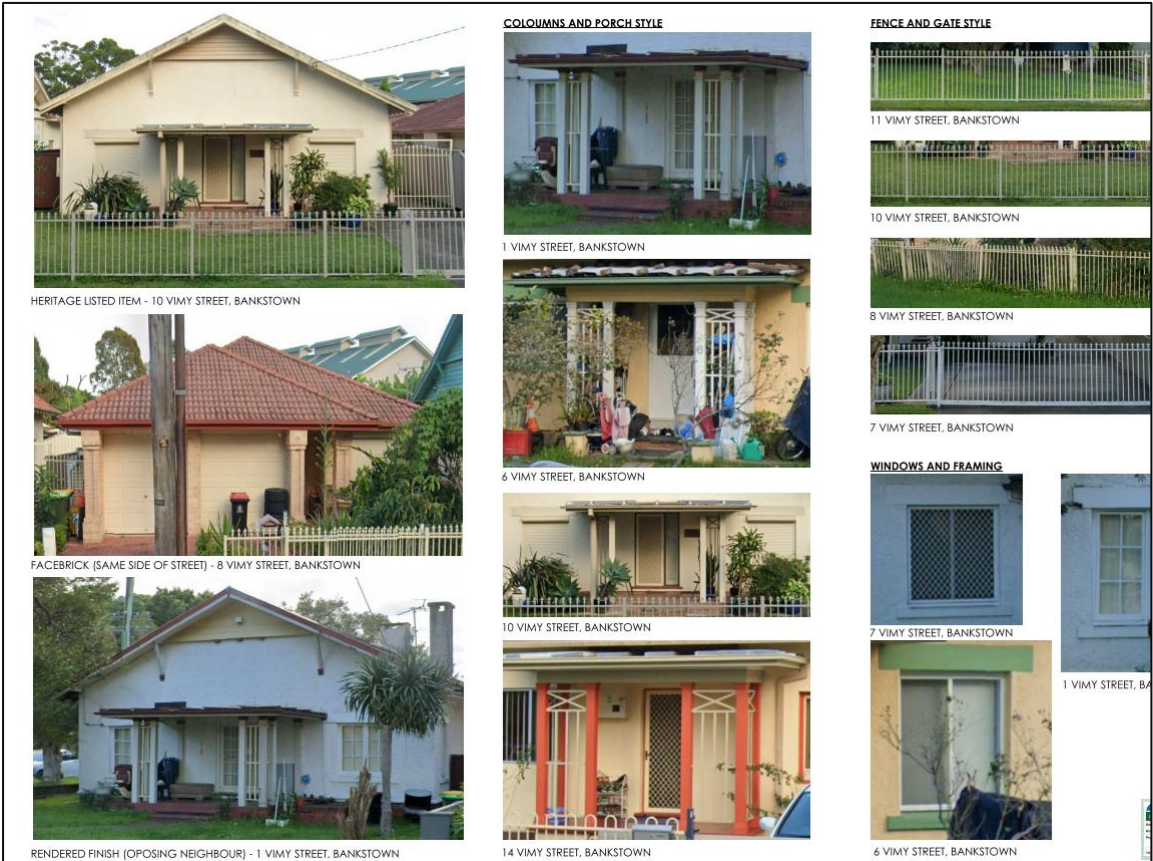


Figure 14: Schedule of built form elements along Vimy Street (Source: Architectural plans prepared by ABCON).

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Figure 15: Architectural perspective illustrating the use of existing built form elements along Vimy Street
(Source: Architectural plans prepared by ABCON).

The principles established in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003) NSWLEC 268* were further development in *Project Venture Developments v Pittwater Council (2005) NSWLEC 191*. In *Project Venture*, at paragraphs 22 – 30 (inclusive), Roseth SC states:

22. *There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*
23. *It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.*
24. *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*



- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
 - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
25. *The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.*
26. *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.*
27. *Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*
28. *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
29. ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*
30. *Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a higher level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to **architectural style** expressed through roof form, fenestration and materials.*



Comment:

The principles set out in *Project Venture* emphasise achieving harmony among buildings, even when they differ in density, scale or appearance. The development is considered consistent with the principles outlined, the developments design draws inspiration from the historic War Service Commission Homes that characterise Vimy Street. The design incorporates textured render, face brick, and architectural features like porch columns and gate styles that correlate with the distinctive character of the street without replicating it.

The landscape design includes deep soil areas that support future vegetation growth, which will enhance the sites visual appeal over time and ensure that the landscaped setting along Vimy Street is further enhanced. The development is sited to align with the front setback of No. 10 Vimy Street, in line with existing development and also includes setting the foundation for an appropriate street alignment for future development.

The developments positioning toward the reserve to the north with increased setbacks from the southern boundary, to ensure that physical impacts such as visual, acoustic and overshadowing impact is appropriately minimised for future consolidation and redevelopment of Nos. 6-8 Vimy Street, while providing suitable separation for ongoing redevelopment along Vimy Street.

The development is designed and sited with the anticipation of the areas transition from low to high-density housing, setting a foundation for a gradual transition along Vimy Street. This ensures that the new developments remain in harmony with Vimy Streets historical characteristics and align with the R4 zoning, which permits higher-density development.

The development anticipates the precinct's transition from low-density to high-density residential developments, proving compatibility, achieves harmony with the existing aesthetic and acknowledges the areas historical legacy. The design aligns with the principles by integrating into its surroundings while leveraging the permitted zoning in line with the principles outlined by Roseth SC.

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5.3.3 Chapter 4 Design of residential apartment development

Chapter 4 applies as the development seeks consent for a three (3) storey residential flat building development comprising of 12 units. The following below, provide commentary of the development's performance against the applicable provisions of the SEPP.

Provision	Comment
145 Referral to design review panel for development applications	
(1) This section applies to a development application for residential apartment development, other than State significant development.	Applies as the development is constituted as "local development" with a residential component of three (3) storeys with a total of 12 dwellings.
(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.	Application to be referred to the Canterbury Bankstown Design Review Panel. Comments pending following during the assessment of the application.
147 Determination of development applications and modification applications for residential apartment development	
<p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide,</p> <p>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</p>	<p>The development has been evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 and the Apartment Design Guide (ADG).</p> <p>As also noted above, the application is to be referred to the Canterbury Bankstown Design Review Panel. Comments pending following during the assessment of the application.</p>



Provision	Comment
148 Non-discretionary development standards for residential apartment development—the Act, s 4.15	
(1) <i>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	
<p><i>Note—</i> <i>See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i></p>	
<p>(2) The following are non-discretionary development standards—</p> <p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>Complies. As illustrated above, the car parking for the proposed meets the minimum off-street car parking demand.</p> <p>Complies. As illustrated above, each unit achieves the minimum required internal area per apartment.</p> <p>Objective 4C-1(1) requires minimum ceiling heights of 2.7 metres for habitable rooms and 2.4 metres for non-habitable rooms. The minimum internal floor to ceiling height is 3 metres.</p>
149 Apartment Design Guide prevails over development control plans	
<p>(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <p>(a) visual privacy,</p>	<p>Noted. The ADG specifies all the matters stipulated in this clause and a discussion of the following is outlined commentary against the development's performance against the ADG below.</p>



Provision	Comment
(b) solar and daylight access,	
(c) common circulation and spaces,	
(d) apartment size and layout,	
(e) ceiling heights,	
(f) private open space and balconies,	
(g) natural ventilation,	
(h) storage.	

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5.3.4 Apartment Design Guide (ADG)

Design Quality Principle(s)	Comment
Part 2 Developing the controls	
2A Primary controls	<p>The proposed development aligns with primary development controls, ensuring integration into its surroundings while achieving desired a built form outcome for future development along Vimy Street. The buildings FSR and height meet prescribed bonus provisions outlined in the Housing SEPP.</p> <p>The development has been sited with careful attention to building separation, particularly concerning future development at 6 - 8 Vimy Street, ensuring suitable space for future redevelopment while minimising potential overshadowing impacts. The proposed separation between the development and future development allows for optimal solar access toward upcoming buildings to enhance future solar access.</p> <p>Additionally, whilst the building is at variance with the building depth requirements as per the ADG each apartment is designed to functional internal spaces with comfortable amenity for future occupants. On balance, the proposed development is consistent with the objectives of the primary built form controls specified for the development.</p>
2B Building envelopes	<p>The buildings FSR and height adhere to the bonus provisions permitted in the Housing SEPP allowing the building to be larger than the achievable under CBLEP 2023, nevertheless retains provisions for sufficient space for building components like balconies, lifts, stairs and open circulation space that contribute to design and articulation.</p> <p>The envelope provides provisions for suitable solar access for the future buildings and supports coordinated planning and integration of future development, optimising the relationship between the sites along Vimy Street. The design allows for sufficient separation between the current development and future development at Ns. 6-8 Vimy Street and respects the significance of the heritage item located at No. 10 Vimy Street.</p> <p>The design maintains adequate open spaces and landscaped zones as well as incorporation of articulated features like balconies and landscaped areas, which enhance the buildings integration with its existing surrounds.</p> <p>The proposed development is consistent with the with the building envelope control by ensuring that the buildings form and scale align with the requirements for bulk and height relative to the development, future development</p>



Design Quality Principle(s)	Comment
	and lot sizes. The development effectively sets the appropriate scale for future growth along Vimy Street and the southern frame of the CBD.
2C Building height	The maximum allowable height limit permitted under CBLEP 2023 is 10 metres. Given that the additional FSR allowable is 24.6% a maximum allowable height of 12.46 metres is permitted. The maximum height of the development is 11.8 metres being below the maximum height limit allowable.
2D Floor space ratio	Additional floor space is permitted under the Housing SEPP in addition to the permissible FSR allowable. The development proposes an additional 24.6% FSR. This addition sums to a permissible GFA of 1093.73m ² . The developments GFA equates to 1093.26m ² , complying with the bonus provisions applicable under the Housing SEPP.
2E Building depth	<p>The Apartment Design Guide (ADG) prescribes building depths ranging from 12 to 18 metres to optimise sunlight and ventilation. The proposed development surpasses the maximum building depth along the side elevations, however the non-compliance can be considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> ➤ Each individual unit remains within the ADG-recommended building depths, and the overall non-compliance is due to the cumulative length of the entire building, which accommodates design considerations and site constraints, as illustrated in the table below (See 4B Natural Ventilation). ➤ All habitable rooms maintain a floor-to-ceiling height of 3 metres in excess of the ADG requirements ensuring spaciousness and quality living environments. ➤ The design provides excellent amenity for occupants through high-quality outlooks from each unit into landscaped settings, promoting a sense of well-being and connection to open space. ➤ Natural ventilation is achieved throughout the building and cross ventilation complies with ADG standards, enhancing the flow of air and reducing energy consumption. ➤ The apartment sizes surpass the minimum ADG requirements, offering generous living spaces that accommodate modern living needs. ➤ The development strategically captures prevailing breezes and maximises cross ventilation, offering enhanced internal amenity.



Design Quality Principle(s)	Comment
	<p>➤ The extended building depth allows for the inclusion of essential design features such as balconies, open-plan living areas, which enhance the amenity of each unit.</p> <p>Therefore, despite the building exceeding the ADG depth, the development maintains a high standard of amenity and living quality.</p>
2F Building separation	The site is bordered by the Bankstown City Gardens to the north and the Bankstown Memorial Park and oval to the west, leaving no buildings in those directions. The building design includes an increased setback to the north, providing sufficient separation between the proposed development and any potential future redevelopment at Nos. 6-8 Vimy Street. The proposed separation ensures that the building respects its surroundings while allowing for appropriate separation for solar access and privacy.
2G Street setbacks	<p>The ADG prescribes that street setbacks should align with the existing streetscape. In response, the front building line of the development is designed to exceed the average building line patterns along Vimy Street, including that of the heritage item at No 10 Vimy Street and the requirements of the DCP. This sets a precedent for future redevelopment along Vimy Street, ensuring a cohesive, visually integrated streetscape that maintains urban continuity and reinforces the areas emerging high density character.</p> <p>Additionally, the proposed development ensures suitable access to passive surveillance, landscaping and sunlight, while remaining consistent with the desired future street alignment for Vimy Street in line with Objective 2G. This approach supports a unified vision for the street, promoting a balanced built environment.</p>
2H Side and rear setbacks	<p>The side and rear setbacks of the development are in line with the bonus height allowable under the Housing SEPP, designed to maintain adequate building separation, visual privacy, areas for private open space and sufficient deep soil zones.</p> <p>The development's positioning towards the reserve to the north and west toward Bankstown Oval with increased setbacks from the southern boundary, ensures that physical impacts such as visual, acoustic and overshadowing impacts are appropriately minimised where practicable for future consolidation and redevelopment of Nos. 6-8 Vimy Street, while providing suitable separation for ongoing redevelopment along Vimy Street.</p>
Part 3 Siting the development	
3B Orientation	The buildings orientation clearly addresses Vimy Street responding to the desired street character, enhances passive surveillance and maximises solar access.



Design Quality Principle(s)	Comment
3C Public domain interface	<p>The developments architectural style integrates articulating features like balconies, planter boxes and other structures. The building's façade minimises blank walls facing the street and features a well-articulated design that clearly defines building entrances.</p> <p>The buildings façade incorporates characteristic elements existing developments along Vimy Street such as identical use of face brick, rendered finishes, windows, porch styles and fence and gate styles echoing the heritage significance of 10 Vimy Street. This approach ensures consistency with the heritage aesthetic while blending with other developments on the street that share similar attributes.</p> <p>The development also incorporates a landscaped design that enhances the visual appeal of the site with underground vehicular access this is setback sufficiently behind the building line to reduce the car parkings visual prominence.</p>
3D Communal and public open space	<p>The development provides communal open space totalling 167m², which is 14.2% of the site and falls just short of the required 25%. Despite this minor shortfall, the communal open space effectively meets the following functional requirements, ensuring it remains valuable and beneficial for residents.</p> <p>The space exceeds the 3 metre dimensional requirements and is located with deep soil zones, with equitable access from common circulation areas, ensuring that residents can easily access the communal space. The communal open space functions as a suitable area for recreation, providing ample opportunities for group and individual activities, as well as a strong connection to the natural environment.</p> <p>The subject site directly adjoins Bankstown City Gardens and Bankstown Memorial Park, which aligns with the design guidance offsetting the non-compliance by providing contributions to the surrounding public spaces.</p> <p>Additionally, the principal private open space offers increased opportunities for outdoor recreation, compensating for the shortfall aligning with the design guidelines.</p> <p>Overall, the provided space despite not meeting numerical compliance creates a valuable setting for social interaction, amenity and a pleasant outlook for residents, which enhances the landscape character and design.</p>
3E Deep soil zones	<p>The ADG specifies a minimum deep soil area of 7% for the allotments size with minimum dimensions of 3 metres. The site provides for a minimum deep soil area of 258.15m² accounting for 22% of the site with dimensions of 3 metres</p>



Design Quality Principle(s)	Comment												
	and allows the planting of small – large tree species as illustrated on the Landscape Plan.												
3F Visual privacy	<p>The proposal incorporates several design strategies aimed at minimising potential visual privacy concerns and enhancing the overall quality of the surrounding residential environment. These strategies include the use of raised sill heights of windows and maintaining adequate distance between buildings.</p> <p>Such measures are intended to ensure that the development not only offers a high standard of living for its occupants but also respects the privacy and amenity of neighbouring properties.</p> <p>Overall, the proposed design is considered to yield a positive outcome, contributing to a comfortable and private living environment without negatively affecting the surrounding residential areas quality of life.</p>												
3G Pedestrian access and entries	The access points to the building are provided via Vimy Street from the existing pedestrian network, clearly identifiable and accessible from the street.												
3H Vehicle access	<p>The car parking in the development is designed to be underground and setback significantly behind the building line, providing secure and convenient access directly from Vimy Street.</p> <p>The design minimises the visual impact of car parking through setting back the basement entry ensuring that the car parking area is visually unobtrusive, minimised and preserves the aesthetic appeal of the streetscape. The car parking includes an efficient layout and an organised structural grid that ensures safe and straightforward pedestrian access throughout the development.</p>												
3J Bicycle and car parking	The car parking complies with the provisions of the Housing SEPP as illustrated above and compliance with the vehicular access requirements is further detailed in the submitted Traffic Report.												
Part 4 Designing the building													
4A Solar and daylight access	<p>The ADG requires living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9am and 3pm at mid winter with a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.</p> <p>The total hours of sunlight per unit is broken down in the table below:</p> <table><tr><th>Unit</th><th>Living areas (Time)</th><th>POS (Time)</th><th>Hours of Sunlight</th></tr><tr><td>1</td><td>9am - 3pm</td><td>9am - 3pm</td><td>6 hours</td></tr><tr><td>2</td><td>9am - 3pm</td><td>9am - 3pm</td><td>6 hours</td></tr></table>	Unit	Living areas (Time)	POS (Time)	Hours of Sunlight	1	9am - 3pm	9am - 3pm	6 hours	2	9am - 3pm	9am - 3pm	6 hours
Unit	Living areas (Time)	POS (Time)	Hours of Sunlight										
1	9am - 3pm	9am - 3pm	6 hours										
2	9am - 3pm	9am - 3pm	6 hours										



Design Quality Principle(s)	Comment							
	3	Nil	Nil	0 hours				
	4	From 12 pm to a portion of the living area.	From 12 pm to a portion of the POS.	3 hours to a portion				
	5	9am - 12pm	9am - 3pm	3 hours to living area and 6 hours to POS.				
	6	9am - 3pm	9am - 3pm	6 hours				
	7	9am - 12pm	9am - 12pm	3 hours				
	8	12pm - 3pm	12pm - 3pm	3 hours				
	9	9am - 3pm	9am - 12pm	6 hours to living area and 3 hours to POS.				
	10	9am - 3pm	9am - 3pm	6 hours				
	11	Nil	Nil	0 hours				
	12	12pm - 3pm	12pm - 3pm	3 hours				
	<p>As shown in the table above, the living areas and private open spaces of units 1, 2, 4, 5, 6, 7, 8, 9, 10 and 12 achieve a minimum of two (2) hours direct sunlight between 9am and 3pm at mid-winter which accounts for 83% of the development consistent with Objective 4A-1(1).</p> <p>Units 3 and 11 achieve no sunlight between 9am and 3pm at mid-winter which accounts for approximately 17% which exceeds the maximum 15% threshold prescribed by the ADG for apartments that receive no direct sunlight per Objective 4A-1(3). There is no potential for Units 3 and 11 to achieve sunlight due to their orientation and the orientation of their openings, meaning the lots orientation does not permit solar access. Additionally, Unit 3, being a ground floor unit, is self-shadowed by the building. The minor non-compliance is therefore considered negligible.</p> <p>The proposed development is consistent with the built form controls, and any shadow cast over these units is not a result of poor design but rather due to the limitations imposed by the existing subdivision pattern. The non-compliance with solar access would occur with any development on the subject site of similar scale.</p> <p>For these reasons, the non-compliance with solar amenity for these units can be considered acceptable due to the orientation constraints imposed by the subdivision pattern and is considered acceptable on merit.</p>							
	4B Natural ventilation	<p>Each unit adheres to the maximum depth of 18 metres as illustrated in the table below and is designed to achieve natural cross ventilation as outlined in Figure 4B.8.</p> <table><tr><th>Unit</th><th>Maximum Depth</th></tr><tr><td>1</td><td>11.684 metres</td></tr></table>				Unit	Maximum Depth	1
Unit	Maximum Depth							
1	11.684 metres							



Design Quality Principle(s)	Comment																																							
	<table><tr><td>2</td><td>9.988 metres</td></tr><tr><td>3</td><td>9.700 metres</td></tr><tr><td>4</td><td>16.012 metres</td></tr><tr><td>5</td><td>15.500 metres</td></tr><tr><td>6</td><td>14.020 metres</td></tr><tr><td>7</td><td>13.886 metres</td></tr><tr><td>8</td><td>15.782 metres</td></tr><tr><td>9</td><td>15.800 metres</td></tr><tr><td>10</td><td>13.790 metres</td></tr><tr><td>11</td><td>15.030 metres</td></tr><tr><td>12</td><td>16.012 metres</td></tr></table> <p>The internal layout optimises the capture and use of prevailing breezes, ensuring natural ventilation in all habitable rooms.</p> <p>The units feature unobstructed window openings covering at least 5% of the floor area they serve, maximising airflow. The buildings orientation captures prevailing breezes, channelling fresh air into habitable rooms for effective natural ventilation.</p> <p>External window and door openings on one side of each apartment are appropriately sized to ensure airflow. The apartment depths, in conjunction with suitable ceiling heights, maximise cross ventilation and airflow throughout the units, creating acceptable amenity for future occupants.</p>	2	9.988 metres	3	9.700 metres	4	16.012 metres	5	15.500 metres	6	14.020 metres	7	13.886 metres	8	15.782 metres	9	15.800 metres	10	13.790 metres	11	15.030 metres	12	16.012 metres																	
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12	16.012 metres																																							
4C Ceiling heights	The finished floor to ceiling heights are 3 metres surpassing the minimum.																																							
4D Apartment size and layout	<p>The ADG specifies a minimum internal area of 50m² for one (1) bedroom apartments and 70m² for two (2) bedroom apartments. The following table below illustrates the number of bedroom per apartment and the proposed internal area for each apartment.</p> <table><tr><th>Unit</th><th>No. Bedrooms</th><th>Area (m²)</th></tr><tr><td>1</td><td>One (1)</td><td>56.76m²</td></tr><tr><td>2</td><td>One (1)</td><td>57.77m²</td></tr><tr><td>3</td><td>One (1)</td><td>56.81m²</td></tr><tr><td>4</td><td>Two (2)</td><td>83.68m²</td></tr><tr><td>5</td><td>Two (2)</td><td>94.38m²</td></tr><tr><td>6</td><td>Two (2)</td><td>78.08m²</td></tr><tr><td>7</td><td>Two (2)</td><td>83.22m²</td></tr><tr><td>8</td><td>Two (2)</td><td>73.76m²</td></tr><tr><td>9</td><td>Two (2)</td><td>102.696m²</td></tr><tr><td>10</td><td>Two (2)</td><td>78.170m²</td></tr><tr><td>11</td><td>Two (2)</td><td>83.960m²</td></tr><tr><td>12</td><td>Two (2)</td><td>73.709m²</td></tr></table> <p>In addition to the above, the following is also noted.</p>	Unit	No. Bedrooms	Area (m ²)	1	One (1)	56.76m ²	2	One (1)	57.77m ²	3	One (1)	56.81m ²	4	Two (2)	83.68m ²	5	Two (2)	94.38m ²	6	Two (2)	78.08m ²	7	Two (2)	83.22m ²	8	Two (2)	73.76m ²	9	Two (2)	102.696m ²	10	Two (2)	78.170m ²	11	Two (2)	83.960m ²	12	Two (2)	73.709m ²
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12	Two (2)	73.709m ²																																						



Design Quality Principle(s)	Comment																																													
	<ul style="list-style-type: none">➤ No daylight is borrowed from other areas within the apartment. All habitable rooms contain a window with a glass area not less than 10% of the respective external wall.➤ Units comply with the minimum area for bedrooms.➤ All bedrooms comply with the minimum dimensions of 3 metres x 3 metres.➤ All rooms comply with the minimum dimension requirements.																																													
4E Private open space and balconies	<p>The ADG notes the following requirements for POS relative to the development:</p> <ul style="list-style-type: none">➤ One (1) bedroom apartments to contain a primary balcony with a minimum area of 8m² and a minimum depth of 2 metres➤ Two (2) bedroom apartments consist of an area of 10m² with a minimum depth of 2 metres.➤ For apartments at ground level, private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.➤ The minimum balcony depth to be counted as contributing to the balcony area is 1 metre. <table><tr><th>Unit No.</th><th>No. of bedrooms</th><th>POS type</th><th>Area (m²)</th><th>Dimensions</th></tr><tr><td>1</td><td>One (1)</td><td>Alfresco (Ground Floor Apartment)</td><td>15m²</td><td>3 metres x 5 metres</td></tr><tr><td>2</td><td>One (1)</td><td>Alfresco (Ground Floor Apartment)</td><td>15m²</td><td>3 metres x 5 metres</td></tr><tr><td>3</td><td>One (1)</td><td>Alfresco (Ground Floor Apartment)</td><td>15m²</td><td>3 metres x 5 metres</td></tr><tr><td>4</td><td>Two (2)</td><td>Alfresco (Ground Floor Apartment)</td><td>15m²</td><td>3 metres x 5 metres</td></tr><tr><td>5</td><td>Two (2)</td><td>Balcony</td><td>11.5m²</td><td>Compliant dimensions.</td></tr><tr><td>6</td><td>Two (2)</td><td>Balcony</td><td>18m²</td><td>Compliant dimensions.</td></tr><tr><td>7</td><td>Two (2)</td><td>Balcony</td><td>12.48m²</td><td>2.4 metres x 5.2 metres</td></tr><tr><td>8</td><td>Two (2)</td><td>Balcony</td><td>10.4m²</td><td>5 metres x 2 metres</td></tr></table>	Unit No.	No. of bedrooms	POS type	Area (m ²)	Dimensions	1	One (1)	Alfresco (Ground Floor Apartment)	15m ²	3 metres x 5 metres	2	One (1)	Alfresco (Ground Floor Apartment)	15m ²	3 metres x 5 metres	3	One (1)	Alfresco (Ground Floor Apartment)	15m ²	3 metres x 5 metres	4	Two (2)	Alfresco (Ground Floor Apartment)	15m ²	3 metres x 5 metres	5	Two (2)	Balcony	11.5m ²	Compliant dimensions.	6	Two (2)	Balcony	18m ²	Compliant dimensions.	7	Two (2)	Balcony	12.48m ²	2.4 metres x 5.2 metres	8	Two (2)	Balcony	10.4m ²	5 metres x 2 metres
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Design Quality Principle(s)	Comment				
	9	Two (2)	Balcony	12.19m ²	2.65 metres x 4.6 metres
	10	Two (2)	Balcony	18m ²	Compliant dimensions.
	11	Two (2)	Balcony	10.6m ²	5.3 metres x 2 metres
	12	Two (2)	Balcony	10m ²	5 metres x 2 metres
4F Common circulation and spaces	A maximum of four (4) studios per circulation core on a single level.				
4G Storage	Storage is provided for each unit, allowing opportunities for storage.				
4K Apartment mix	<p>The apartment mix is well-suited to the area, taking into consideration its proximity to public transport options like bus services and Bankstown Train Station as well as the Bankstown CBD, which serves as an employment hub. The mix aligns with market demand by offering units suitable for young couples, including those with one (1) child, single parents and people seeking affordable housing.</p> <p>Additionally, the development caters to diverse cultural and socioeconomic groups, providing a variety of living arrangements that reflect the neighbourhoods demographic needs and preferences. This inclusive approach ensures that the apartment mix meets a wide range of lifestyle requirements.</p>				
4M Facades	<p>The buildings façade incorporates characteristic elements found in existing developments along Vimy Street. This includes the identical use of face brick, rendered finishes, and windows, as well as porch columns and wrought iron-style balustrading to reflect the heritage significance of 10 Vimy Street. These stylistic choices ensure a consistent and respectful aesthetic that harmonises with the historical significance of Vimy Street while blending seamlessly with other developments along the street that feature similar architectural attributes.</p> <p>This approach maintains a cohesive streetscape that aligns with the character and legacy of the neighbourhood. The development promotes a visually harmonious environment that resonates unity with existing development and sets the bar for future development along Vimy Street.</p>				
4N Roof design	The roof design consists of a 10 degree fall to minimise the external bulk of the building and is designed to conceal the lift to minimise impact of the buildings appearance from the street or neighbouring properties.				
4P Planting on structures	The development incorporates planter boxes on the façade of the building with the intention of reducing the visual bulk of the building, screening ancillary facilities such as the waste room and enhancing the landscaped setting along Vimy Street. This design is considered to contribute to the				



Design Quality Principle(s)	Comment
	streetscape and landscaped character along Vimy Street whilst achieving a sustainable outcome for a balance between the built form and natural environment.
4O Landscape design	<p>The landscaped setting is designed and integrated within the buildings architectural style. The landscaped design is environmentally sustainable and enhances the environmental performance of the development by incorporating diverse and suitable plantings. The design features appropriately scaled trees near the eastern and western portions of the site for shading, creating a cooler microclimate and reducing heat buildup. The waste room, integrated into the building structure is also topped with a green roof and surrounded by planter boxes that blend harmoniously with the overall design.</p> <p>Furthermore, the landscape design is responsive to the sites existing conditions and changes in topography, ensuring that plants and trees are positioned optimally to thrive in their environment. The selected plants are endemic to the region, reflecting the local ecology and contributing to the sustainability and aesthetic appeal of the development.</p>
4Q Universal design	Universal design methods have been incorporated into the proposal providing an appropriate degree of accessibility and that compliance with statutory requirements, pertaining external site linkages, building access, common area access, service facilities and parking.
4W Waste management	<p>The waste room is positioned at the front of the building but remains discreetly obscured from view by being integrated into the building structure. It is topped with a green roof and surrounded by planter boxes, blending harmoniously with the overall design.</p> <p>The waste room consists of an of 21.6m², providing ample circulation space between storage and collection points, sufficient storage for rubbish bins and temporary storage for bulk waste. The communal waste area is conveniently located near each vertical core of the development, ensuring easy access for residents.</p>

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5.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

5.4.1 Chapter 2 Infrastructure

Division 5, Subdivision 2, clause 2.48 applies to the development as the proposed building proposed excavation to a depth of 2.5 metres below the existing ground level on that that adjoins an electricity substation. Pursuant to subclause (2), the consent authority is obligated to issue written notification to the electricity supply authority responsible for the respective area where the development is intended.

This notification serves to solicit feedback regarding potential safety hazards and necessitates the consideration of any received responses within a timeframe of 21 days following the issuance of the notice. Any comments received from the relevant electricity provider should also be forwarded to the applicant for appropriate action (if required).

5.5 State Environmental Planning Policy (Resilience and Hazards) 2021

5.5.1 Chapter 4 - Remediation of land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment through:

- Specifying when consent is required, and when it is not required, for a remediation work.
- Specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- Requiring that a remediation work meet certain standards and notification requirements.

Pursuant to Clause 4.6 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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.

The subject site is zoned R4 High Density Residential and has been historically used for residential purposes. The proposed is neither carried out on land to which is referred to in Table 1 of the Contaminated Land Planning Guidelines as being or is known to have been land subject of contamination or within close proximity to any known contaminated land. As such, there is nothing to indicate that the site would be affected by soil contamination.



6. LOCAL PLANNING INSTRUMENTS – CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 (CBLEP 2023) – Section 4.15(1)(a)(i)

CBLEP 2023 is the relevant Local Environmental Planning Instrument applicable to the subject site. The following below provides commentary of the relevant Parts, Development Standards and/or Controls contained within CBLEP 2023 which are applicable to the subject proposal.

6.1 Part 2 Permitted or prohibited development

6.1.1 Zoning and permissibility

Zoning	R4 High Density Residential
Proposed land use:	Residential Flat Building
Permissibility:	Permissible.
Definition of land use:	residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

6.1.2 Objectives of the zone

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

Comment:

The development provides for multiple dwellings within a single building which efficiently utilises existing land and provides for the housing needs of the community by accommodating a larger number of residents with an affordable housing option within a accessible high-density residential environment.

- *To provide a variety of housing types within a high density residential environment.*

Comment:

The development proposes a mix of one (1) and two (2) bedroom apartments with an affordable housing component. This variety delivers an affordable housing option, enhances social inclusivity and ensures that the housing stock meets the needs of a wide range of residents within the high-density residential environment.

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

Comment:

While primarily residential, the location of the development supports other land uses to which already service the day to day needs of residents. The proposed development is located within the southern frame of the Bankstown Central Business District, ensuring easy access to essential amenities and services for residents. Situated within a mix of commercial and mixed-use developments, the development provides convenient



proximity to retail outlets, dining venues, healthcare facilities, educational institutions and recreational spaces. The location supports other land uses to service the day to day needs of residents.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment:

The development is situated in an R4 High Density Residential zone and residential flat buildings are a permissible land use that are envisioned to be within the desired future character of the area. It is unlikely to see redevelopment of low-scale single dwellings and moreover higher density within the R4 zoned land.

The development sets a preamble for future development along Vimy Street, safeguarding the future of the heritage item at 10 Vimy Street and respects the streets historical significance. Therefore, the development aligns with both existing and future and land uses, minimising potential conflicts.

- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*

Comment:

The proposed development is located within the southern frame of the Bankstown CBD and located within 750 metres walking distance of Bankstown Bus and Train stations, including within 250 – 400 metres of bus stops allowing the development to be accessibility to public transportation hubs. By concentrating residential density in an accessible location, the development encourages public transport patronage, reduces reliance on private vehicles and provides a pedestrian-friendly environment conducive to walking and cycling.

- *To promote a high standard of urban design and local amenity.*

The development aligns with this objective as it adheres to the Design Quality Principles, consistency with the Apartment Design Guide and is consistent with both the Canterbury Bankstown Local Environmental Plan and Development Control Plan. The development is also designed in a way that respects the existing character within an area that will undergo change toward a higher density.

Based on the above considerations, it is concluded that the proposed development achieves consistency with the objective of the development standard and the objectives of the zone. As a result, the variation is not contrary to the public interest.



6.2 Part 4 Principal development standards

6.2.1 Clause 4.1B - Minimum lot sizes and special provisions for certain dwellings

Pursuant to Clause 4.1B(2)(a) and (b) the minimum lot size for residential flat buildings on land zoned R4 High Density Residential is 1500m² and 30 metres width measured at the building line.

The proposed development is made pursuant to SEPP (Housing) 2021, Chapter 2, Part 2, Division 1 for the purposes of in-fill affordable housing, which requires a minimum lot area requirement of 450m², under Clause 19(2)(a). Therefore, the minimum lot area required under Clause 4.1B(2)(a) is not required to be complied with the provisions of the Housing SEPP prevails and the non-discretionary development standard is a matter that if complied with prevent the consent authority from requiring more onerous standards.

The proposed, however is at variance with Clause 4.1B as the consolidation of the sites do not meet the minimum lot width of 30 metres as specified in Clause 4.1B(2)(b). An exemption to the development standard is sought pursuant to Clause 4.6 of CBLEP 2023. A Clause 4.6 report accompanies this Development Application demonstrating the planning merits of the development. Refer to submitted Clause 4.6 document.

6.2.2 Clause 4.3 - Height of buildings

Pursuant to Clause 4.3(2), the maximum building height permitted on the lot is 10 metres. However, given that the development is made pursuant to the provisions of the Housing SEPP, a bonus maximum building height is permitted, which as notated above, complies.

6.2.3 Clause 4.4 – Floor Space Ratio

Pursuant to Clause 4.4(2), the maximum permitted floor space ratio permitted on the lot is 0.75:1. However, given that the development is made pursuant to the provisions of the Housing SEPP, a bonus FSR is permitted, which as notated above, complies.

6.3 Part 5 Miscellaneous provisions

6.3.1 Clause 5.10 – Heritage Conservation

The objectives of this clause are to conserve the environmental heritage of Canterbury-Bankstown, conserve the heritage significance of heritage items, including associated fabric, settings and views, conserve archaeological sites and conserve Aboriginal objects and Aboriginal places of heritage significance.

The subject sites are not items of heritage significance or within a conservation area, however are located within the immediate vicinity of WSHC House, “Weymouth” and WSHC House, “The Nest” located at Nos. 10 and 22 Vimy Street which are items of local heritage significance pursuant to Schedule 5 of CBLEP 2023.



The application has been supported with a Heritage Impact Statement prepared by Edwards Heritage Consultants and dated January 2023 demonstrating that the proposed development satisfies the objectives and provisions of Clause 5.10 and the development controls stipulated in the DCP. Overall, the development does not adversely affect the heritage significance of the items and it is considered that the proposed is acceptable to satisfy the provisions of Clause 5.10.

6.3.2 Clause 5.21 – Special Flood Considerations

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, avoid adverse or cumulative impacts on flood behaviour and the environment and to enable the safe occupation and efficient evacuation of people in the event of a flood.

The subject sites are affected by an overland flow path for excess stormwater runoff from the upstream catchment and associated with the drainage system located south and east of the site. The site will be subject to stormwater inundation from this overland flow path during large storm events. The application has been supported with a Flood Impact and Risk Management Report prepared by Altoor Consulting, dated 19 February 2024 which illustrates that the proposed is satisfactory on flood patterns and provides additional recommendations. Subject to these recommendations, the proposed can be considered to satisfy the provisions of Clause 5.21. Further details are illustrated in the Flood Impact and Risk Management Report.

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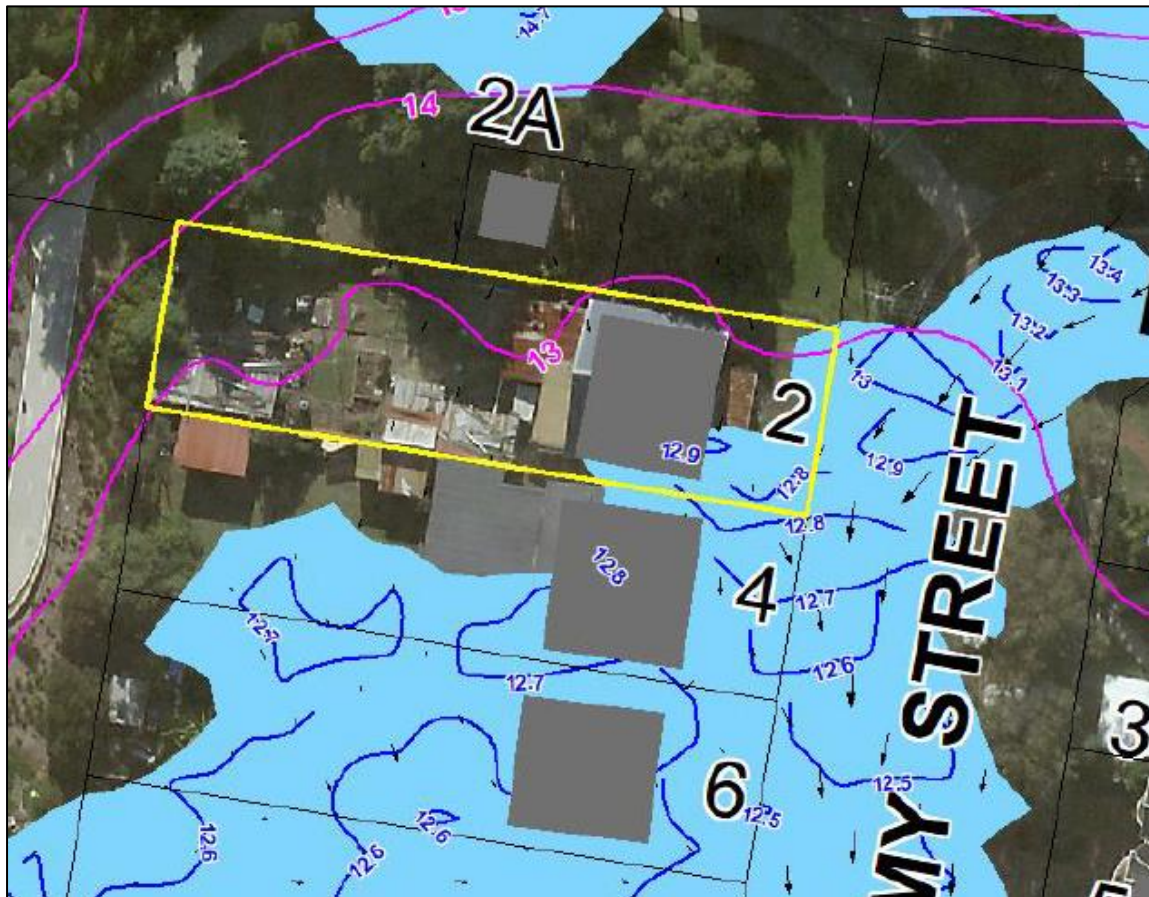


Figure 16: 100 Year ARI Flood Extent and Flood Contour Levels (mAHD) Salt Pan Creek Catchment
(Source: Stormwater Systems Report provided by Canterbury Bankstown Council dated 17 January 2023).

6.4 Part 6 Additional Local Provisions

6.4.1 Clause 6.1 – Acid Sulfate Soils

The subject site is subject to Acid Sulphate Soils (Class 5) which is works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Clause 6.1 (5) requires acid sulphate soils management plan to prepared for the proposed works in accordance with the Acid Sulphate Soils Manual. Considering that the extent of excavation will not lower the water table below 1 metre AHD, a soil management plan will not be warranted. The proposal is unlikely to disrupt, expose or drain acid sulphate soils and cause environmental damage. The proposal is considered to be satisfactory.



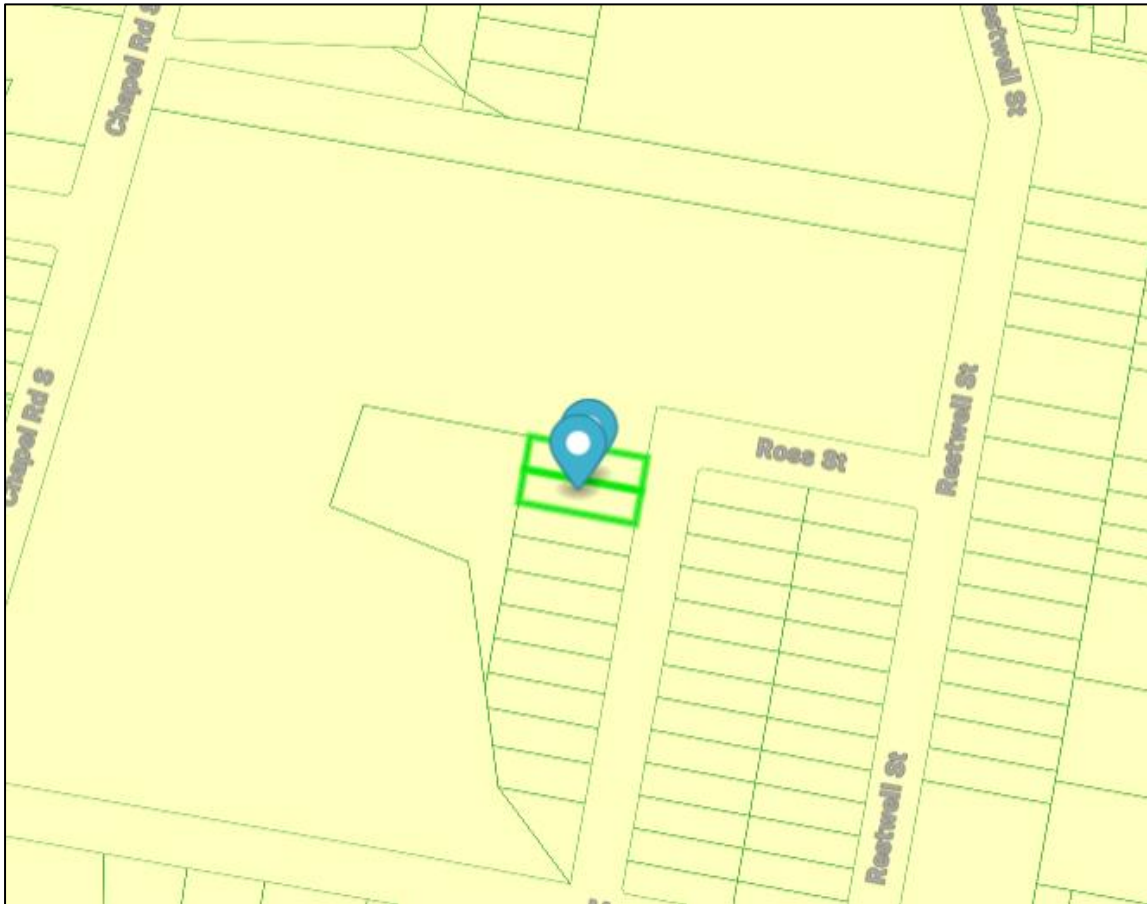


Figure 17: Acid Sulfate Soils Map illustrating that the subject site is within the Class 5 Acid Sulfate Soils Buffer (Source: Mecone Mosaic).

6.4.2 Clause 6.2 – Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves excavation below the existing ground level up to 2.5 metres to accommodate the basement and driveway. The proposed extent of excavation is considered to not result in any detrimental impacts upon environmental functions and processes, neighbouring uses or features of surrounding land. The proposed levels of cut and fill does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).

6.4.3 Clause 6.3 - Stormwater management and water sensitive urban design

The proposed development integrates effective stormwater management strategies, aligned with Water-Sensitive Urban Design (WSUD) Principles. The proposed stormwater management system for the development is proposed to discharge to the kerb along Kitcheners Parade and takes into consideration the WSUD Principles. Although there may be an increase in stormwater runoff from the site, the implementation of WSUD Principles aims to minimise its impact on the drainage network.



The proposal is considered to satisfy the provisions of Clause 6.4. For further details regarding the proposed drainage scheme, refer to the submitted Stormwater Drainage Concept plans prepared by ABCON dated 18 April 2024.

6.4.4 Clause 6.9 – Essential Services

Pursuant to Clause 6.9 the consent authority must not grant development consent unless the following services are available or adequate arrangements for the supply of water, electricity disposal and management of sewage, waste disposal and recycling, onsite drainage and suitable vehicular access.

The site currently has access to water and electricity supply, as well as sewage disposal facilities, owing to the historical presence of buildings on the lot. However, any additional connections or increased capacity of existing utilities will typically be subject to the conditional requirements set by the relevant utility providers, such as Sydney Water, Endeavour Energy and others.

In compliance with BASIX requirements for water reuse incorporated into the development. The Drainage Plans, which have been submitted as part of the application, also detail the drainage system adequately. Furthermore, vehicular access to the property is facilitated via Vimy Street. Therefore, with consideration of the above, the proposed satisfies the provisions of Clause 6.9.

6.5 Schedule 1 – Additional Permitted Uses

There are no additional permitted uses associated with the subject site.

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7. ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT - Section 4.15(1)(a)(ii)

There is no relevant draft EPI, Planning Proposal or Plan relevant to the proposed development.

8. DEVELOPMENT CONTROL PLAN - Section 4.15(1)(a)(iii)

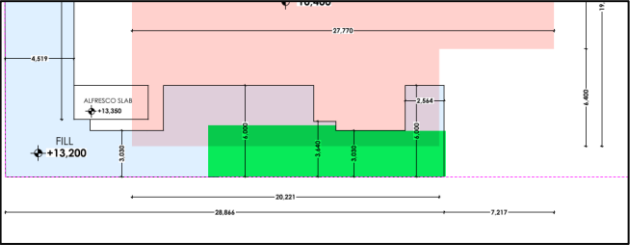
8.1 Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023)

The proposed development is subject to the provisions of Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023). The following table below is an assessment against the relevant applicable controls contained within CBDCP 2023.

Where strict compliance has not been achieved, pursuant to Section 4.15(3A)(b) of the EP&A Act 1979, flexibility is sought from Council in determining whether a reasonable alternative solution that achieves the objects is provided by the proposed development. These matters are also discussed in the table below.

CBDCP 2023	Comment
Chapter 5 Residential Accommodation	
5.1 Former Bankstown LGA	
Isolation of sites	
Development on land within Zone R4 High Density Residential is not to result in a site adjoining such land having an area of less than 1,000m ² or a width of less than 20 metres at the front building line for the purpose of multi dwelling housing.	The proposed amalgamation of Nos. 2 and 4 Vimy Street sets the foundation for a future consolidation of Nos. 6 and 8 Vimy Street. This future combination will result in a site that exceeds requirements by providing an area greater than 1,000m ² and a width at the front building line of more than 20 metres.
Storey limit (not including basements)	
Development must comply with the storey limit that corresponds with the maximum building height shown for the site on the Height of Building Map as follows: 4 storeys (no attic) - 13 metres	The building has been designed to be three (3) storeys in scale (excluding the basement) with a height of 11.8 metres proposed.
The siting of residential flat buildings, shop top housing and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	<p>The siting of the development integrates with the sites topography, the landscaped setting of the development incorporates ample deep soil areas to support the growth of shrubs, hedges, mature trees and other vegetation, which allows the development to align with the established domesticated landscape and the emerging high-density character of the area.</p> <p>While some excavation is necessary to accommodate the basement level, the impact of retaining walls supporting the driveway is minimised due to the presence of the landscaped design which provides effective screening to maintain a visually cohesive environment.</p>



CBDP 2023	Comment
	<p>Hard paving is also kept to a minimum, limited to entrance pathways and the driveway. This ensures that the landscape obscures the hard surfaces, contributing to the overall aesthetic and natural harmony setting. Consequently, the design meets the control requirements, avoiding elevated platforms, excessive terracing or unnecessary excavation aligning with the desired character for high density residential development.</p>
<p>Any reconstituted ground level on the site must not exceed a height of 600mm above the natural ground level of an adjoining site except where:</p> <p>(a) the residential flat building or shop top housing is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or</p> <p>(b) the fill is contained within the ground floor perimeter of the residential flat building or shop top housing to a height no greater than 1 metre above the natural ground level of the site.</p>	<p>Filling is proposed along the northern, western and southern side boundaries of the site to a finished level of RL 13.200 exceeding the maximum allowable.</p> <p>The additional fill height is confined to a small indicative portion along the southern boundary, approximately 50m² (4.2% of the overall site area).</p>  <p>Figure 18: Indicative area of non-compliant fill (Source: Cut and Fill Plan prepared by ABCON).</p> <p>The landscaped design ensures that the residential flat building blends with the future high-density residential character. The fill will support proper landscaping, including deep soil areas for suitable vegetation and mature tree growth, providing a consistent and visually appealing landscaped setting.</p> <p>The buildings form and design are maintained despite the additional fill. Residents will continue to receive adequate access to sunlight and privacy and the fill allows the building to maintain its intended scale and layout, preserving residential amenity. The non-compliant fill does not adversely impact the visual bulk or access to sunlight and privacy for neighbouring properties, given that it is only marginally above the allowable limit and limited to a small section of the site.</p> <p>Overall, the non-compliance, is limited minimal and negligible and does not undermine the objectives of the DCP. Therefore, the proposed fill is consistent with the objectives and acceptable on merit.</p>
Street Setbacks	
6 metres	Setback from Vimy Street to Building line: 7.931 metres (minimum)



CBDP 2023	Comment
Side and rear setbacks	
<p>For a building with three or more storeys, the minimum setback to the side and rear boundaries of the site is 4.5 metres provided the average setback is 0.6 multiplied by the wall height.</p>	<p>The proposed development varies from the setback controls due to the bonus height allowable under the Housing SEPP and a reduction in setbacks to the northern reserve towards Bankstown City Gardens and the western setback oriented towards Bankstown Oval. There is also a minor non-compliance to the south concerning the wall of the building and the encroachment of the ground floor alfresco areas and balconies above.</p> <p>The western and northern setbacks adjoin public reserves, meaning that the non-compliance to these boundaries does not result in adverse impacts on residential properties. The presence of public reserves mitigates potential visual and overshadowing impacts, as these areas are not developed for residential use and thus do not suffer from privacy or sunlight issues.</p> <p>Furthermore, the separation in combination with privacy treatment such as increased sill heights of windows toward the southern setback ensures that the development does not constrain future redevelopment of Nos. 6-8 Vimy Street, aligning with the objective of ensuring adjacent land remains viable for future redevelopment.</p> <p>Therefore, despite not achieving numerical compliance the proposed is consistent with the intended objectives of the control, does not result in adverse impact and can be considered acceptable on merit.</p>
<p>The minimum setback for a basement level to the side and rear boundaries of the site is 2 metres.</p>	<p>Setback from northern boundary: 4.5 metres</p> <p>Setback from eastern boundary: 8.497 metres – 8.565 metres</p> <p>Setback from southern boundary: 2 metres</p>
<p>The minimum setback for a driveway to the side and rear boundaries of the site is 1 metre.</p>	<p>Driveway setback from southern boundary: 2 metres</p>
Private Open Space	
<p>Development must locate the private open space behind the front building line. This clause does not apply to any balconies where it is used to provide articulation to the street facade.</p>	<p>The minimum setback to the building line is 7.931 metres. The development includes three (3) balconies on the front elevation belonging to Units 7, 9, and 11. The balconies of Units 7 and 9 are used for POS, while the balcony of Unit 11 is an ancillary feature for a bedroom.</p> <p>Each balcony is positioned at least 9 metres from the front boundary, exceeding the primary building line by over a metre. All balconies have been designed to provide articulation to the building's front facade while complying with the control that requires private open space behind the front building line.</p>



CBD CP 2023	Comment
Building design	
The maximum roof pitch for residential flat buildings and shop top housing is 35 degrees.	The pitch of the proposed roof is 10 degrees.
Council does not allow residential flat buildings and shop top housing to have roof-top balconies and the like.	The roof is not designed to be a trafficable terrace.
<p>The siting of a plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must:</p> <p>(a) integrate with the architectural features of the building to which it is attached; or</p> <p>(b) be sufficiently screened when viewed from the street and neighbouring sites.</p>	<p>Internal utilities and services are completely concealed within the building. The waste room is incorporated into the buildings structure and features planter boxes and a green roof, blending harmoniously with the overall design of the development. External services are screened behind the building line and integrated into the landscape design, providing effective visual coverage from the street and neighbouring sites.</p> <p>The lift is also integrated into the roof design, ensuring it remains concealed and does not impact the buildings appearance from the street or neighbouring properties. The design and location of utilities are architecturally integrated or adequately screened, adhering to the control.</p>
Building design (car parking)	
Development must locate the car parking spaces behind the front building line.	All carparking spaces are located within the basement and behind the building line.
Landscape	
Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the residential flat building and shop top housing.	Not applicable. No trees exist on the subject site for retention.
<p>Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species):</p> <p>(a) a minimum 45% of the area between the building and the primary street frontage; and</p> <p>(b) a minimum 45% of the area between the building and</p>	The total landscaped area in front of the building line is 91.85m ² , representing 45% of the landscaped area forward of the building line. The proposed landscaping plan also includes the planting of a <i>Tristania laurina</i> 'Luscious' (Watergum), <i>Lagerstroemia indica</i> (Crepe Myrtle), and <i>Acer palmatum</i> 'Atropurpureum' (Purple Japanese Maple), each with a minimum pot size of 75 litres.



CBDP 2023	Comment
<p>the secondary street frontage; and</p> <p>(c) plant more than one 75 litre tree between the building and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury Bankstown).</p>	

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9. PLANNING AGREEMENTS - Section 4.15(1)(a)(iia)

There is no planning agreement being entered into as part of this application.

10. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 – Section 4.15(iv)

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. The Regulation provides standard and relevant Conditions (i.e Compliance with the BCA/NCC, Australian Standards, Section 7.11/7.12 Contributions etc...) which the Consent Authority must impose when issuing Development Consent. These Conditions will be implemented upon the issue of Development Consent.

10.1 Clause 84 - Residential flat buildings—social housing providers, public authorities and joint ventures

This section applies to development permitted under [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 2, Part 2, Division 5, other than development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

The consent authority must impose a condition development consent that before the issue of an occupation certificate a restriction must be registered against the title of the property in accordance with the *Conveyancing Act 1919*, section 88E. Evidence of an agreement with a registered community housing provider for the management of the residential flat building must be provided to the Registrar of Community Housing. This evidence should include the name of the registered community housing provider.

11. ANY LIKELY NATURAL OR BUILT ENVIRONMENT IMPACT OR SOCIAL AND ECONOMIC IMPACT – Section 4.15(b)

11.1 Natural Environment

The proposed development is located in a high density residential environment on an allotment with appropriate zoning for the proposed development. The proposed is designed to operate at a high density domestic scale which does not result in unreasonable acoustic or air pollution. The design, location and siting of the building is orientated to maximise solar access and includes sustainable measures for water and energy consumption. Overall, the proposal is designed to mitigate any potential impacts on the natural environment.

11.2 Built Environment

The proposed development is predominantly designed and sited in accordance with the relevant built form controls, compatible with the future streetscape patterns and achieves the desired future character of the area. Where the development has not demonstrated compliance with those controls, the relevant objectives are achieved, and impact is mitigated and minimised where practical. Overall, as demonstrated in this



statement, it is unlikely that the development will consist of an adverse impact on the built environment.

11.3 Social Impact

There are no adverse social impacts identified with the provision of a residential flat building within an R4 High Density Residential Zone.

11.4 Economic Impact

No adverse negative economic impacts are likely to result from the development. The development is likely to contribute to a range of economic benefits such as generation of local jobs, utilise existing infrastructure and services and encourage the use of local business and local economy.

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12. SITE SUITABILITY - Section 4.15(c)

The subject site is appropriately zoned for the development, and the development is considered to satisfy the relevant built form development standards and controls. The development neither is considered to result in adverse material, environmental, social or economic impacts. Therefore, it is considered that the development is suitable for the site.

13. SUBMISSIONS - Section 4.15(d)

Any submissions received as a result on notification of the Development Application will be considered by the consent authority.

14. PUBLIC INTEREST - Section 4.15(e)

The public interest is best serviced by the consistent application of the relevant statutory requirements which ensures the consent authority that any adverse effects arising from development are minimised. Having regard to the proposed developments performance against the applicable statutory provisions and policies, the proposal is not considered to raise any issues that would be contrary to the public interest.

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15. INTEGRATED DEVELOPMENT - Section 4.46 and 4.47(2)

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more approvals. The following table below provides detail of other required approvals and if the development is subject of any of those approvals.

Act	Provision	Approval	Required
<u>Coal Mine Subsidence Compensation Act 2017</u>	Section 22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No
<u>Fisheries Management Act 1994</u>	Section 144	Aquaculture permit	No
	Section 201	Permit to carry out dredging or reclamation work	No
	Section 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	No
	Section 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	No
<u>Heritage Act 1977</u>	Section 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	No
<u>Mining Act 1992</u>	Sections 65 and 64	Grant of mining lease	No
<u>National Parks and Wildlife Act 1974</u>	Section 90	Grant of Aboriginal heritage impact permit	No
<u>Petroleum (Onshore) Act 1991</u>	Section 16	Grant of production lease	No
<u>Protection of the Environment Operations Act 1997</u>	Sections 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No
	Sections 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	No
	Sections 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No

<u>Roads Act 1993</u>	Section 138	Consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road.	No
<u>Rural Fires Act 1997</u>	Section 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	No
<u>Water Management Act 2000</u>	Sections 89, 90 and 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No

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16. CONCLUSION

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the pertinent statutory provisions, the proposed development is considered to be reasonable and appropriate for the site and within its specific context.

The subject site is appropriately zoned for the development and the development is considered to satisfy the relevant built form development standards, controls and associated objectives. The development neither is considered to result in adverse material, environmental, social or economic impacts.

On balance, the proposal is considered suitable for the site and not contrary to the public interest and therefore, it is recommended that Council as the consent authority pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent for the construction of a three (3) storey residential flat building comprising of 12 residential apartments, three (3) x one (1) bedroom apartments and nine (9) x two (2) bedroom apartments including a basement level, car parking to accommodate 11 off-street parking spaces and other site works ancillary to the development on land at 2 – 4 Vimy Street, Bankstown.

Statement prepared by Polaris Planning and Development.

