



Statement of Environmental Effects

Alterations and Additions

to

Approved Shop Top Housing Development

153-159 Penshurst Road

Narwee

26 November 2024

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1.0 Introduction

On 1 May 2023, pursuant to DA-157/2022, Canterbury Bankstown Council (CBC) granted development consent to Mirwan Hanna to demolish all existing structures on land at 153-159 Penshurst Road Narwee (subject site), to construct an eight (8) storey shop top housing development containing 33 residential apartments and ground floor commercial premises over 3 levels of basement car parking.

This Statement of Environmental Effects (SEE) forms part of a new development application (DA) submitted to CBC, proposing to carry out alterations and additions to the approved shop top housing development mentioned above.

This DA is triggered as a result of amendments to State Environmental Planning Policy (SEPP) Housing 2021 where incentive/bonus provisions were inserted into SEPP Housing 2021 to permit additional height and FSR of up to 30% on the basis that the proposal provided up to 15% of the FSR is allocated towards infill affordable housing. The total number of new residential apartments for this development is 43, which is an increase of 10 units from that already approved. It should be noted that 7 of those new units are to be used for infill affordable housing and 3 for non-affordable housing.

The proposed works that form part of this DA include:

- Construction of two (2) additional floors on top of the approved 6 storey shop top housing development, which generates 10 new units, increasing the number of units from 33 to 43;
- Provision of 7 (15%) infill affordable housing units and 3 (8%) non affordable housing units;
- Increasing the number of adaptable units from 4-5;
- The affordable housing units consist of 3 x 1 bedroom and 4 x 2 bedroom;
- the shop top housing development now comprises of 10 storeys (new levels 8 & 9);
- provision of an additional fire egress stair to comply with NCC requirements of regarding fire safety and access;
- amendments to retail unit G01 to incorporate egress path of an additional fire stair and inclusion of fire control centre to comply with the requirements of the NCC;
- variations to residential car parking spaces by increasing the number of accessible spaces from 4 to 5;
- Bike spaces increased by 1 new bike rack from 9 to 10;
- Provision of an extra lift to comply with the requirements of the NCC for fire safety and access;
- Increase in the residential waste and recycling storage areas to cater for the additional units;
- Relocation of egress stair from basement to south-east corner of the building;
- New unit mix is:
 - 31 x 2 bedrooms;(72%)
 - 8 x 1 bedroom (10%);
 - 4 x 3 bedroom (18%);
- Approved building height is 27m while proposed building height is 34.5m (27.8%), complying with new building height controls within SEPP Housing 2021 – Section 16, In-Fill Affordable Housing and
- Amendments to the floor to floor ceiling heights from 3.1m to 3.20m (now a statutory requirement).

This SEE has been prepared in accordance with Section 4.12 'Application' of the Environmental Planning and Assessment (EP&A) Act, 1979 and Clause 24 of the Environmental Planning and Assessment (EP&A) Regulation, 2021.

This report provides a description of the site and surrounds, a comprehensive description of the proposed development, a summary of the relevant planning controls, and an assessment of the environmental effects the proposed building works will have on the surrounding urban environment. The report concludes that after examining the environmental effects of the proposed development against the Evaluation Criteria as set out under Section 4.15 (1) of the EP&A Act, 1979, this proposal is of an appropriate design that will have no adverse environmental or amenity impacts upon the surrounding built and natural environments and will assist in contributing towards housing targets, including affordable housing predicted for this urban centre.

Accordingly, it is our opinion that this application is worthy of approval.

2.0 The Site and Surrounding Environment

The site is located on the western side of Penshurst Road, between Hannans Road and Wyatt Parade and is generally known as 153-159 Penshurst Road Narwee. See locality maps at **Figure 1** and **Figure 2**.

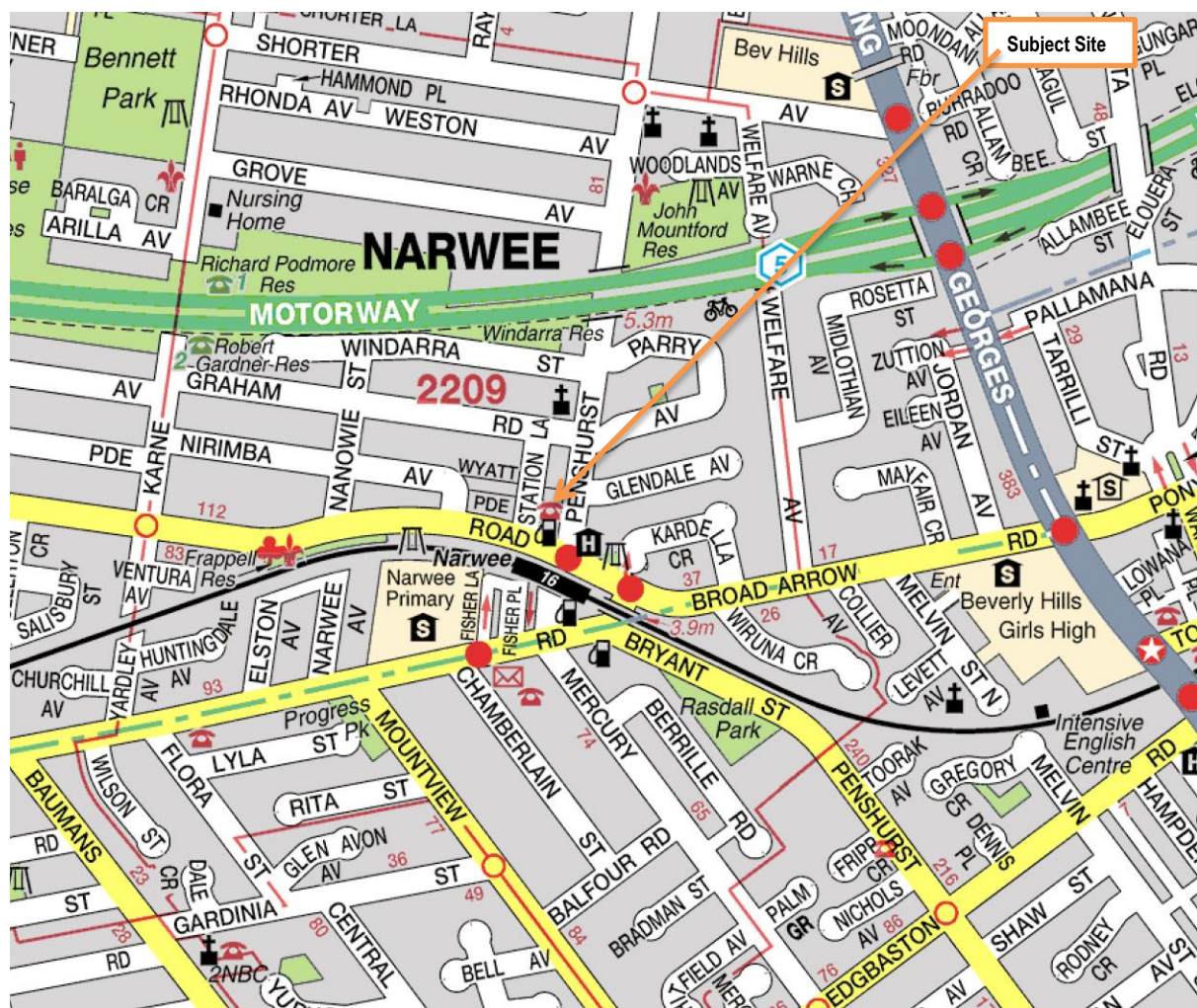


Figure 1
Source: UBD

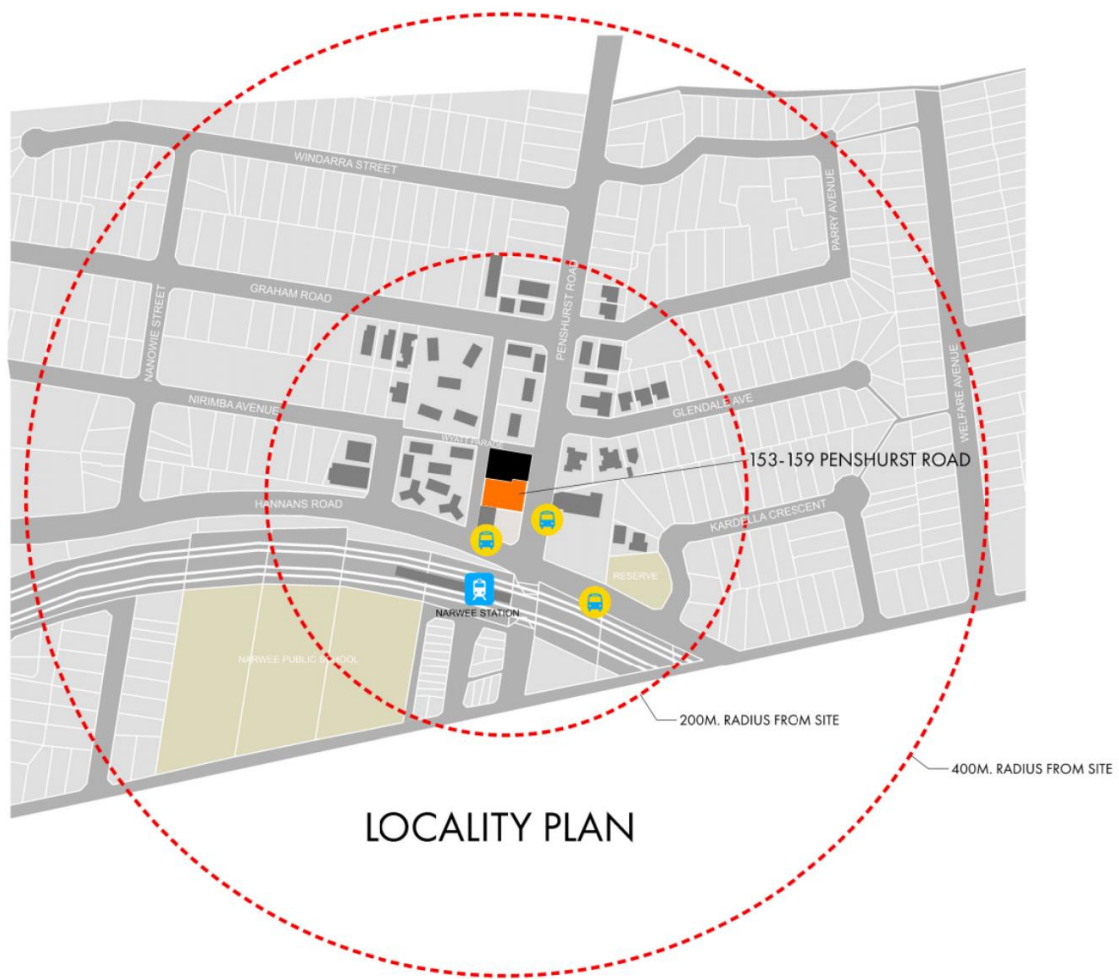


Figure 2
Source: Ross Howieson Architects

The subject site currently comprises a two (2) storey neighbourhood shopping centre containing ground floor retail premises with a single level of residential development above. The existing development is accessed via both Penshurst Road and Station Lane and there are approximately 8 car parking spaces partially located on the subject site frontage to Penshurst Road for public use. An aerial photograph of the subject site and surrounds is provided at **Figure 3**.



Figure 3
Source: Six Maps

See photos of the site and surrounds at **Figures 4 – 11**.



Figure 4
View West from Penshurst Road Towards Subject Site



Figure 5
View North From The Intersection of Hannans Road and Penshurst Road Towards The Adjoining 7 Eleven Service Station



Figure 6
View North Towards The Narwee Hotel - Intersection of Penshurst Road and Hannans Road



Figure 7
View South Towards Narwee Railway Station in Background and Streetscape along Penshurst Road



Figure 8
View South Along Penshurst Road Towards Narwee Railway Station



Figure 9
View North Along Station Lane Towards The Subject Site on Right



Figure 10
View North From The Intersection of Penshurst Road and Hannans Road Towards Subject Site



Figure 11
View North From Penshurst Road Towards Subject Site

3.0 Site Details

The development site is generally rectangular in shape and legally described as Lot V in DP 36397 having a total site area of 864.6m² and a street frontage of 30.48m, generally known as 153-159 Penshurst Road Narwee. See **Figure 12**.

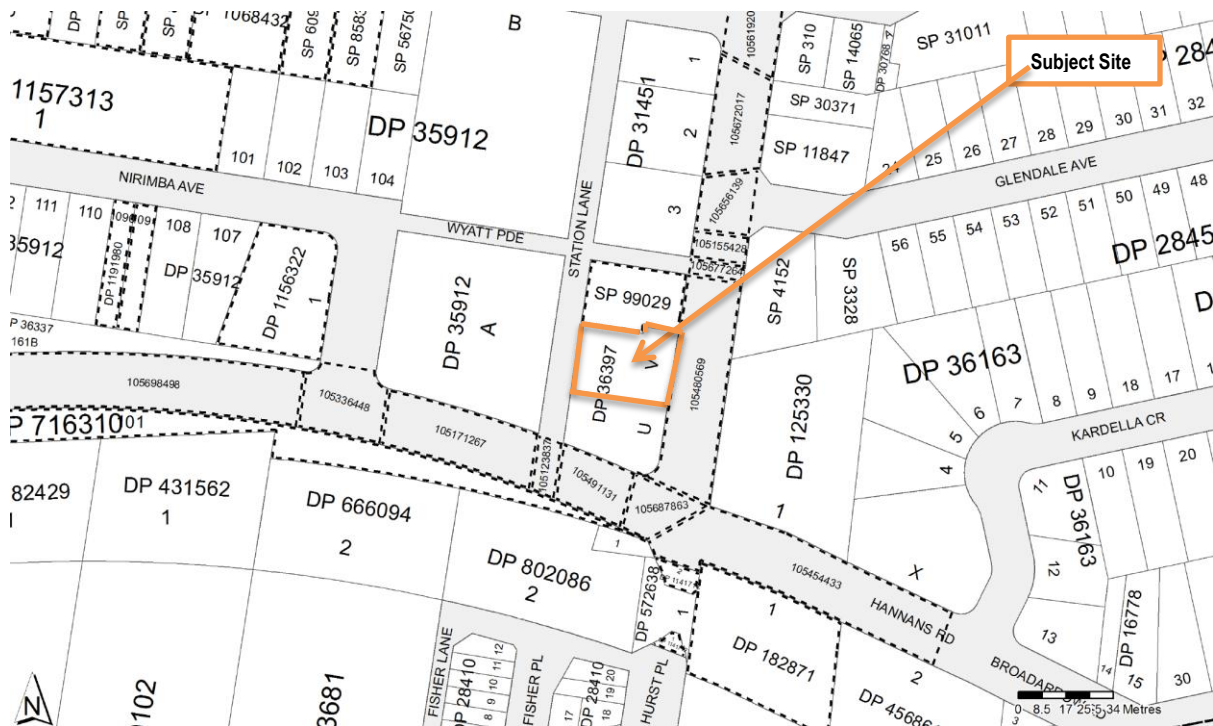


Figure 12
Source: NSW Land and Property Information

The subject site comprises an irregular allotment with the boundary dimensions as follows:

- An eastern frontage to Penshurst Road measuring 26.31 metres;
- A western secondary frontage to Station Lane measuring 23.69 metres and
- A northern and southern side boundary depth measuring 35.07 metres respectively.

3.1 Town Planning History of Site

On 1 May 2023, pursuant to DA-157/2022, Bankstown City Council granted development consent to Mirwan Hanna to demolish all existing structures on the site and construct an 8-storey shop top housing development comprising 3 levels of basement car parking, ground floor commercial premises, and 33 residential apartments above.

4.0 The Proposal

The proposed works that form part of this DA include:

- Construction of two (2) additional floors on top of the approved 6 storey shop top housing development, which generates 10 new units, increasing the number of units from 33 to 43;
- Provision of 7 (15%) infill affordable housing units and 3 (8%) non affordable housing units;
- The affordable housing units consist of 3 x 1 bedroom and 4 x 2 bedroom units;
- Increasing the number of adaptable units from 4-5;
- the shop top housing development now comprises of 10 storeys (new levels 8 & 9);
- provision of an additional fire egress stair to comply with NCC requirements of regarding fire safety and access;
- amendments to retail unit G01 to incorporate egress path of an additional fire stair and inclusion of fire control centre to comply with the requirements of the NCC;
- variations to residential car parking spaces by increasing the number of accessible spaces from 4 to 5;
- Bike spaces increased by 1 new bike rack from 9 to 10;
- Provision of an extra lift to comply with the requirements of the NCC for fire safety and access;
- Increase in the residential waste and recycling storage areas to cater for the additional units;
- Relocation of egress stair from basement to south-east corner of the building;
- Approved building height is 27m while proposed building height is 34.5m (27.8%), complying with new building height controls set out under within SEPP Housing 2021 - In-Fill Affordable Housing and
- Amendments to the floor to floor ceiling heights from 3.1m to 3.2m (now a statutory requirement).

Approved Unit Mix:

- 7 x 1 bedroom (16%)
- 22x 2 bedroom (72%);
- 4 x 3 bedroom (12%).

Total = 33

Proposed New Unit Mix:

- 8 x 1 bedroom (10%);
- 31 x 2 bedrooms;(72%)
- 4 x 3 bedroom (18%);

Total = 43

The overall building is architecturally sound and readily exhibits design excellence. The proposed building form can only enhance the streetscape by removing older neighbourhood shops with first floor residential units.

The proposal introduces superior, a high density shop top housing development into a neighbourhood that is within walking distance of regular bus and train services.

Below are compliance summary tables setting out what's been approved and what's now proposed and the plans need to be read in conjunction with each summary. See Figures 13– 31.

COMPLIANCE SUMMARY

	APPROVED DEVELOPMENT	PROPOSAL
SITE AREA	864.6 SQ.M.	864.6 SQ.M.
TOTAL GFA APPROVED/PROPOSED	N/A	N/A
MAXIMUM BUILDING HEIGHT PROPOSED	27M.	34.5 M. (27.8% INCREASE)
TOTAL NO. OF APARTMENTS IN PROPOSAL	33	43
APARTMENT MIX IN PROPOSAL	22 X 2 BEDROOM (67%) 7 X 1 BEDROOM (21%) 4 X 3 BEDROOM (12%)	31 X 2 BEDROOM (72%) 8 X 1 BEDROOM (18%) 4 X 3 BEDROOM (10%)
NO. OF ADAPTABLE APARTMENTS PROPOSED	4	5
NO. OF AFFORDABLE APARTMENTS PROPOSED	NIL	7
GFA OF AFFORDABLE APARTMENTS	NIL	565 SQ.M. (>13.9% OF GFA)
APARTMENTS WITH MID WINTER SOLAR ACCESS	78% (26 UNITS)	79% (34 UNITS)
APARTMENTS WITH NATURAL VENTILATION	81% (27 UNITS)	79% (34 UNITS)
VISITOR PARKING PROVIDED	6 (INCL. 1 ACCESSIBLE)	6 (INCL. 1 ACCESSIBLE)
RESIDENT PARKING PROVIDED	39 (INCL. 4 ACCESSIBLE) + CARWASH BAY	39 (INCL. 5 ACCESSIBLE) + CARWASH BAY
BICYCLE PARKING PROVIDED	10	10
RETAIL PARKING PROVIDED (219 SQ.M. RETAIL)	6 (INCL. 1 ACCESSIBLE) + 1 LOADING BAY	6 (INCL. 1 ACCESSIBLE) + 1 LOADING BAY

Figure 13
Source: Ross Howieson Architects

APPROVED AREA SCHEDULE

APARTMENT NUMBER		BEDROOMS	INTERNAL AREA	EXTERNAL AREA	INTERNAL STORAGE AREA (CUB.M.)	BASEMENT STORAGE NO.	BASEMENT STORAGE AREA (CUB.M.)	TOTAL STORAGE AREA (CUB.M.)	CAR SPACE NO.	CAR SPACES	SOLAR ACCESS 2HRS MIN.	VENTILATION
G01	RETAIL		189							5		
G02	RETAIL		68.5							2		
101	3	106	87	6.4	ST.B210	8.9	15.3	B2.05+B2.06	2			YES
102	3	103	47.5	10	ST.B213	16.3	26.3	B2.12+B2.13	2			YES
103	2	96.5	38.5	9	ST.B201	9.8	18.8	B2.01	1	YES		
104	1	78	10.5	8.4	ST.B108	14.2	22.6	B1.14	1	YES	YES	YES
105	2	95	14	16.3	ST.B202	9	25.3	B2.02	1	YES	YES	YES
201	3	106	27	6.4	ST.B311	14.2	20.6	B3.05+B3.06	2			YES
202	3	103	12.5	10	ST.B314	16.3	26.3	B3.12+B3.13	2			YES
203	2	96.5	15.8	9	ST.B301	9.7	18.7	B3.01	1	YES	YES	YES
204	1	78	10.5	8.4	ST.B107	8.8	17.2	B1.15	1	YES		
205	2	95	14	16.3	ST.B302	9	25.3	B3.02	1	YES	YES	YES
ADAPTABLE UNIT	301	2	80.5	52	6.4	ST.B209	15.7	22.1	B2.03+B2.04	2	YES	YES
	302	2	87.5	26	4.3	ST.B206	7.5	11.8	B2.08	1	YES	YES
	303	2	82	28.3	3	ST.B207	7.7	10.7	B2.09	1	YES	
	304	1	62	24	8.4	ST.B106	8.8	17.2	B1.16	1	YES	YES
SILVER LIVABLE UNIT	305	2	80	27	9	ST.B212	5.3	14.3	B2.10	1	YES	YES
ADAPTABLE UNIT	401	2	79	17.5	4	ST.B211	5.3	9.3	B2.11	1	YES	YES
	402	2	77	10	4.3	ST.B205	7.5	11.8	B2.07	1		YES
	403	2	82	12.5	4.3	ST.B208	8.8	13.1	B2.14	1	YES	YES
SILVER LIVABLE UNIT	404	1	62	10.5	8.4	ST.B105	8.8	17.2	B1.17	1	YES	
	405	2	80	14	9	ST.B214	15	24	B2.15	1	YES	YES
	501	2	79	17.5	4	ST.B204	7.5	11.5	B2.16	1	YES	YES
ADAPTABLE UNIT	502	2	77	10	4.3	ST.B306	7.5	11.8	B3.08	1		YES
SILVER LIVABLE UNIT	503	2	82	12.5	4.3	ST.B203	12.3	16.6	B2.17	1	YES	YES
	504	1	62	10.5	8.4	ST.B308	6	14.4	B3.14	1	YES	
	505	2	80	14	9	ST.B309	6	15	B3.15	1	YES	YES
	601	2	79	17.5	4	ST.B310	13	17	B3.03+B3.04	2	YES	YES
	602	2	77	10	4.3	ST.B305	7.5	11.8	B3.07	1		YES
SILVER LIVABLE UNIT	603	2	82	12.5	4.3	ST.B307	6	10.3	B3.09	1	YES	YES
	604	1	62	10.5	8.4	ST.B313	5.3	13.7	B3.10	1	YES	
	605	2	80	14	9	ST.B312	5.3	14.3	B3.11	1	YES	YES
	701	2	82	12.5	4.3	ST.B304	7.5	11.8	B3.16	1	YES	YES
	702	1	62	10.5	3	ST.B303	12.3	15.3	B3.17	1	YES	YES
	703	2	80	14	9	ST.B315	12.8	21.8	B3.18	1	YES	YES
			2065.5	516.6						46	26 TOTAL	27 TOTAL
										78.0%	81.0%	

UNITS 402+502+602 RECEIVE LESS THAN 1 HR. OF DIRECT SOLAR ACCESS IN MIDWINTER TO LIVING AREAS = 9%

7 X 1 BED
22 X 2 BED
4 X 3 BED
TOTAL 33 UNITS

39 RESIDENTIAL CAR SPACES
5 VISITOR CAR SPACES
7 RETAIL CAR SPACES
1 CAR WASH BAY
10 BICYCLE SPACES
10 BICYCLE SPACES

Figure 14
Source: Ross Howieson Architects

PROPOSED AREA SCHEDULE

APARTMENT NUMBER	BEDROOMS	INTERNAL AREA	EXTERNAL AREA	INTERNAL STORAGE AREA (CUB.M.)	BASEMENT STORAGE NO.	BASEMENT STORAGE AREA (CUB.M.)	TOTAL STORAGE AREA (CUB.M.)	CAR SPACE NO.	CAR SPACES	SOLAR ACCESS 2HRS MIN.	VENTILATION
G01	RETAIL	143							4		
G02	RETAIL	76							2		
101	3	103	87	5.4	ST.B209	14.28	19.68	B2.05+B2.06	2		YES
102	3	101.5	47.5	6.3	ST.B217	16.44	22.74	B2.12+B2.13	2		YES
ADAPTABLE + AFFORDABLE UNIT	2	92	38.5	4.85	ST.B207	6.63	11.48	B2.07	1	YES	
AFFORDABLE UNIT	1	68	10.5	3.1	ST.B204	7.56	10.66			YES	YES
ADAPTABLE + AFFORDABLE UNIT	2	95	14	4	ST.B208	6.63	10.63	B2.08	1	YES	YES
201	3	103	87	5.4	ST.B310	14.28	19.68	B3.05+B3.06	2		YES
202	3	101.5	47.5	6.3	ST.B311	8.19	14.49	B3.12+B3.13	2		YES
ADAPTABLE + AFFORDABLE UNIT	2	92	38.5	4.85	ST.B308	6.63	11.48	B3.07	1	YES	YES
AFFORDABLE UNIT	1	68	10.5	3.1	ST.B305	7.56	10.66			YES	
ADAPTABLE + AFFORDABLE UNIT	2	95	14	4	ST.B309	6.63	10.63	B3.08	1	YES	YES
301	2	76	52	5.4	ST.B205	6.63	12.03	B2.03	1	YES	YES
302	2	85	26	4.5	ST.B206	6.63	11.13	B2.04	1	YES	YES
ADAPTABLE UNIT	2	80	23.5	4.4	ST.B316	18.27	22.67	B3.16	1	YES	
AFFORDABLE UNIT	1	55	24	3	ST.B202	9.13	12.13			YES	YES
SILVER LIVABLE UNIT	2	80	27	4	ST.B218	5.37	9.37	B2.10	1	YES	YES
401	2	76	16.3	5.4	ST.B219	5.37	10.77	B2.11	1	YES	YES
402	2	75	10	4.5	ST.B214	5.41	9.91	B2.09	1		YES
403	2	75	14	4.4	ST.B213	5.41	9.81	B2.14	1	YES	YES
404	1	55	10.5	3	ST.B216	5.41	8.41			YES	
SILVER LIVABLE UNIT	2	80	14	4	ST.B212	5.41	9.41	B2.15	1	YES	YES
501	2	76	16.3	5.4	ST.B211	5.41	10.81	B2.16	1	YES	YES
502	2	75	10	4.5	ST.B210	7.53	12.03	B2.17	1		YES
503	2	75	14	4.4	ST.B201	9.13	13.53	B2.01	1	YES	YES
504	1	55	10.5	3	ST.B215	5.41	8.41			YES	
SILVER LIVABLE UNIT	2	80	14	4	ST.B203	9.07	13.07	B2.02	1	YES	YES
601	2	76	16.3	5.4	ST.B306	6.63	12.03	B3.03	1	YES	YES
602	2	75	10	4.5	ST.B307	6.63	11.13	B3.04	1		YES
603	2	75	14	4.4	ST.B302	9.13	13.53	B3.09	1	YES	YES
604	1	55	10.5	3	ST.B304	4.53	7.53			YES	
SILVER LIVABLE UNIT	2	80	14	4	ST.B313	5.37	9.37	B3.10	1	YES	YES
701	2	76	16.3	5.4	ST.B314	5.37	10.77	B3.11	1	YES	YES
702	2	75	10	4.5	ST.B317	6.9	11.4	B3.17	1		YES
703	2	75	14	4.4	ST.B318	12.81	17.21	B3.18	1	YES	YES
704	1	55	10.5	3	ST.B101	7.56	10.56			YES	
SILVER LIVABLE UNIT	2	80	14	4	ST.B301	9.13	13.13	B3.01	1	YES	YES
801	2	76	16.3	5.4	ST.B303	4.53	9.93	B3.02	1	YES	YES
802	2	75	10	4.5	ST.B106	14.32	18.82	B1.14	1		YES
803	2	75	14	4.4	ST.B105	6.63	11.03	B1.15	1	YES	YES
804	1	55	10.5	3	ST.B104	6.63	9.63			YES	
805	2	80	14	4	ST.B103	6.63	10.63	B1.16	1	YES	YES
901	2	76	16.3	5.4	ST.B102	6.63	12.03	B1.17	1	YES	YES
902	2	75	10	4.5	ST.B315	18.27	22.77	B3.15	1	YES	
903	2	75	14	4	ST.B312	8.19	12.19	B3.14	1	YES	YES
		1951	628.6						39	34 TOTAL	34 TOTAL
										79.0%	79.0%

UNITS 402 - 802 RECEIVE LESS THAN 1 HR. OF DIRECT SOLAR ACCESS IN MIDWINTER TO LIVING AREAS = 11%

8 X 1 BED

31 X 2 BED

4 X 3 BED

TOTAL 43 UNITS

5 ADAPTABLE UNITS

5 SILVER LIVABLE UNITS

7 AFFORDABLE UNITS

39 RESIDENTIAL CAR SPACES

6 VISITOR CAR SPACES

6 RETAIL CAR SPACES

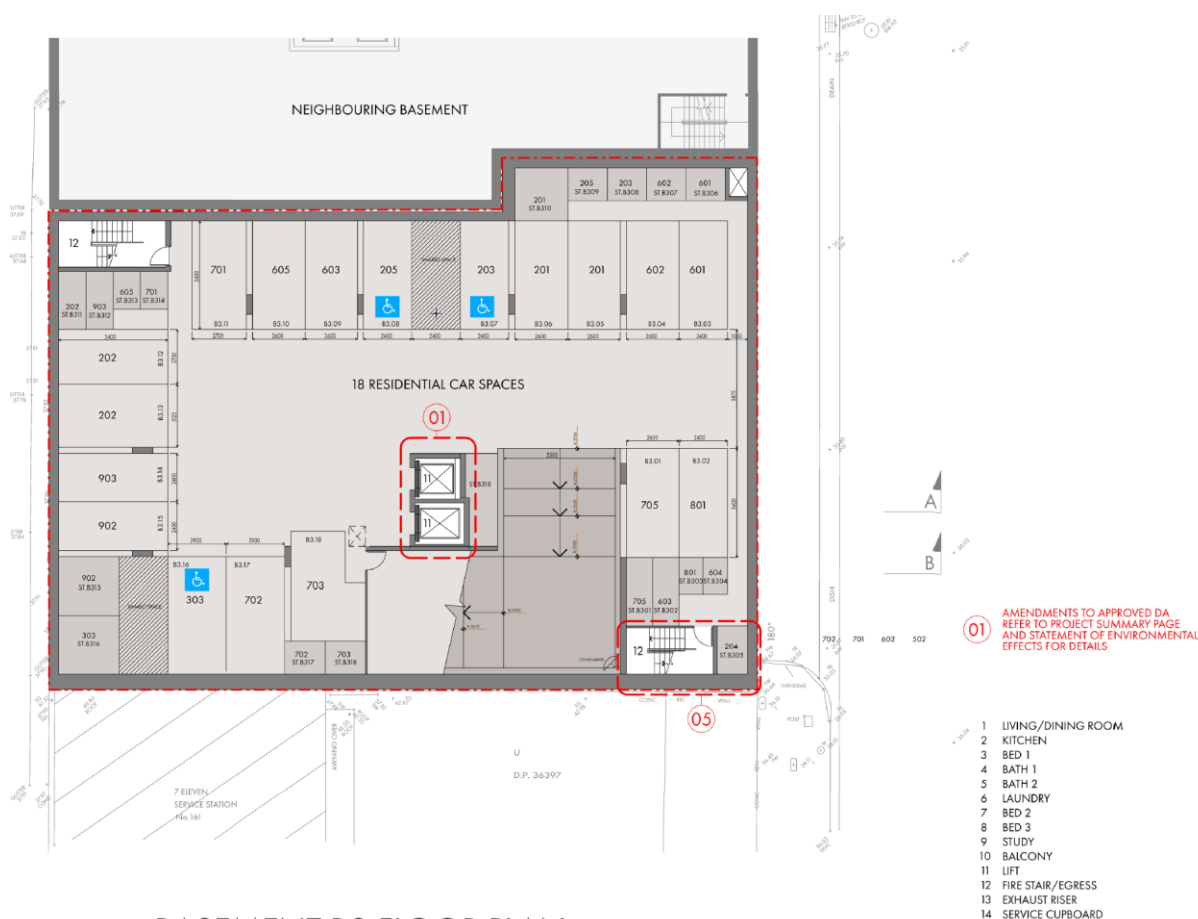
1 CAR WASH BAY

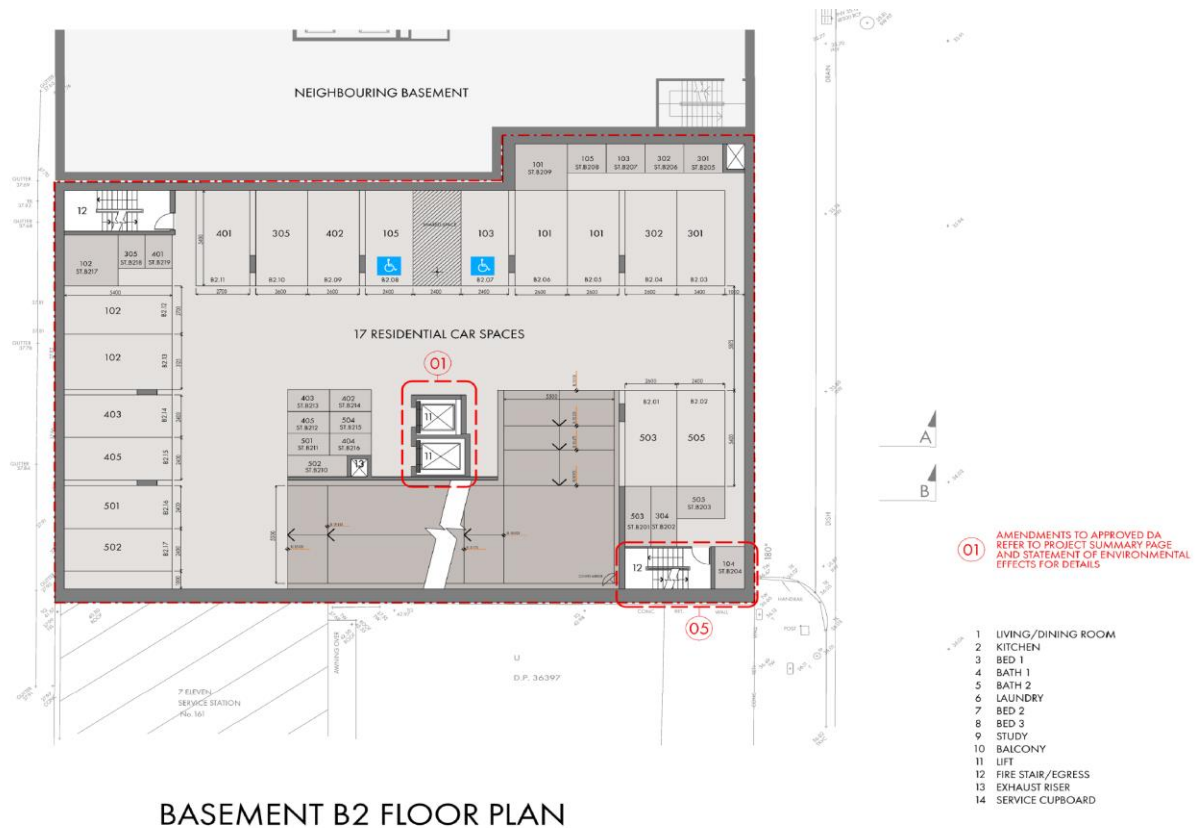
10 BICYCLE SPACES

Figure 15
Source: Ross Howieson Architects

Proposed Amendments Shown On Plans

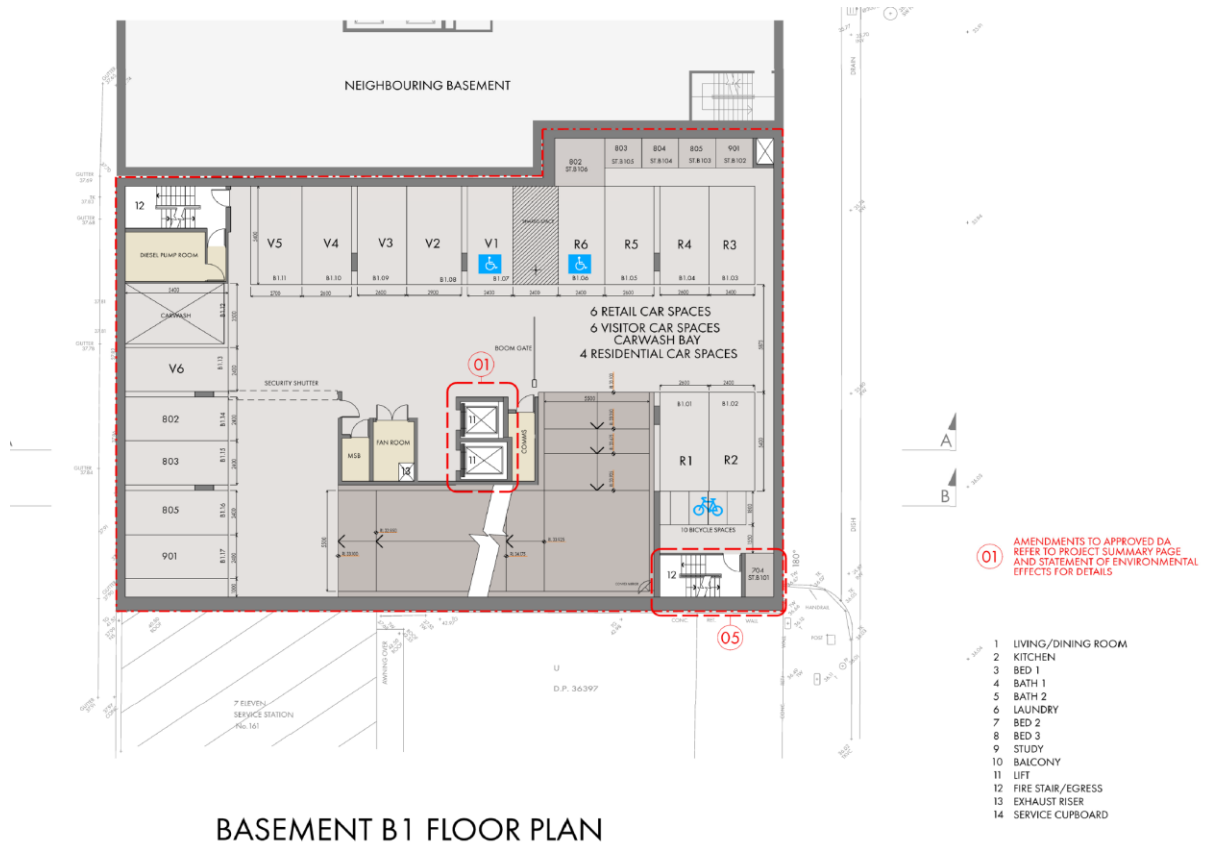
- Amendment 01Provision of additional lift to comply with the requirements of the NCC regarding fire safety and access
- Amendment 02Provision of additional fire egress stair to comply with the requirements of the NCC regarding fire safety and access
- Amendment 03Amendment to retail unit G01 to incorporate egress path of additional fire stair and inclusion of fire control centre to comply with the requirements of the NCC.
- Amendment 04Amendment to residential waste and recycling area to accommodate additional waste requirements to cater for 10 proposed additional units.
- Amendment 05Relocation of egress stair from basements to south-east corner of site.
- Amendment 06Addition of a total of 10 apartments in new levels 8 and 9





BASEMENT B2 FLOOR PLAN

Figure 17
Source: Ross Howieson Architects



BASEMENT B1 FLOOR PLAN

Figure 18
Source: Ross Howieson Architects

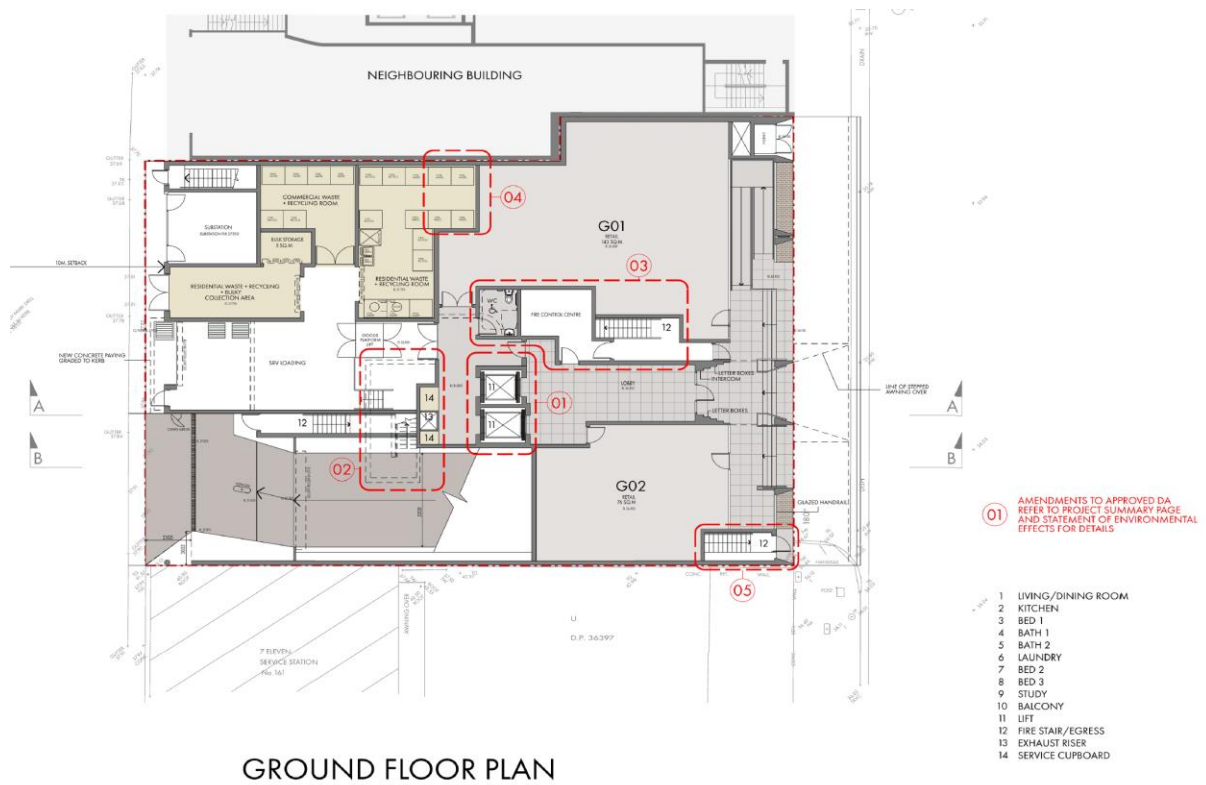


Figure 19
Source: Ross Howieson Architects

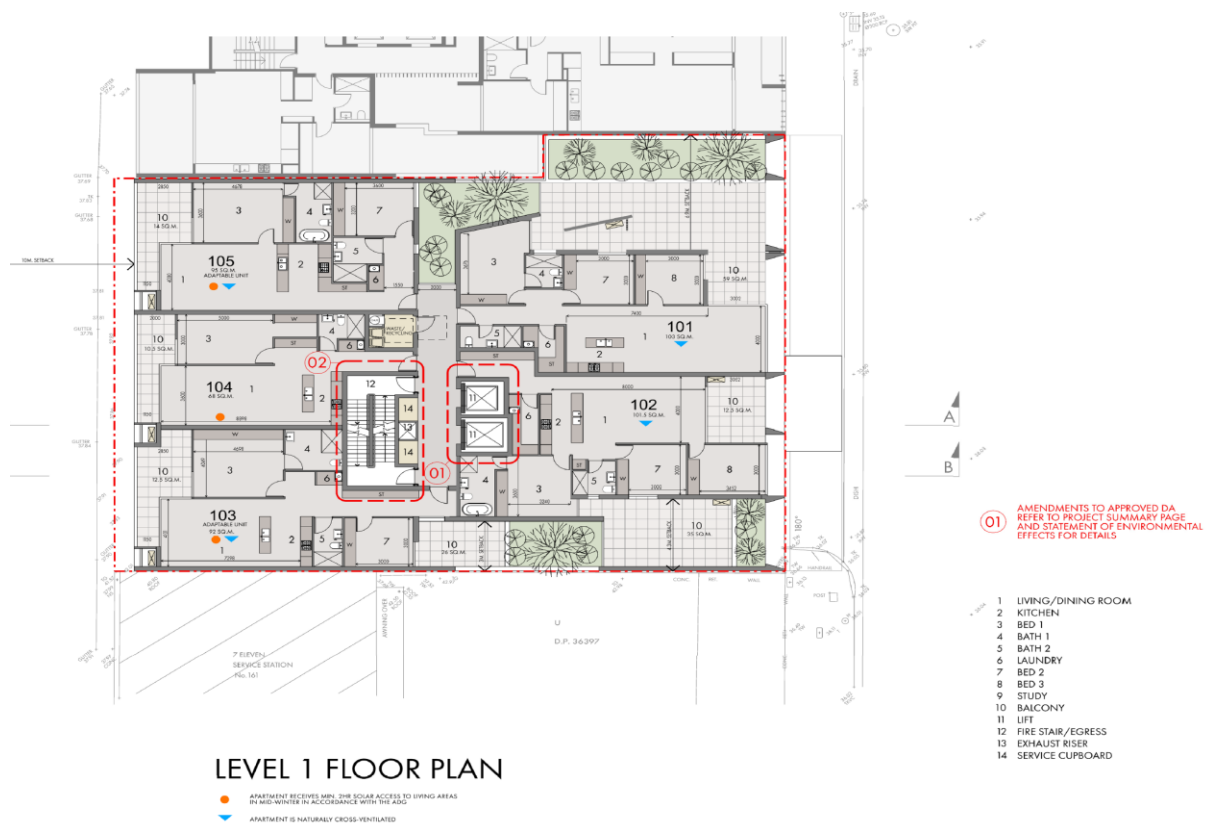


Figure 20
Source: Ross Howieson Architects

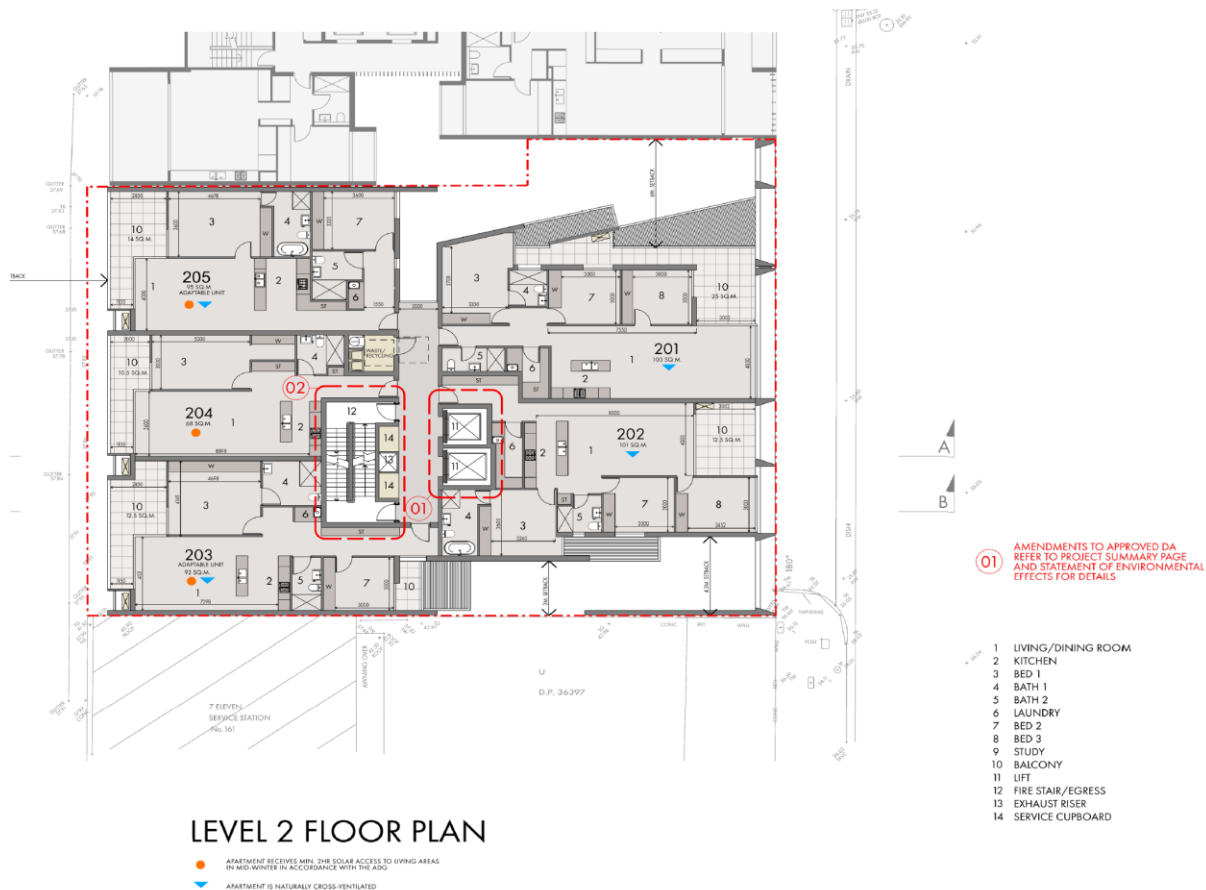
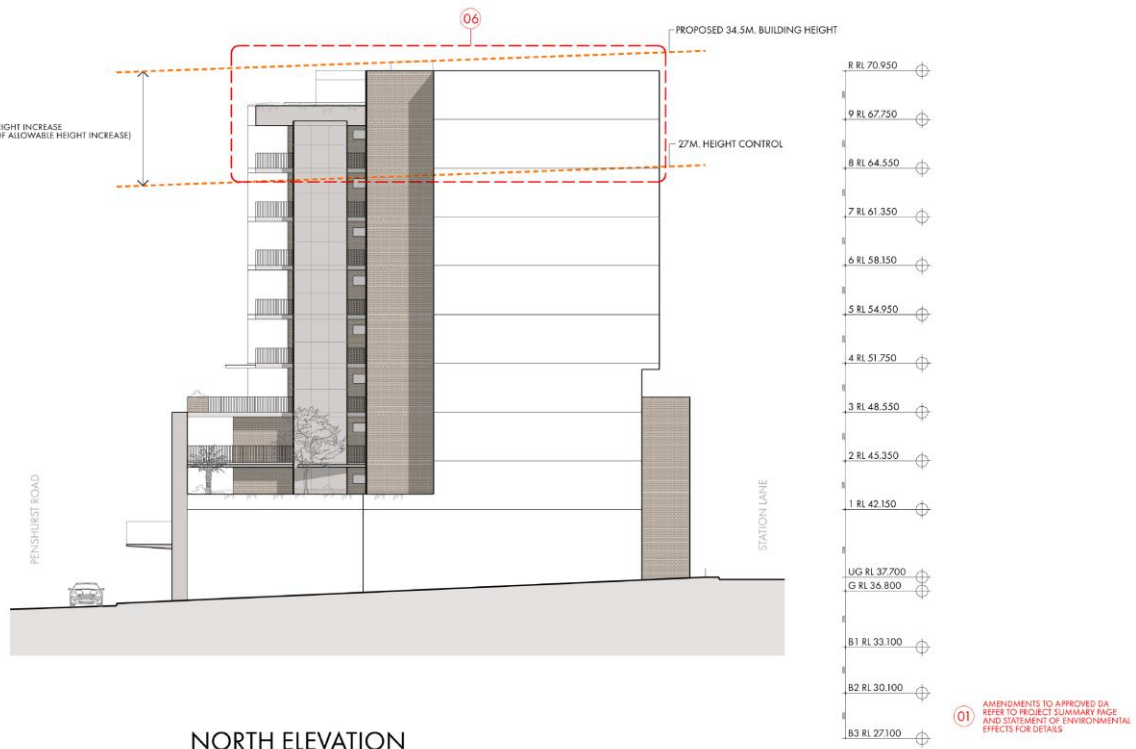


Figure 21
Source: Ross Howieson Architects



Figure 22
Source: Ross Howieson Architects



NORTH ELEVATION

Figure 27
Source: Ross Howieson Architects



WEST ELEVATION

Figure 28
Source: Ross Howieson Architects

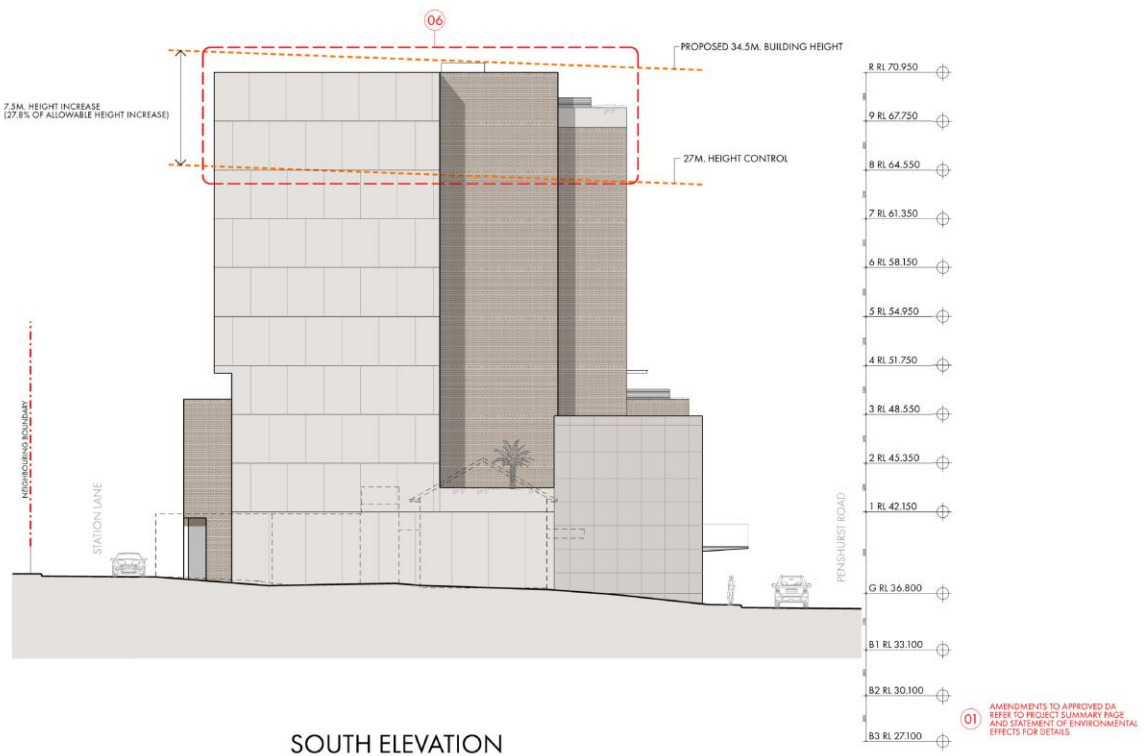


Figure 29
Source: Ross Howieson Architects



Figure 30
Source: Ross Howieson Architects

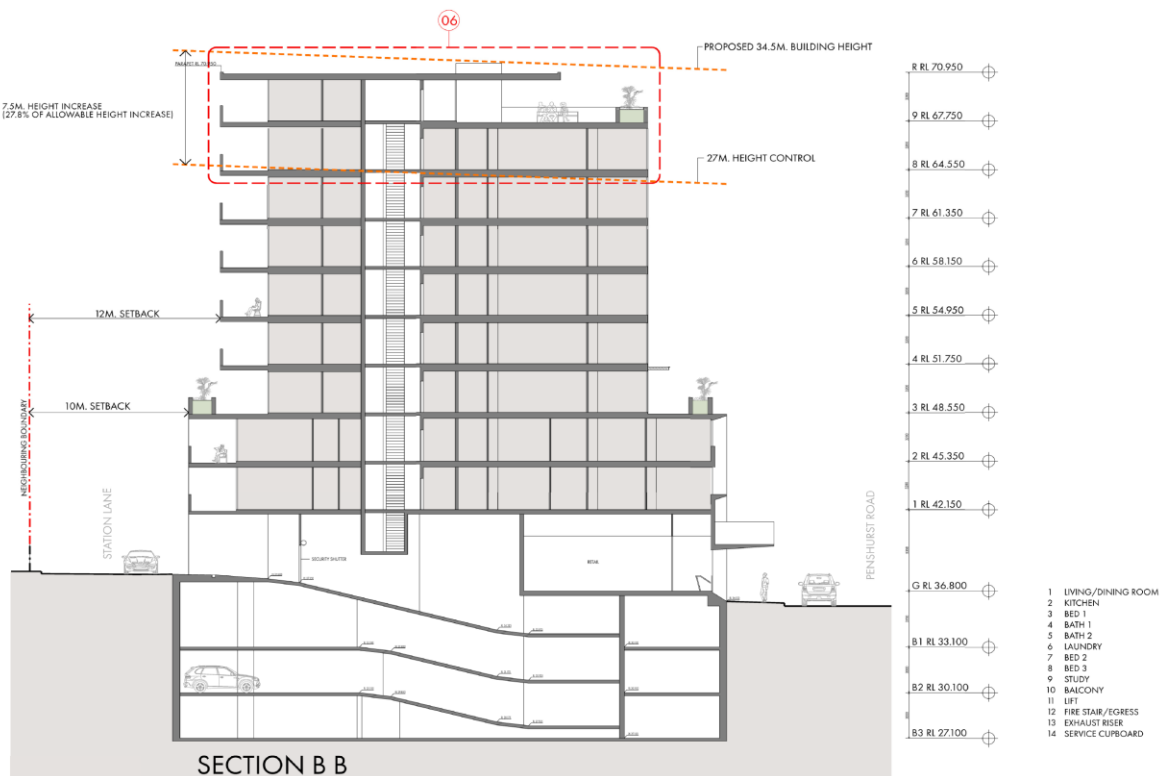


Figure 31
Source: Ross Howieson Architects

Environmentally Sustainable Design and Materials

A range of design initiatives and elements have been employed through the proposed alterations and additions to ensure that the proposed development optimises its sustainability. Resource, energy and water efficiency have been incorporated into the amended design and layout to contribute to this high quality residential scheme.

Building materials incorporate the properties of high thermal mass, glazing and insulation, thereby reducing the need for artificial heating, cooling and lighting. The types of materials to be used in the construction of the proposed shop top housing development and elevations of the building are provided at **Figure 32 - 33**. A photomontage of the building is provided at **Figure 34**.

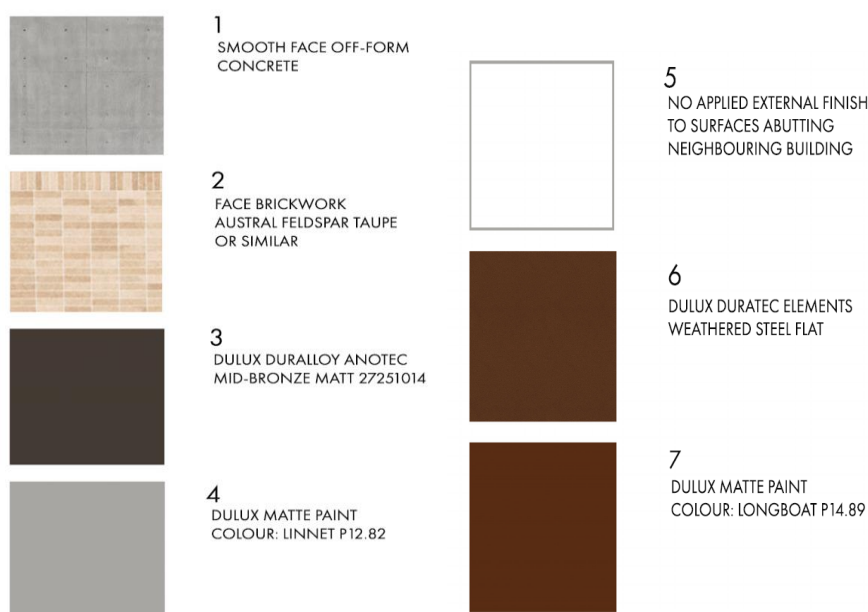
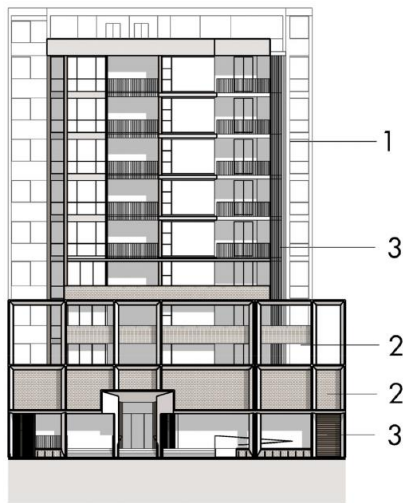
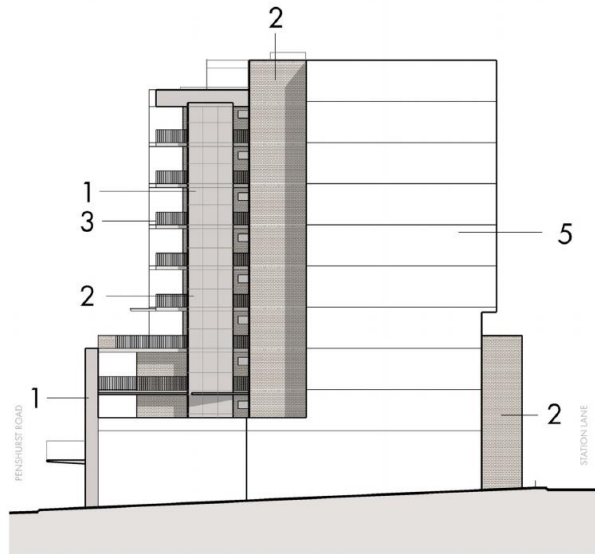


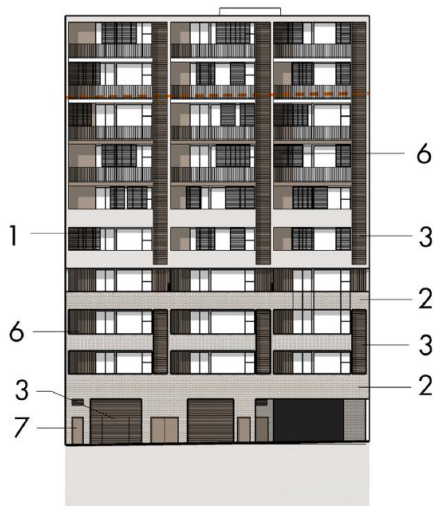
Figure 32
Source: Ross Howieson Architects



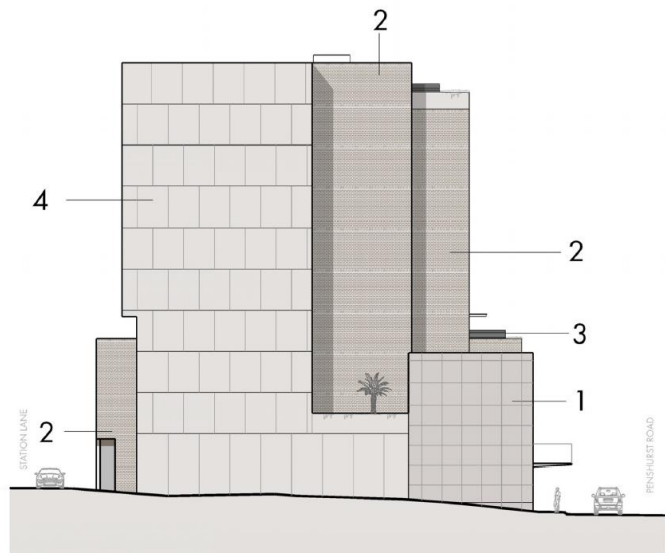
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

Figure 33
Source: Ross Howieson Architects



Figure 34
Source: Ross Howieson Architects

Use of high efficiency water fixtures and fittings throughout the development will further reduce water consumption.

The approximate quantity and destination of waste generated during the demolition and construction works with regard to re-use and recycling are outlined in the waste management plan prepared by the project architect.

Natural cross-ventilation for all new units is achieved due to the dual orientation attained by the building form and configuration, thereby reducing the need for continuous use of air conditioning during summer.

Colour and texture have been used with great consideration throughout the facade design to ensure a harmonious whole with ties to the site context.

Dark -coloured materials have been favoured in order to reduce unwanted solar heat gain in summer, and durability has been emphasised in the selection of robust finishes where exposed to the elements.

All new apartments receive excellent levels of direct sunlight onto balconies and living rooms during mid-winter, which exceed the minimum 2hour compliance standard set by the Apartment Design Guide (ADG) and fully comply with Canterbury Bankstown DCP (CBDGP) 2023

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed development under the heads of consideration pursuant to the provisions contained within Section 4.15 (1) of the EP&A Act 1979.

Section 4.15(1) (i)

The provisions of any environmental planning instrument

State Environmental Planning Policy (SEPP) Housing 2021

Chapter 2 Affordable Housing

Division 1 In-fill Affordable Housing

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The proposed alterations and additions relate to the delivery of two (2) additional storeys (i.e from 8-10 storey's) and 10 additional units, 7 of which are allocated as affordable housing to an approved shop top housing development that will offer a mix of affordable housing types. The principals of this Policy are set out below:

3 Principles of Policy

- (a) *enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) *encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) *ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) *minimising adverse climate and environmental impacts of new housing development,*
- (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) *mitigating the loss of existing affordable rental housing.*

Comment

The proposed additions to the approved shop top housing development seek to promote quality, affordable housing stock that includes both affordable and adaptable housing opportunities.

The overall development will increase new housing stock in this neighbourhood to also assist in the provision of quality housing stock.

15A Objective of Division

The objective of this division is to facilitate the delivery of new in-fill affordable housing stock to meet the demand for very low, low and moderate income households.

Comment

The proposal satisfies these principals because the proposed shop top housing development, specifically in this case provides a diverse form of housing stock, including additional unit mix, increased numbers, and 15% of the 30% yield as infill affordable housing. This includes a mix of 1 and 2 bedrooms (3 x 1 bedrooms and 4 x 2 bedrooms) to meet the needs of very low, low and moderate income households.

The additional housing stock and design of apartments will receive excellent natural light and cross ventilation to satisfy the standards and design principals of the ADG.

15C Development to which Division Applies

- (a) *the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and*
- (b) *the affordable housing component is at least 10%, and*
- (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.*

Comment

- The proposed development is within a relevant zone (B2 Local Centre) and is therefore permissible under the CBLEP 2023;
- The proposed affordable housing component is 15%;
- Canterbury Bankstown Council is within the Six Cities Region;
- Is in an accessible location, located approximately 100m walking distance from an accessible railway station (Narwee) and bus services along Penshurst Road that has a regular bus services 7 days a week.

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).*
- (2) *The minimum affordable housing component, which must be at least 10%, is calculated as follows:*

$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$$

- (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).*

Comment

The proposal provides for an additional 10 units, 7 of which (3 x 1 bedroom and 4 x 2 bedroom) are allocated as affordable housing. This satisfies the 15% or 7 unit affordable housing control.

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*
 - (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).*
- (3) *The minimum affordable housing component, which must be at least 10%.*

Comment

The permissible building height for the site under CBLEP 2023 is 27m, the proposal provides for an increase in building height of 7.5m (27.8%) or 34.5m (2 additional storeys).

To comply with best practice standards, floor to floor heights have been increased from 3.1m to 3.2m.

21 Must be used for affordable housing for at least 15 years

- (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:*
 - (a) *the development will include the affordable housing component required for the development under section 16, 17 or 18, and*
 - (b) *the affordable housing component will be managed by a registered community housing provider.*

- (2) *This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.*

Comment

The proponent is aware that the proposed affordable housing has to be used for that purpose for a period of 15 years. The affordable housing units will be legally secured on title by way of a covenant.

22 Subdivision Permitted with Consent

Land on which development has been carried out under this division may be subdivided with development consent.

Comment

The proponent is aware of this control and will at the end of the project, seek to strata subdivide the shop top housing development. A covenant will be placed on title to ensure the affordable housing units are not able to be sold off separately until the 15 year period is over.

149 Apartment Design Guide Prevails Over Development Control Plans

- (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:*

- (a) *visual privacy,*
- (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.*

- (2) *This section applies regardless of when the development control plan was made.*

Comment

There are no controls within Canterbury Bankstown DCP 2023 that derogate against the statutory planning controls mentioned above.

The submission now before Council has considered all of the above controls. The project registered architect has addressed the 9 Design Principles set out under Schedule 9 – Design Principles for Residential Apartment Development of SEPP Housing 2021.

The proposed alterations and additions to the approved shop top housing development also seeks to further increase the design quality of this form of high density residential development throughout this neighbourhood.

It is well accepted that good design is a creative process which, when applied to towns and cities, results in the development of good urban places: buildings, streets, squares and parks. Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. These design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Ross Howieson is a registered architect who has with this DA, carried out a comprehensive assessment of the proposal against the 9 design principles set out under Schedule 9 – Design Principles for Residential Apartment Development. He has concluded that the design is a responsive design approach to ensure the built form will readily fit within its surrounding transitional urban context.

The 9 design principles are set out below and addressed within the signed Architectural Design Verification Statement accompanying the DA.

Principle 1: Context and Neighbourhood Character

"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change"

Response:

The subject site is located on Penshurst Road in the shopping area of Narwee, it is within 100m. of the Narwee Railway Station and is near a number of bus stops. The site is within a B2 mixed use zone which allows a maximum building height of 27m. The site falls roughly 2m. from its western boundary on Station Lane to Penshurst Road. The B2 zoned area is surrounded by established R4 zoned areas containing older Residential Flat Buildings. The B2 zone is undergoing change as evidenced by the neighbouring 8 storey building directly to the north and by the current approval on this site. A development of similar characteristics is envisaged to be carried out on the neighbouring site to the south which is now occupied by a retail outlet and on-grade car parking.

Principle 2: Built Form and Scale

"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook"

Response:

The built form and scale of the proposal are appropriate to the existing built form and character of the neighbouring building to the north and is in accordance with State Environmental Policy Amendment (Housing) 2023. The Penshurst Road façade provides an articulated podium form at the base which integrates with the podium form to the north. The building materials incorporated into the podium are varied and provide interest and articulation through the depth of columns and sills and the varied detailing of brickwork. The rhythm of the vertical façade elements accentuates both the residential form over and the residential entry lobby at street level. The proposed setbacks to the built form on part of the northern and southern boundaries provides a significant break down of the residential massing above the podium and provides excellent opportunities for natural ventilation and daylighting to both the proposal and to both of the neighbouring sites. The form of the western façade provides increased solar access to the proposal and to its southern future neighbour whilst still complying with the setbacks required by the ADG for the residential neighbours to the west.

Principle 3: Density

"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."

Response:

The density of the development is appropriate to both the existing and to the proposed density of the site and its context and is compliant with the floor area and height controls prescribed the SEPP amendment for affordable housing.. There is no Floor Space Ratio applicable to the site and the apartment mix of 1, 2 and 3 bedroom apartments is consistent with the needs of the area. The site is well served by public transport by way of the nearby Narwee Railway Station and nearby bus connections. The site is also well served with local retail outlets and is within 150m. of Narwee Public School.

Principle 4: Sustainability

"Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation."

Response:

The design provides mid-winter solar access to the living areas and private open spaces of 79% of the proposed apartments in accordance with Part 4D-1 of the ADG and more than 79% of the apartments are provided with natural ventilation in accordance with Part 4B-3 of the ADG. The proposal has achieved compliance under the NatHERS Thermal Performance specifications and is provided with Basix Certificate No.1775761M demonstrating compliance with sustainability requirements. Waste and recycling management facilities have been provided in accordance with Canterbury Bankstown DCP and construction materials specified demonstrate long life and low maintenance.

Principle 5: Landscape

"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."

Response:

The subject site is an urban site with restricted opportunities for landscaping, however the Common Open spaces provided on Level 1 and Level 9 of the proposal contains garden beds capable of supporting deep soil planting and communal vegetable gardens. The landscaped common open space on Level 9 has excellent solar access and provides good amenity and outlook for residents as well as opportunities for social interaction for all residents. Equitable access is provided to all apartments and five apartments are designed as adaptable in accordance with AS 4299. These apartments are provided with an accessible parking space in accordance with AS 1428.4.

Principle 6: Amenity

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."

Response:

The proposal provides good amenity for residents by complying with the solar access and natural ventilation guidelines of the ADG as noted previously. Visual and acoustic privacy is provided by the orientation of the apartments to either Penshurst Road or to Station Lane. Apartment room sizes are generous and are equal to or in excess of ADG guidelines, Apartment areas are in excess of ADG guidelines, room depths and window sizes comply with part 4D of the ADG and storage is provided within units and in basement storage cages in excess of that required by Part 4G of the ADG. Service areas and the lifts and common stairs are acoustically separated from Living areas, and noise impacts from adjoining apartments are mitigated by the placement of adjoining rooms of similar use.

Principle 7: Safety

"Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose."

Response:

The proposal optimises safety and security by the provision of secure access points for residents and visitors. Motion activated lighting is provided to all common areas within the building and video monitoring of all common areas is also provided. The living areas of all apartments overlook the adjoining street and lane. Building entries are easily visible and directly accessible.

Principle 8: Housing Diversity and Social Interaction

"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents."

Response:

The proposal provides a mix of one bedroom ,two bedroom and three bedroom apartments of generous sizes in an area providing direct access to shops, public amenities and transport. The apartment types are appropriate for the area and will provide desirable accommodation for a broad range of people. The Common Open space provides opportunities for social interaction for all residents. Seven Affordable housing units are provided in accordance with the SEPP.

Principle 9: Aesthetics

"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."

Response:

The aesthetics of the building respond positively and sympathetically with the neighbouring building to the North in height, scale, proportion, fenestration and detailing. The external finishes proposed express a variety of materials (face brickwork, off-form concrete and bronze finish metal cladding), these materials are low maintenance and have a long life.

State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021

SEPP (Infrastructure and Infrastructure) 2021 was gazetted on 1 March 2022 and aims to facilitate the effective delivery of infrastructure across the State by:

- *"improving regulatory certainty through efficiency through a consistent planning regime for infrastructure and the provisions of services;*
- *providing greater flexibility in the location of infrastructure and service facilities, and*
- *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development, and*
- *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing."*

Comment

The original shop top housing development (DA-157/2022) was approved on 1 May 2023 and made provision for:

- demolition of all existing structures on the land;
- carry out major excavation works to create 3 levels of basement car parking;
- construction of ground floor commercial premises and
- 33 residential apartments above.

The proposal involves an increase in two (2) new levels. A total of 10 new units are proposed, of which 7 are deemed affordable housing units.

The total number of residential units within the proposed shop top housing development will be for 43 (approved 33 units plus 10 additional units).

Because the site is not within 90m of a classified road and there are only 10 additional units proposed. The application is not required to be referred onto Transport for NSW (TfNSW) for consideration.

The site is located adjacent to Penshurst Road and Station Lane, Narwee Road corridors. Based on the most current Annual Average Daily Traffic (AADT) data published by TfNSW, the roads did not have any recorded AADT data and therefore not likely to have an AADT exceeding 20,000 vehicles. Accordingly, the provisions in Section 2.119 of the Transport & Infrastructure SEPP are not relevant to the subject application.

The proposed development is not a traffic generating development as it is not development specified in Column 1 of the Table to Schedule 3 of SEPP Transport & Infrastructure SEPP.

A traffic report prepared by Traffic Solutions Pty Ltd accompanies the application under separate cover and confirms the additional traffic movements generated by the 10 new units is low and can be readily absorbed into the surrounding road network.

State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 applies to land that falls within the catchment of Sydney Harbour, as identified in the SEPP. The land drains into Sydney Harbour Catchment via Parramatta River. The relevant controls contained within SEPP (Biodiversity and Conservation) 2021 are set out as follows:

6.6 Water Quality and Quantity

- (1) *In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—*
- (a) *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
 - (b) *whether the development will have an adverse impact on water flow in a natural waterbody,*
 - (c) *whether the development will increase the amount of stormwater run-off from a site,*
 - (d) *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
 - (e) *the impact of the development on the level and quality of the water table,*
 - (f) *the cumulative environmental impact of the development on the regulated catchment,*
 - (g) *whether the development makes adequate provision to protect the quality and quantity of ground water.*
- (2) *Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—*
- (a) *the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and*
 - (b) *the impact on water flow in a natural waterbody will be minimised.*

Comment

The proposed development satisfies the relevant controls under Clause 6.6 for the following reasons:

- Stormwater is to be managed so that there is no opportunity to create polluted discharge into local stormwater catchment and therefore Parramatta River.
- The site is not located on the Foreshores and Waterways Area Map of SEPP 2021.
- The proposal will not impact on accessibility to and along the Parramatta River and its Foreshore and accordingly, the proposal is consistent with the aims and objectives of the SEPP 2021.

State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004 NSW

Comment

The aim of this policy is to ensure there is consistency in the implementation of the BASIX Scheme throughout the State.

The policy overrides the provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligation to comply with this policy.

The application is accompanied by a new BASIX Certificate, which has assessed the environmental qualities of the new units compliance with best practice standards of the SEPP.

State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 aims to provide a State wide planning approach to the remediation of contaminated land, in particular, it promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or to the environment in general:

“by specifying when consent is required, and when it is not required, for a remediation work, and by 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 by requiring that a remediation work meet certain standards and notification requirements.”

Comment

This SEPP was considered as part of the original consent granted by Council's LPP. The LPP formed the view that the land was suitable for the purpose for which development consent is sought or whether remediation of the land needs to occur prior to the approved development commencing.

Therefore, it is considered that the site remains suitable for the proposed alterations and additions.

Local Environmental Plan

Canterbury Bankstown LEP 2023

The site is zoned B2 Local Centre under the provisions of Canterbury Bankstown LEP (CBLEP) 2023. See **Figure 35**.

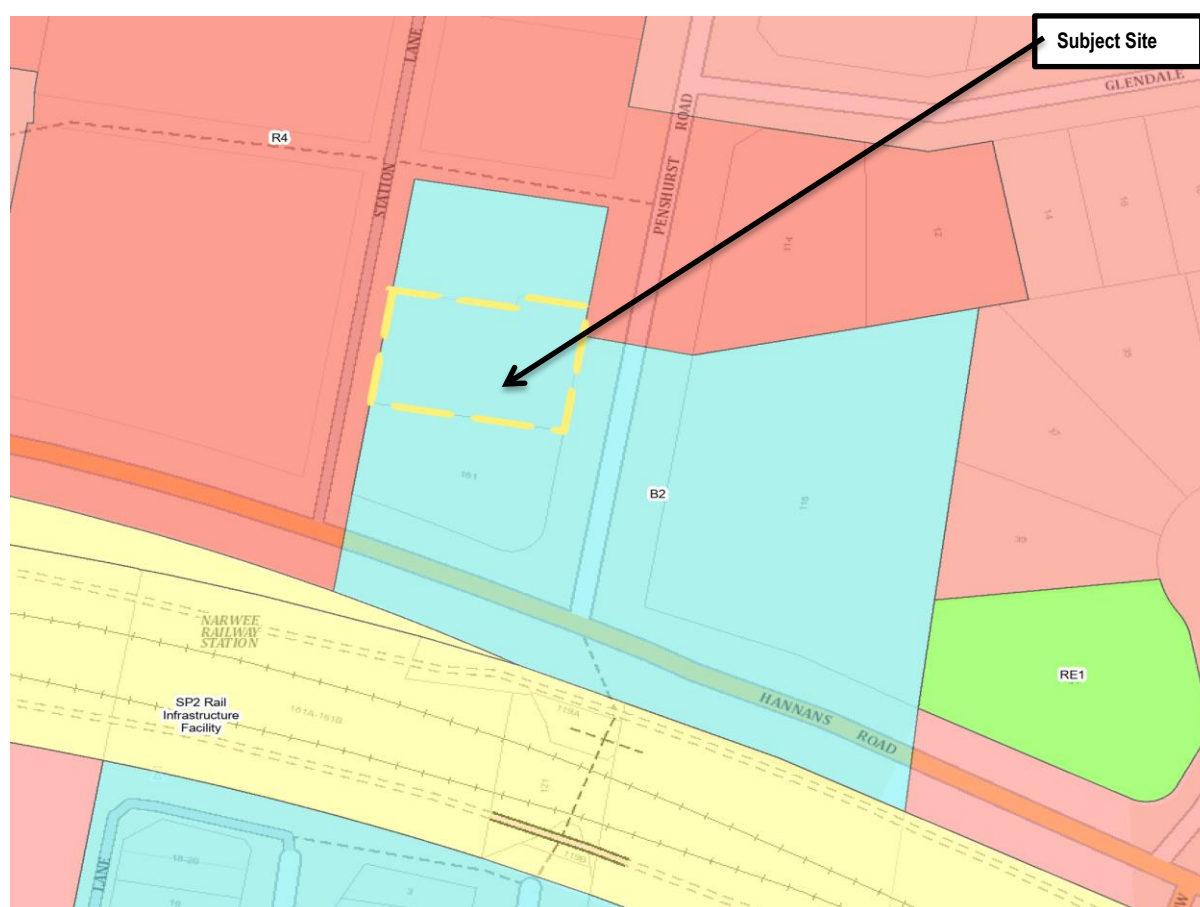


Figure 35

Source: Zone Map – Canterbury Bankstown LEP 2023

The zone objectives and permissible land uses in the zone are set out below:

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for certain residential uses that are compatible with the mix of uses in local centres.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

*Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; **Shop top housing**; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Comment

The proposed development is defined as a “shop top housing” within the dictionary of CBLEP 2023 and as such is a permissible form of development and is also consistent with the zone objectives.

The site is highly accessible to good public transport, particularly to the Narwee Railway Station and regular daily bus services along Penshurst Road.

Walking will also be encouraged by the proposal as residents will utilize nearby retail facilities, rail and bus services on foot, therefore reducing the need for the use of motor vehicles to come to or leave this precinct.

The increase in residential densities will embrace the principles of crime prevention through environmental design by introducing more people into a new complex where passive surveillance over the private and public domains provides a safer and secure environment to live within.

The alterations and additions to the approved shop top housing development are permissible in the zone and consistent with the zone of objectives.

2.4 Unzoned Land

Comment

Not applicable to this application.

2.5 Additional Permitted Uses of Particular Land

Comment

Not applicable to this application.

2.6 Subdivision – Consent Requirements

Comment

Not applicable to this application

2.7 Demolition Requires Consent

Comment

Pursuant to the original DA, development consent has already been granted to demolish all existing buildings on the land. Both the existing and any new consent granted will need to be read in conjunction with one another.

2.8 Temporary Use of Land

Comment

Not applicable to this application.

2.9 Canal Estate Development Prohibited

Comment

Not applicable to this application.

Land Use Table

Part 3 Exempt and Complying Development

Comment

Not applicable to this application.

Part 4 Principal Development Standards

4.1 Minimum Subdivision Lot Size

Comment

Not applicable to this application.

4.1AA Minimum Subdivision Lot Size for Community Title Schemes

Comment

Not applicable to this application.

4.1A Minimum Lot Sizes and Special Provisions for Dual Occupancies

Comment

Not applicable to this application.

4.1B Minimum Lot Sizes and Special Provisions for Certain Dwellings

Comment

Not applicable to this application.

4.1C Minimum lot sizes for dwelling houses on battle-axe lots in certain residential zones

Comment

Not applicable to this application.

4.2 Rural Subdivision

Comment

Not applicable to the subject land.

4.3 Height of Buildings

Comment

The height of buildings map contained within CBLEP 2023 identifies the site as having a maximum height limit of 27m. See Height of Buildings Map a **Figure 36**.

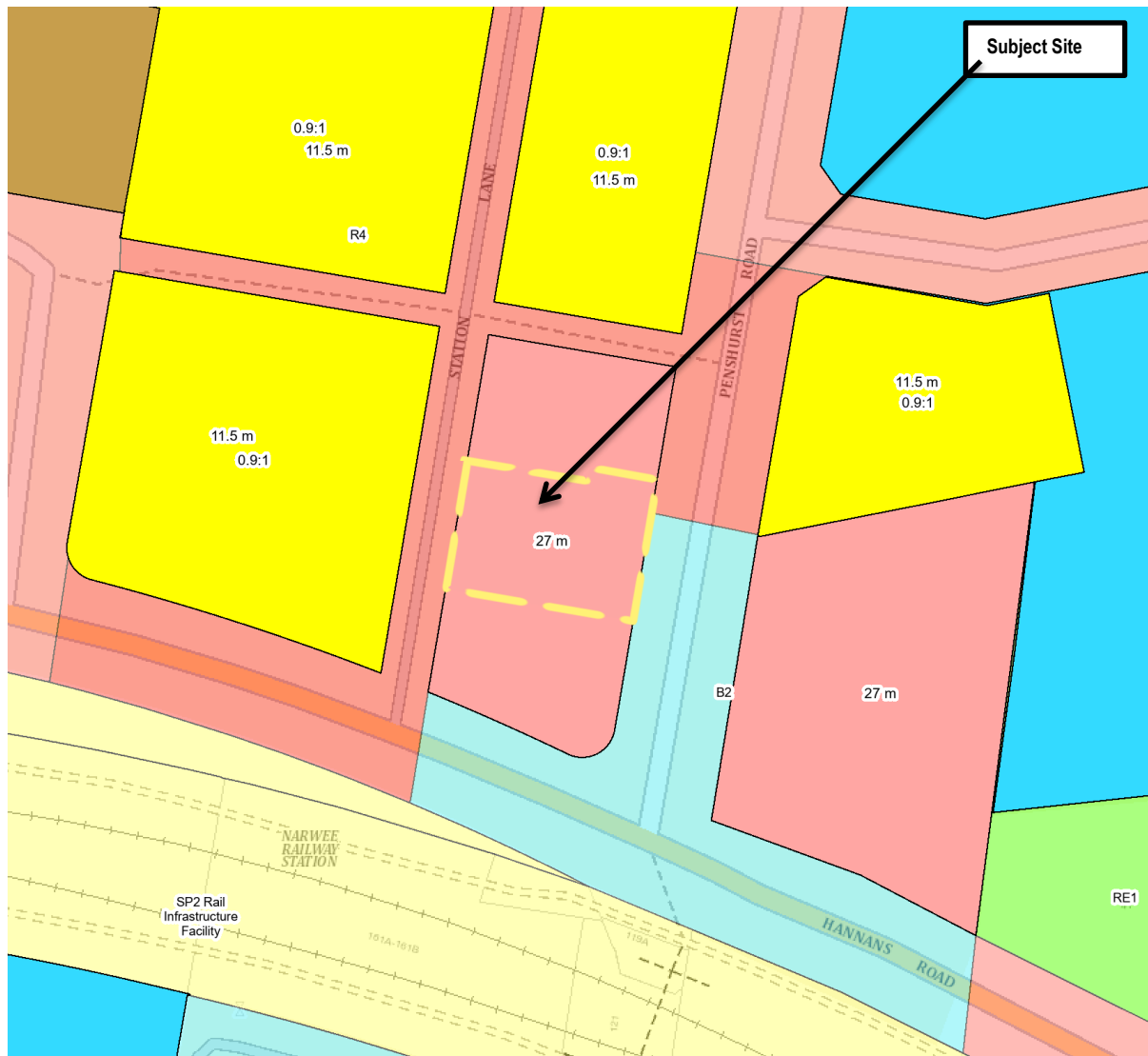


Figure 36

Source: Height of Buildings Map – CBLEP 2023

The accompanying drawings demonstrate that the proposed shop top housing development will now exceed the maximum building height control of 27m as prescribed under CBLEP 2023 by 7.5m.

The height increases to 34.5m or 27.8% above the prescribed height control by utilising the provisions within Clause 16 of SEPP (Housing) 2021.

Pursuant to Clause 8 of SEPP Housing 2021, those provisions will prevail where there is an inconsistency between a lower order EPI such as CBLEP 2023 and SEPP Housing 2021. See Clause 8 below:

8 Relationship with Other Environmental Planning Instruments

- (1) Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Comment

The proposed building height of 34.5m (27.8%) is permissible under the provisions of SEPP Housing 2021 with consent of Council.

4.4 Floor Space Ratio (FSR)

Comment

The subject site is not subject to a FSR control. This control is not applicable to this DA. See extract of FSR map at **Figure 37**.



Figure 37
Source: FSR Map – CBLEP 2023

4.5 Calculation of Floor Space Ratio and Site Area

Comment

Not applicable to this application as there is no FSR governing this site.

4.6 Exceptions to Development Standards

Comment

This clause is not relevant to the application before Council because the application fully complies with all relevant planning controls, specifically the building height control.

Miscellaneous Provisions

5.1 Relevant Acquisition Authority

Comment

This clause is not relevant to the application before Council

5.1A Development on land intended to be acquired for public purposes

Comment

This clause is not relevant to the application before Council

5.2 Classification and Reclassification of Public Land

Comment

This clause is not relevant to the application before Council.

5.3 Development Near Zone Boundaries

Comment

This clause is not relevant to the application before Council.

5.4 Controls Relating to Miscellaneous Permissible Uses

Comment

This clause is not relevant to the application before Council

5.5 Controls Relating to Secondary Dwellings on Land in a Rural Zone

Comment

Not adopted

5.6 Architectural Roof Features

Comment

The proposal does not provide any architectural roof features.

5.7 Development Below Mean High Water Mark

Comment

This clause is not relevant to the application before Council

5.8 Conversion of Fire Alarms

Comment

This clause is not relevant to the application before Council

5.9 Dwelling House or Secondary Dwelling Affected by Natural Disaster

Comment

This clause is not relevant to the application before Council

5.10 Heritage Conservation

Comment

The building on the site is not listed as a heritage item, nor is there any heritage items located in the vicinity of the site. Further, the site is not located within a heritage conservation area and therefore this control is not applicable to this application.

5.11 Bushfire Hazard Reduction

Comment

This clause is not relevant to the application before Council as the site is not located on bushfire prone land.

5.12 Infrastructure Development and Use of Existing Buildings of the Crown

Comment

This clause is not relevant to the application before Council.

5.13 Eco-Tourist Facilities

Comment

This clause is not relevant to the application before Council.

5.14 Sliding Spring Observation – Maintaining Dark Sky

Comment

Not adopted.

5.15 Defence Communication Facilities

Comment

Not adopted.

5.16 Subdivision of Dwellings on, Land in certain Rural, Residential Conservation Zones

Comment

Not adopted.

5.17 Artificial Waterbodies in Environmentally Sensitive Areas in Areas of Operation of Irrigation Corporation

Comment

Not adopted.

5.18 Intensive Livestock Agriculture

Comment

Not adopted.

5.19 Pond- Based, Tank-Base and Oyster Aquaculture

Comment

This clause is not relevant to the application before Council.

5.20 Standards that Cannot Be Used to Refuse Consent to Playing and Performing Music

Comment

This clause is not relevant to the application before Council.

5.21 Flood Planning

Comment

This clause is not relevant to the application before Council.

5.22 Special Flood Considerations

Comment

Not adopted.

5.23 Public Bushland

Comment

This clause is not relevant to the application before Council.

5.24 Farm Stay Accommodation

Comment

Not adopted.

5.25 Farm Gate Premises

Comment

Not adopted.

Part 6 Additional Local Provisions

6.1 Acid Sulfate soils

Comment

Not applicable to this amended DA submission.

6.2 Earthworks

Comment

This control is satisfied because:

- consent has already been granted for earthworks under the previous DA. The earthworks proposed do not change as a result of the proposed development;
- land will not alter existing drainage patterns. Overland flow of stormwater from the subject site will be enhanced by the proposal because it will be captured on-site and re-used to allow for the watering of plants, not dispersed onto adjoining land and
- no natural watercourses or rivers are being adversely impacted upon by the proposed development.

6.3 Stormwater management and water sensitive urban design

Comment

The site is not subject to flooding and as such this clause is not relevant to the application before Council

6.4 Biodiversity

Comment

The site is located within a well-established mixed use neighbourhood where all fundamental services are provided. The biodiversity of the land and neighbourhood will be enhanced by the proposed development with native landscaping and subsequent habitats being introduced.

6.5 Riparian Land and Watercourses

Comment

This clause is not relevant to the application before Council.

6.6 Limited development on foreshore area

Comment

This clause is not relevant to the application before Council.

6.7 Development in areas subject to aircraft noise

Comment

This clause is not relevant to the application before Council.

6.8 Airspace operations

Comment

This clause is not relevant to the application before Council.

6.9 Essential Services

Comment

This clause is not relevant to the application before Council.

6.10 Active street frontages

Comment

The subject development is for shop top housing. The ground floor of this development consists of shops that have a street frontage to Penshurst Road. These do not form part of this application.

6.11 Location of sex services premises

Comment

This clause is not relevant to the application before Council.

6.12 Special Provisions for Shop Top Housing

- (1) *The objectives of this clause are set out as follows:*
- (a) *to permit shop top housing as part of live-work enterprises,*
 - (b) *to encourage home-based, small-scale businesses on the fringe of the Bankstown CBD as a way to promote local job opportunities.*
- (2) *This clause applies to land identified as “Area 6” on the Special Provisions Map.*
- (3) *Development consent must not be granted to development for the purposes of shop top housing on land to which this clause applies unless the consent authority is satisfied that the commercial premises or health services facilities are connected internally to a dwelling.*

Comment

The subject site is not listed in Area 6 of the Special Provisions Map and as such this control is not applicable to this application.

6.13 Special provisions for centre-based child care facilities

Comment

This clause is not relevant to the application before Council.

6.14 Restrictions on development in Zone B4

Comment

This clause is not relevant to the application before Council as the subject site is not zoned B4.

6.15 Design Excellence

Comment

This clause is not relevant to the application before Council.

6.16 Design excellence at certain land in Bankstown

Comment

This clause is not relevant to the application before Council.

6.17 – 6.35 Not Applicable

Schedule 1 Additional Permitted Uses

Comment

Properties 1 – 33 are listed under this Schedule of the CBLEP 2023. The subject site is not listed as being within this Schedule and therefore this control is not applicable to this DA.

Section 4.15 (1) (a) (ii)

The provision of any draft environmental planning instrument.

There are no draft environmental planning instruments that are applicable to this site or the form of development proposed.

Section 4.15 (1) (a) (iii)

Development Control Plan (DCP)

Canterbury Bankstown Development Control Plan (CBDCP) 2023

The DCP sets out the objectives and controls that must be considered in the assessment of this application, which dovetail in with the controls contained within SEPP Housing 2021 and the ADG. The controls within the DCP are however subservient to those same controls prescribed by the ADG. The proposed alterations and additions have been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain.

The proposed development is responsive to the opportunities and constraints of the site and its surrounds with regard to topography, vegetation, neighbouring buildings, internal layout of units, crime prevention, noise, impact of street traffic, solar access and views. This has culminated in generating a unique design which creates a sense of space, connectivity to public and private space, solar access and privacy to each new unit. This is achieved by the following the below design initiatives:

- providing good sized windows and sliding glass doors to enhance the amenity of future residents through the provision of solar access and cross ventilation;
- minor increase in overshadowing as a result of the need to increase floor to ceiling heights;
- most units are afforded glass balustrading, allowing natural light onto balconies;
- providing each unit with good solar access and cross ventilation to comply and exceed standards set out under the ADG;
- setbacks largely remain the same, offering generous setbacks to rear boundary;
- unit sizes meet or exceed market demand in this region;
- proposed landscaping design increases the amount of approved landscaping and provides for a more regular shaped design to provide greater amenity for residents to that already approved;
- water harvesting infrastructure has been introduced;
- short paths of travel between units to access the stairs and central lift, enable ease of access and minimises the volume of persons travelling past each unit;
- the access framework throughout the site is efficient and legible;
- CPTED principles have been introduced to enhance the sense of safety and security;
- generous open floor plans to promote a quality living environment for future residents;
- floor plan layout will afford a high level of efficiency and privacy;
- balconies to all of the units are provided with an attractive outlook to the surrounding neighbourhood and over landscaped common open space;
- 7 infill affordable housing units are being provided to achieve the uplift permitted under Section 16 of SEPP Housing 2021 and
- Overall, 10 new units are provided in this development.

SECTION 6—SHOP TOP HOUSING

Section 6.2 – State Environmental Planning Policy (SEPP) Housing 2021 (Chapter 4) applications, three storeys or greater with four or more dwellings.

SITE PLANNING 6.2.1

Isolated sites

The adjoining property to the south, generally known as 161 Penshurst Road contains a 7/11 business premises which is unlikely to be redeveloped in the short term, however in saying this, this site is to be developed in the future, a similar building envelope with massing predominately to the rear in order to achieve the required level of solar access for residential accommodation on upper levels.

The subject site is not an isolated site and nor does it seek to isolate the adjoining land to the south.

6.2.2 Landscaping

The approved landscaping does not change as a result of this application.

6.2.3 Balconies and Communal open space

Balconies

The balconies associated with each of the proposed new units meet or exceed ADG sizes.

Communal Open space

The approved communal open space (COS) does not change as a result of the proposed alterations and additions.

The ADG specifies that COS needs to be accessible and useable by future residents and the general public (visitors). On level 9, the proposed development provides an easily accessible, landscaped and safe area. This is achieved.

Solar access to the principal useable part of communal open space exceeds the requirements of the ADG in mid-winter.

6.2.4 Layout and orientation

BUILDING ENVELOPE

6.2.5 Floor to ceiling height

The floor to ceiling heights have increased from 3.1m to 3.2m to comply with best practice standards.

6.2.6 Setbacks

Setbacks comply with minimum standards prescribed within the ADG, which readily allows natural light and air to filter into and through rooms and balconies.

6.2.7 Building Depth

The building depth of the two (2) new upper floors complies with the DCP and ADG standards.

6.2.8 Building Separation and Visual Privacy

The two (2) additional storeys proposed are designed to respond to the sites context, the adjoining building to the south and the rear laneway.

The new levels meet the controls and objectives provided in the DCP with respect to achieving a high standard of design for walls and rooflines, entrances, views and siting to enhance the streetscape and to complement the adjoining and surrounding development.

The proposal demonstrates substantial measures to achieve privacy within buildings and avoidance of overlooking of living spaces and private spaces.

BUILDING DESIGN

6.2.9 Built Form

The two (2) new storeys on the approved building meet the controls and objectives provided in the DCP with respect to achieving a high standard of design for walls and rooflines, entrances, views and siting to enhance the streetscape and complement adjoining and surrounding development.

6.2.10 Roof Design and Features

The roof is flat, does not encroach above the building heights control and does not cast any additional shadow to what the control permits.

Roof Top Terraces

6.2.11 Building Services

Meets best practice standards.

AMENITY

6.2.12 Solar Access and Overshadowing

The addition of the two (2) levels increases shadows over the public domain and onto the adjoining land to the south. This is not unreasonable as that adjoining site has three (3) street frontages and is sited opposite Narwee Train Station.

6.2.13 Acoustic Privacy

Meets best practice standards.

6.2.14 Parking and Access

Additional car parking spaces are provided in the basement levels to meet the demand generated by the increase in number of units. Access into and out of the building off the rear laneway does not change. The car parking provided meets Council's numeric standards. See Traffic Report prepared by Craig Hazell from Traffic Solutions Pty Ltd accompanying the DA.

Section 9 – Narwee Village Centre

The proposed development is subject to the provisions contained within Section 9 – Narwee Village Centre of CBDP 2023.

The DCP sets out the objectives and controls that must be considered in the assessment of this application, which dovetail into the controls contained within SEPP Housing 2021 and the ADG.

The proposed alterations and additions creating the two (2) levels of additional housing have been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain.

The proposed development is responsive to the opportunities and constraints of the site and it surrounds with regard to topography, vegetation, neighbouring buildings, internal layout of units, crime prevention, noise, impact of street traffic, solar access and views. This has culminated in generating a design which creates a sense of space, connectivity to public, private open space, solar access and privacy to each new unit. This is achieved by the following design initiatives:

- providing good sized windows and sliding glass doors to enhance the amenity of future residents through the provision of solar access and cross ventilation;
- minor increase in overshadowing as a result of the need to increase floor to ceiling heights;

- most units are afforded glass balustrading, allowing natural light onto balconies;
- providing each unit with good solar access and cross ventilation to comply and exceed standards set out under the ADG;
- setbacks largely remain the same, offering generous setbacks to rear boundary;
- unit sizes meet or exceed market demand in this region;
- proposed landscaping design increases the amount of approved landscaping and provides for a more regular shaped design to provide greater amenity for residents to that already approved;
- water harvesting infrastructure has been introduced;
- short paths of travel between units to access the stairs and central lift, enable ease of access and minimises the volume of persons travelling past each unit;
- the access framework throughout the site is efficient and legible;
- CPTED principles have been introduced to enhance the sense of safety and security;
- generous open floor plans to promote a quality living environment for future residents;
- floor plan layout will afford a high level of efficiency and privacy;
- balconies to all of the units are provided with an attractive outlook to the surrounding neighbourhood and over landscaped common open space and
- a total of 7 infill affordable housing units are being provided to achieve the uplift permitted under Clause 16 of SEPP Housing 2021.

The proposed design results in a positive outcome with regard to residential amenity and to mitigate potential adverse impacts of the original design which may have degraded the amenity of future residents and those residents within neighbouring properties.

Solar Amenity & Natural Ventilation

Climate change is a major environmental challenge facing all forms of development and is widely known to be caused by the combustion of fossil fuels during direct and indirect energy consumption. The proposed additional units are unlikely to generate any greenhouse gases that would deny the proposed development from proceeding, particularly when green star appliances will be introduced into the design and internal appliances will further reduce energy consumption.

The building's upper level design provides for recessed windows that afford natural ventilation and direct access to natural light.

The proposed new units meet best practice energy efficient standards to ensure the building promotes its green design by having cross or through ventilation for each unit.

The building will be afforded with best practice water conservation and recycling methods to conserve and recycle water used throughout the building.

Both recycled and perishable waste will be placed into wheelie bin containers and will be collected by Canterbury Bankstown Council.

The proposed development has responsibly respected fundamental ESD principles throughout the overall development and clearly meets this control.

Finally, a BASIX Report has been prepared and accompanies the application. This report only applies to those additional units or units that have been modified.

Ancillary Site Facilities

Provision is made within the basement for new storage cages for each new unit.

Waste

The project Architect, Ross Howieson has prepared a waste management plan and it accompanies the DA submission. The residential bin housing room has been modified in size to satisfy the demand of the additional units proposed.

Parking and Loading

Discussed previously in this submission. See also traffic engineers report from .

Section 4.15 (a) (iiia)

Any Planning Agreement That has Been Entered into Under Section 7.4 or any Draft Planning Agreement that a Developer has Offered to Enter Into Under Section 7.4

The applicant has at this stage not entered into or has been asked to enter into any agreement under Section 7.4.

Section 4.15 (1) (a) (iv)

Matters Prescribed by the Regulations

There are no matters prescribed by the Regulations applicable to this application.

Section 4.15 (b)

Likely Impacts of That Development

Amenity

The proposed development has been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain.

As discussed in detail in the Design Statement prepared by Ross Howieson Architects, the proposed development is responsive to the opportunities and constraints of the site and it surrounds in regards to topography, vegetation, neighbouring buildings, noise, impact of street traffic, over shadowing, over looking, solar access and views. This has culminated in generating a unique design which creates a sense of space, connectivity to public and private space, and fixed and manoeuvrable mechanisms to enable users to by:

- providing suitable separation between future buildings on either side and rear boundaries, but also separation to living areas and bedrooms;
- short paths of travel between units to access the stairs and central lift, enable ease of access and minimises the volume of persons travelling past each unit;
- resilient floor finishes to the walkway to minimise footfall noise generation in each floors corridor and lobby;
- the access framework throughout the site is efficient and legible;
- generous open floor plans;
- diverse unit mix;
- floor plan layout will afford a high level of privacy;
- balconies to all of the units are provided with an attractive outlook to the surrounding areas or to the landscaped common open space areas at the front, rear and sides of the site;
- generous pockets of usable common spaces;
- accessible vehicular entry/exit points and a legible parking and circulation network; and
- safety by design initiatives to enhance the sense of safety and security.

The design of the development results in a positive outcome with regard to residential amenity both within and on adjoining sites. In this respect, careful consideration has been undertaken to mitigate

potential adverse amenity impacts of the design which could degrade the quality and live ability of the residents in units, both individually and for the development as a whole.

We consider the amenity that the proposal will provide a much desirable development to live within.

Nuisance During Construction

All building works on site will be carried out in accordance with the State Governments statutory construction hours for building works.

Initial on site excavation work is to be carried out to prepare the proposed three (3) basement car parking levels, which will require excavation machinery on site for a short period of time, much depending on the prevailing weather at the time.

Trucks leaving the site will be checked by a designated worker to ensure soil and other material does not spill onto the public road, however should this occur for some unforeseen circumstance, the matter will be quickly cleaned from the road surface by a designated worker.

While concrete and material trucks will be servicing the site at various times these will be supervised by an on-site foreman to ensure vehicles are able to unload and depart from the site as quickly and safely as is reasonably possible.

Overall, the amount of nuisance caused by the proposed development would not be unreasonable to cause undue loss of amenity to local businesses or residents.

Section 4.15 (1) (c)

The suitability of the site for the development

The site is suitable for the proposed shop top housing development for the following reasons:

- The proposed development will improve safety in the surrounding neighbourhood by increasing the population and as such greater passive surveillance over the public and private domains;
- The site is located within the Narwee business centre, with regular daily rail services (7 days a week) within 100m of the site;
- The site is also located within an accessible location to bus services that operate along Penshurst Road and Hannans Road 7 days a week. The nearest bus stop on Penshurst Road is approximately 80m north of the site, while the nearest bus stop along Hannans Road is approximately 100m south of the subject site and as such is within the SEPP accessible location standard;
- All utility services will be augmented suitable to accommodate the proposed shop top housing development;
- No significant views or vistas will be lost or interrupted by the proposed development;
- As discussed previously, the site is not contaminated or flood affected;
- The public domain will be upgraded and enhanced by the proposed new development;
- The site is appropriately zoned B2 Local Centre under the provisions of CBLEP 2023. Shop top housing development is permissible with consent;
- The site is well serviced by existing infrastructure including all necessary utilities and services;
- Vehicle access arrangements are provided through a network of local roads, linked to collector and regional roads (Penshurst Road), that will operate at satisfactory levels;
- The site has exceptional local and district views and most apartments benefit from these views;
- The site is located within the Narwee business centre, adjacent to the Narwee Railway Station and bus interchange, local parks, schools and churches and

- No environmental constraints have been identified that would not allow the development as proposed to be approved by Council's LPP.

Public Utilities

The public utility infrastructure required to be augmented to support the proposed development includes:

- water;
- sewerage;
- electricity;
- gas;
- telecommunications;
- stormwater systems; and
- roads.

Public Domain

The proposal has been designed to enhance the quality and amenity of the public domain.

Public domain improvements are to include:

- upgraded streetscapes, including new turf and concrete pedestrian paving along Penshurst Road and Hannans Road;
- street trees;
- application of crime prevention through environmental design principles in the design of the public domain to optimise public safety;

Given the sites proximity within the Narwee business centre and to public transport, the increase in density proposed is suitable for its location and in keeping with the desired strategic planning vision that the NSW State Government and CBC is seeking to achieve for this neighbourhood.

Section 4.15 (1) (d) Submissions Made in Accordance With The Act or The Regulations.

To be determined by Council after public consultation and receipt of referrals from other Council Departments and State Government agencies.

Section 4.15 (1) (e) The Public Interest

The public interest is well served by the proposed alterations and additions to the approved shop top housing development. It assists in providing additional residential apartments within walking distance of excellent public transport, services and amenities.

The overall building design has been well thought through and makes a positive architectural statement that will be to the betterment of the Canterbury Bankstown LGA in terms of design quality and how the building functions.

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "*Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development*".

This Statement, and the accompanying plans and technical reports demonstrate that there will be no unreasonable environmental, social or economic impacts that will arise from the overall development.

In summary, the public advantages of this development are:

- provision is made for 7 infill affordable housing units;

- The proposal will provide short term employment for tradesmen;
- Ground floor shops and offices will provide long term employment;
- Increasing housing supply in an area which is free of any adverse natural or built constraints;
- Creating a design outcome that promotes the controls and design outcomes expected by the aims and objectives of all relevant SEPP's, the governing LEP and DCP for the future development of this neighbourhood and
- Providing a high quality built form and presentation which will set a standard for future urban renewal in this precinct.

On balance, the proposal is considered to be in the wider public interest as it will provide the local community with a form of high quality, diverse housing stock that takes advantage of its proximity to the full range of urban facilities and services in the locality.

6.0 Conclusion

The site is zoned B2 Local Centre under the provisions of CBLEP 2023. The proposed alterations and additions to the approved shop top housing development are permissible with consent.

The site seeks to maximize the sites development potential by seeking approval to increase the approved buildings housing stock by 30% or 10 units, of which 7 are identified as infill affordable housing units.

The design responds well to the surrounding residential mixed use context and provides an appropriate form of high density housing in a well-established medium to high density neighbourhood by seeking to optimize the number of dwellings to better utilize the excellent public amenities and services provided in this area.

This planning report addresses key aspects of the site and implications of the proposed development and collectively, confirm that the proposed development will operate without adverse environmental impact or generate any adverse impacts on the amenity of residents to be housed on site or those within the surrounding area.

The application is subject to a number of statutory planning instruments and policy controls of which the proposal has been assessed against, enabling a conclusion that the proposal meets the objectives behind the controls that are applicable to this form of mixed use development.

Other plans and reports comprising the project application address key aspects of the development and its implications for the existing and desired future character. Collectively, these reports and the assessment of other issues in this report confirm the proposed development will have no unreasonable impacts upon the surrounding environment in which the building is to be sited.

In view of the comments contained within this report, we are satisfied that this proposal has properly responded to all relevant matters for consideration under Section 4.15 (1) of the EP&A Act 1979, and the accompanying EP&A Reg's 2021, and accordingly, the proposed alterations and additions to the approved shop top housing development will ensure it will comfortably fit within this urban context and accordingly warrants approval.