

# Statement of Environmental Effects



Modification of approval (DA/55/2021 – Modification 2)

5-9 Croydon Street, Lakemba

Prepared on behalf of Eloura Holdings

**December 19, 2024**

## Document control

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### Project summary

<b>Prepared on behalf of</b>	Eloura Holdings
<b>Land to be developed</b>	5-9 Croydon Street, Lakemba
<b>Legal description</b>	Various
<b>Project description</b>	Development of three residential apartment buildings providing 144 apartments and delivery of a publicly accessible laneway to be dedicated to Council

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## Executive Summary

This Statement of Environmental Effects (SEE) sets out proposed modifications to the development approval (DA-55/2021) for development of 5-9 Croydon Street, Lakemba (the site) which approved:

- Construction of three residential flat buildings ranging from seven to ten storeys with basement level car parking and open space areas
- A new roadway to be dedicated to Council
- Torrens title subdivision to create separate parcels for the laneway and the development site
- Strata subdivision of the apartments.

This DA has been subject to a previous modification approval (DA-55/2021/A) which amended the façade composition, design and materials to deliver an improved architectural design outcome along with other minor design changes.

This proposed modification includes minor internal layout changes and resolves a number of compliance, servicing and fire safety matters which have been identified through the detailed design and includes:

- A minor change in apartment mix as a result of the following:
  - 1 x 2 bed apartment changed to 1 x 1 bed apartment (A102) to accommodate relocation of fire stairs
  - 2 x 1 bed apartments changed to 2 x 2 bed apartments (C104 and C107) to align with demand by reducing private open space.
- Broader changes to apartment layouts to reflect a more affordable housing typology with fewer bathrooms and simplified layouts, whilst maintaining compliance with relevant provisions of the Apartment Design Guide (ADG)
- Changes to achieve Fire Rescue NSW (FRNSW) compliance and BCA compliance including accommodating fire services which has necessitated relocation of storage cages from the lower ground of Building A to the basement
- Basement changes which have resulted from the relocation of the storage cages as well as allocation of car parking and storage resulting from the dwelling mix changes and to address other compliance matters
- Amendments to reflect conditions of approval relating to minor window changes required as part of the existing approval.

It is considered that the proposed modifications can be approved under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act) which sets out provisions relating to modifications, other than modifications involving minor errors or involving minor environmental impact.

The development as proposed to be modified is substantially the same development as the original approval noting that there is no change to the land use, building envelope or dwelling yield.

The proposed modification will support delivery of the building by addressing compliance, servicing and fire safety matters and aligns dwelling mix with expected market demand.

The proposed modifications do not impact on the consistency of the development with the Canterbury-Bankstown LEP or the site specific provisions of the Canterbury-Bankstown DCP. Compliance with all other relevant SEPPs is also maintained.

On this basis it is considered that the proposed modification should be supported.

# 1 Background

On 25 August 2022 Canterbury Bankstown Council granted approval for the development of 5-9 Croydon Street, Lakemba for construction of three residential flat buildings ranging from seven to ten storeys with basement level car parking and open space areas, a new roadway to be dedicated to Council, torrens title subdivision to create separate parcels for the laneway and the development site, and strata subdivision of the apartments.

The DA has been subject to a previous modification approval which amended the façade composition, design and materials to deliver an improved architectural design outcome along with other minor design changes.

This proposed modification includes minor internal layout changes and resolves a number of compliance, servicing and fire safety matters which have been identified through the detailed design.

The modification is supported by the following documentation:

- Recommended changes to conditions of approval (Appendix A)
- Architectural plans (Appendix B)
- Design Verification Statement (Appendix C)
- ADG compliance (Appendix D)
- Acoustic report (Appendix E)
- Waste management plan (Appendix F)
- Traffic and Transport Assessment (Appendix G)
- Access Report (Appendix H)
- BCA Report (Appendix I)
- Detailed Site Assessment (Appendix J)
- Hydrological Report (Appendix K).



## 2 Subject site

### 2.1 Site description

This SEE relates to 5-9 Croydon Street, Lakemba (the site) which comprises the following lots:

- Lot B DP 365853
- Lot A DP 357959
- Lot B DP357959
- Lot 2 DP971844
- Lot 1 DP974686
- Lot A1 DP 372287

The site is an irregular parcel of land with a total area of 6,367sqm. Its main frontage is to Croydon Street, with a secondary access via an access handle from Railway Parade. The site is currently vacant land which is cleared of vegetation with the exception of small exotic shrubs. The land slopes gradually from the eastern corner fronting Croydon Street to the western corner of the site.

The site is located adjacent the Lakemba Local Centre and is 160m or 2 minutes walking distance from Lakemba Station on the T3 Bankstown Line which is undergoing conversion to Metro rail as part of the Sydney Metro City and Southwest Project.



**Figure 1: Subject site**



## 2.2 Surrounding land uses

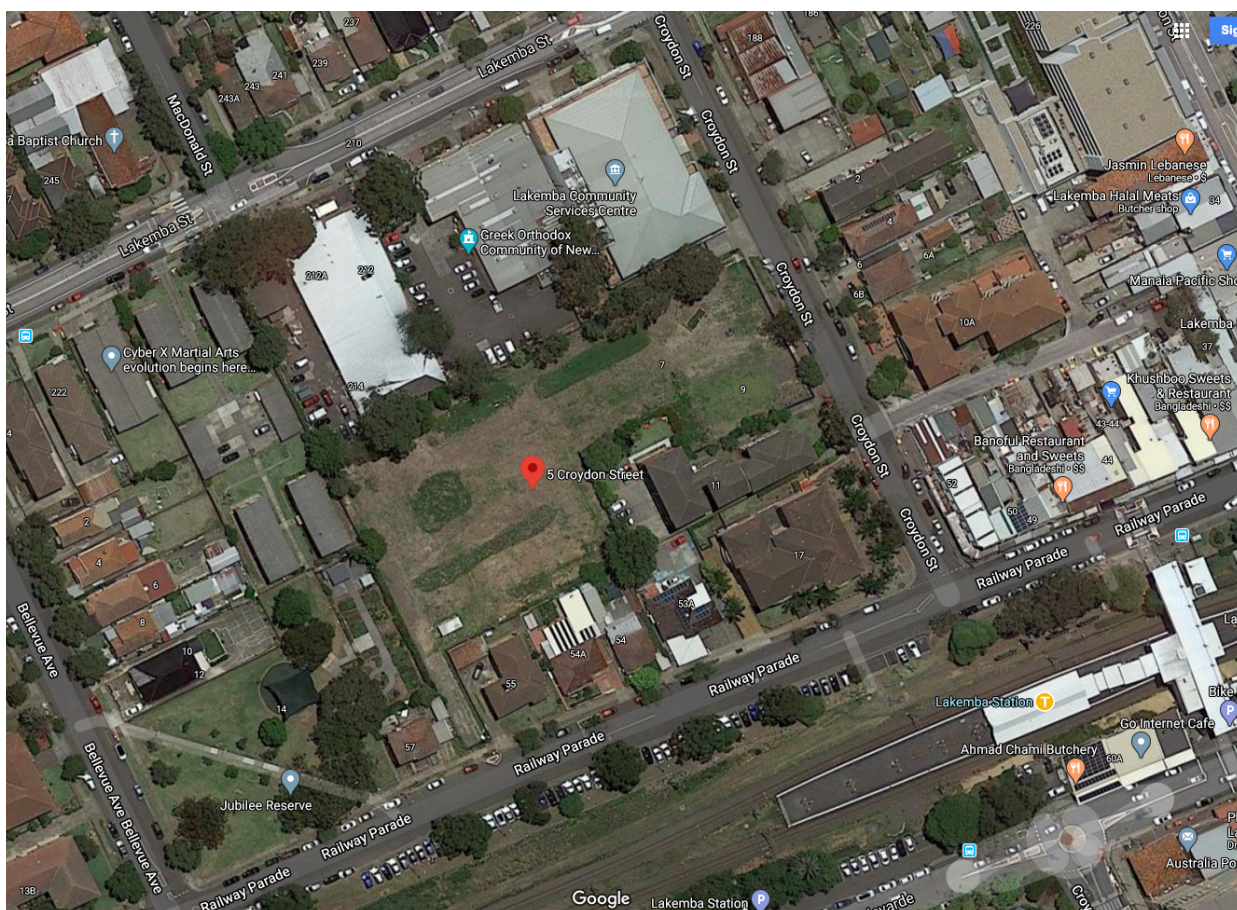
The site is surrounded by several low to rise residential, commercial and community uses.

Directly to the east of the site on Croydon Street there are a mix of single and two storey dwellings and three storey apartment buildings. Further along Croydon Street to the south east are small two storey retail shopfronts and to the north east a single storey wholesale food retailer which form part of the Lakemba Local Centre.

To the north of the site is a three storey community facility (Lakemba Community Services Centre) located on the corner of Lakemba Street and Croydon Street and the two storey Greek Orthodox Club which fronts Lakemba Street.

To the south of the site is a three storey apartment building fronting Croydon Street, three single dwellings fronting Railway Parade two of which are currently occupied by non-residential uses being a medical centre and aged care respite facility (53A and 54A Railway Parade), and a two storey apartment building at 55 Railway Parade.

To the west of the site is Jubilee Reserve being a local park which provides passive recreation, a playground and a community garden. A duplex at 57 Railway Parade adjoins the site's access handle to the west.



**Figure 2: Surrounding context**

### 3 Proposed modification

The proposed modification includes minor internal layout changes and resolves a number of compliance, servicing and fire safety matters which have been identified through the detailed design.

No changes are proposed to the building envelope and accordingly there is no change in overshadowing and visual impact of the proposed development.

The proposed modifications are summarised below and are detailed and justified in Table 1.

- A minor change in apartment mix as a result of the following:
  - 1 x 2 bed apartment changed to 1 x 1 bed apartment (A102) to accommodate relocation of fire stairs
  - 2 x 1 bed apartments changed to 2 x 2 bed apartments (C104 and C107) to align with demand by reducing private open space.
- Broader changes to other apartment layouts to reflect a more affordable housing typology with fewer bathrooms and simplified layouts, whilst maintaining compliance with relevant provisions of the Apartment Design Guide (ADG)
- Changes to achieve Fire Rescue NSW (FRNSW) compliance and BCA compliance including accommodating fire services which has necessitated relocation of storage cages from the lower ground of Building A to the basement.
- Basement changes which have resulted from the relocation of the storage cages as well as allocation of car parking and storage resulting from the dwelling mix changes and to address other compliance matters
- Amendments to reflect conditions of approval relating to minor window changes required as part of the existing approval.

As a result of the modification, changes will be required to the conditions of approval as detailed in Appendix A.

**Table 1: Proposed modifications**

Architectural plan reference	Proposed amendment	Justification
1) Storage cages	Relocation of storage cages / bike parking from Building A Lower Ground to Basement (in conjunction with Amendment 5 to accommodate FRNSW and BCA compliance requirements).	<p>Storage cages have been relocated to the basement to accommodate required fire safety services at the lower ground floor of Building A including a pump room, sprinkler tanks and fire escapes.</p> <p>This has resulted in basement layout changes which are detailed at Item 5 below.</p>
2) Apartment mix changes	<p>Minor changes to the layout of three apartments resulting in a small change in dwelling mix as follows:</p> <ul style="list-style-type: none"> <li>• 1 x 2 bed apartment changed to 1 x 1 bed apartment (A102) to</li> </ul>	<p>Changes to apartment mix are proposed to respond to market demand.</p> <p>This has resulted the following changes in dwelling mix:</p> <ul style="list-style-type: none"> <li>• Studio: 7 approved / 7 proposed</li> <li>• 1 bed: 12 approved / 11 proposed</li> <li>• 2 bed: 109 approved / 110 proposed</li> </ul>

Architectural plan reference	Proposed amendment	Justification
	<p>accommodate relocation of fire stairs</p> <ul style="list-style-type: none"> <li>2 x 1 bed apartments changed to 2 x 2 bed (C104 and C107) to align with demand by reducing private open space</li> </ul> <p>This has also resulted in and minor changes to car parking / storage allocation within the basement which are discussed in Amendment 3 below.</p>	<ul style="list-style-type: none"> <li>3 bed: 16 approved / 16 proposed.</li> </ul>
3) Basement Layout Changes	<p>Changes to the basement layout to accommodate the following:</p> <ul style="list-style-type: none"> <li>Relocation of storage from Building A</li> <li>Amended carpark allocation to reflect amended dwelling mix</li> <li>Inclusion of service plantrooms</li> <li>Increase in Onsite Detention (OSD) Tank Volume</li> <li>Inclusion of required risers and exhaust plenums</li> <li>Increased extent of basement excavation to accommodate exhaust plenum.</li> </ul>	<p>These changes address compliance matters and respond to other proposed modifications including changes to dwelling mix and relocation of storage from the lower ground floor.</p> <p>The basement extent is proposed to increase extending marginally towards the laneway and Croydon Street to accommodate the exhaust plenum.</p> <p>As discussed in Section 5.3 the required extent of deep soil is able to be maintained.</p> <p>An updated Hydrological Assessment has been prepared to address the increased basement extent (Appendix K).</p>
4) Basement RL changes	<p>Changes to the basement RLs to increased depth and amend ramp gradients accordingly.</p>	<p>The basement is proposed to be excavated 300mm deeper than the approval to accommodate building structure requirements identified through detailed design.</p>
5) FRNSW and BCA compliance	<ul style="list-style-type: none"> <li>Fire escape changes including stair pressurisation and lobby relief</li> <li>Addition of sprinkler, hydrant tanks and fire pump room including street access</li> <li>Light shaft changes to address fire rating issues.</li> </ul>	<p>These changes are necessary to accommodate FRNSW and BCA compliance.</p>

Architectural plan reference	Proposed amendment	Justification
6) Minor changes to apartment layouts and façade	<p>Minor changes to reflect Construction Certificate Drawings including minor changes to apartment layouts for optimisation and services / structural coordination and consequential façade changes.</p> <p>Minor associated façade changes which reflect the apartment layout changes.</p>	<p>The minor changes to apartment layout are to achieve compliance and reflect a more affordable housing typology with fewer bathrooms and simplified layouts.</p> <p>These changes maintain compliance with relevant provisions of the ADG as detailed in the ADG compliance table (Appendix D).</p>
7) Waste Room	Layout changes to waste rooms for compliance.	This is discussed in further detail in Section 5.5 and The Waste Management Plan at Appendix F.
8) Window changes	Requested by Council in Approved S4.55 Condition 2.70 dated 4 October 2023.	<p>To address compliance with conditions of consent.</p> <p>Accordingly, it is requested that Condition 2.70 be removed.</p>



## 4 Statutory context

### 4.1 Environmental Planning and Assessment Act 1979

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act) sets out provisions relating to modifications, other than modifications involving minor errors or involving minor environmental impact.

Section 4.55(2) of the Act enables a consent authority to modify a consent subject to the considerations which are outlined and addressed in Table 1 below.

**Table 2: Consideration of Section 4.55(2) of the Act**

Section 4.55(2) matter	Consideration
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The development is substantially the same development as was approved, noting that there is no change to the land use, building envelope, or dwelling yield.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	An such referrals will be carried out as part of the assessment process.
(c) it has notified the application in accordance with— <ul style="list-style-type: none"> <li>(i) the regulations, if the regulations so require, or</li> <li>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</li> </ul>	Council will notify the modification in accordance with any relevant requirements.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Any submissions made would be considered in the assessment of the modification.

Section 4.55(3) of the EP&A Act sets out that in determining a modification application, consideration is to be given to Section 4.15(1) of the EP&A Act as are of relevance to the development. Section 4.15(1) of the EP&A Act are considered in Table 3 below.

**Table 3: Assessment against S4.15(1) of the EP&A Act**

Section 4.15(1) matter	Consideration
The provisions of any environmental planning instrument	See Sections 4.2 and 4.5.
The provisions of any proposed instrument that is or has been the subject of public consultation under this Act or that has been notified by the consent authority.	Not applicable.
The provisions of any Development Control Plan	See Section 4.3.
The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	See Section 4.4.
The provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> (the Regulations), to the extent that they prescribe matters for the purposes of this paragraph	Clause 61 of the Regulations set out additional matters for consideration by a consent authority for the purposes of 4.15(1) of the EP&A Act. None of these matters is relevant to the proposed modification.
The provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	Not applicable.
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The development will not result in any significant adverse social, environmental or economic impacts. The development has a number of benefits including supporting the increased supply of housing, contributing to the local economy during construction, and providing improved pedestrian and vehicular connectivity through the site.
The suitability of the site for the development	The site has been demonstrated to be suitable for the development through original approval.
Any submissions made in accordance with this Act or the regulations	Any submissions received during the notification of the proposed modification will be considered as part of Council's assessment.
The public interest	The proposal is considered to be in the public interest as it supports increased housing supply within the Canterbury Bankstown local government area, whilst enhancing streetscape and character and improving connectivity through the site.



## 4.2 Canterbury-Bankstown Local Environmental Plan 2023

The principal instrument applying to the site is the *Canterbury-Bankstown Local Environmental Plan 2023* (Canterbury-Bankstown LEP). The site is zoned R4 High Density Residential under the Canterbury-Bankstown LEP.

The objectives of the R4 High Density Residential zone are listed below.

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.

No changes are proposed to the use of the development being residential flat buildings which is currently permissible with consent in the R4 High Density Residential zone.

The height and floor space controls under the Canterbury-Bankstown LEP are as follows:

- FSR: 2:1 across the site as site
- Height: 18m, 24m and 33m.

The proposed modification does not make any changes to the proposed building envelope or building height.

The proposed modification will result in a minor increase in GFA of 113sqm, but maintains compliance with the maximum allowable floor space under the Canterbury-Bankstown LEP as shown below:

- Site area: 6,367sqm
- Permissible FSR: 2:1
- Permissible GFA: 12,734sqm
- Approved GFA: 12,621sqm
- Modified GFA: 12,734sqm.

## 4.3 Canterbury-Bankstown Development Control Plan 2023

Site specific development controls under Chapter 11.4 of the *Canterbury-Bankstown Development Control Plan 2023* (Canterbury-Bankstown DCP) apply to the Croydon Street Precinct which comprise the site (5-9 Croydon Street, Lakemba) as well as 194-214 Lakemba Street, 11-19 Croydon Street, and 53-55 Railway Parade.

Chapter 11.4 includes a structure plan for the Croydon Street Precinct and general objectives and controls. Table 2 includes consideration of controls which are relevant to the proposed modification.

**Table 4: Consideration of Chapter 11.4 of the Canterbury-Bankstown DCP**

Control	Compliance
Deep soil	
Deep soil areas should be provided along Croydon Street, Railway Parade and the new links/laneway.	The proposed modification maintains the provision of deep soil areas along Croydon Street and the new laneway consistent with the approval.
Street trees with high canopies and a mature height of minimum 5m are to be provided along the length of the new links/laneway to frame views.	No changes are proposed to the approved street trees.
Basements are to be contained within the building footprint.	The proposed modification includes a minor change to the basement to accommodate the exhaust plenum, however required deep soil areas are still able to be achieved.
High-quality landscape and canopy trees shall be provided within deep soil area and within street setbacks.	No significant changes are proposed to the landscaping and canopy trees. There is a minor reduction of deep soil to accommodate the basement exhaust plenum however the total deep soil requirement is able to be maintained as detailed in Section 5.3.
Street trees in accordance with Council's street tree policy/ public domain plan are to be provided to Lakemba Street, Railway Parade, Croydon Street and the new laneway.	The Landscape Plan specifies street trees in accordance with Council's street tree policy/ public domain plan.

#### 4.4 Croydon Street Planning Agreement

A Planning Agreement has been executed and registered on title which makes arrangements for the construction and embellishment of the proposed laneway to be dedicated to Council as a public road. The works must be completed and dedicated prior to the issue of any occupancy certificate for the proposed apartments. The Planning Agreement does not exclude the operation of Section 7.11, 7.12 and 7.24 of the Environmental Planning and Assessment Act 1979. Accordingly, the site is also subject of local infrastructure contributions, however it is noted that no Special Infrastructure Contribution applies to the site.

The existing approval includes a condition requiring dedication of the road and associated infrastructure in accordance with the Planning Agreement. No change is proposed to the design of the land to be dedicated.

#### 4.5 State Environmental Planning Policies

The modification maintains compliance with all relevant provisions of State Environmental Planning Policies (SEPPs) as outlined in Table 3.

**Table 5: Consideration of relevant SEPPs**

Table Heading	Table Heading
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>Chapter 4 of the Resilience and Hazards SEPP introduces planning controls for the remediation of contaminated land. The policy states that the planning authority must consider whether the land is contaminated, and if so that the land is suitable in its contaminated state for the permitted uses in the zone, or that the land requires remediation before the land is developed for that purpose.</p> <p>A Contamination Assessment formed part of the original application which concluded that the site is suitable for the proposed residential development without the need for further remediation, subject to the implementation of a number of recommendations.</p> <p>A Detailed Site Assessment (Appendix J) has been submitted as part of this modification which confirms that the site is considered to be suitable for the proposed use of the site for three medium-density residential buildings including basement car parking and deep soil landscaping areas.</p>
<i>State Environmental Planning Policy (Housing) 2021</i>	<p>Chapter 4 of the Housing SEPP seeks to promote good design of apartments through the establishment of the Apartment Design Guide.</p> <p>Key controls outlined in the apartment design guideline have informed the site layout and built form.</p> <p>A Design Verification Statement and consideration of the relevant criteria set out in the Apartment Design Guide was provided with the original development application.</p> <p>The proposed modification does not impact on compliance with the Apartment Design Guide and an amended Design Verification Statement (Appendix C) and consideration of the relevant criteria set out in the Apartment Design Guide (Appendix D) forms part of this modification application.</p>
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	<p>The Sustainable Buildings SEPP sets out BASIX standards for all residential developments to achieve mandated levels of energy and water efficiency, as well as thermal comfort.</p> <p>Updated BASIX certificate will be provided following acceptance of proposed changes for DA lodgement.</p>

## 5 Consideration of issues

### 5.1 Dwelling mix and yield

The modification includes minor changes to dwelling mix with no change in the overall yield as detailed in Table 6.

**Table 6: Dwelling mix**

Dwelling type	Approved dwellings	Proposed dwellings
Studio	7	7
1 bedroom	12	11
2 bedroom	109	110
3 bedroom	16	16
<b>Total</b>	<b>144</b>	<b>144</b>

The proposed modification includes 15 apartments (10% of the total) as adaptable which maintains consistency with the DCP requirement.

The proposed change in dwelling mix is not significant and will not result in any increased impacts. Further, there is no dwelling mix requirement that applies to the subject site.

The amended car parking and storage requirements resulting from the change in dwelling mix have also been accommodated in this modification application. Storage calculations are included within the Architectural Plans and achieve compliance with the ADG. The amended parking requirements have been accommodated in this modification as discussed in Section 5.4 below.

### 5.2 Residential amenity

The proposed modification maintains a high level of residential amenity and compliance with the relevant provisions of the Apartment Design Guide (ADG) as detailed in the Design Verification Statement (Appendix C) and consideration of the relevant criteria set out in the ADG (Appendix D).

### 5.3 Landscaping and deep soil

The proposed modification is largely consistent with the approved landscape plan except for a minor reduction in deep soil areas as detailed below.

The proposed minor increase to the extent of basement excavation to accommodate the exhaust plenum has resulted in a minor reduction of deep soil located between the laneway and proposed buildings. This change maintains compliance with the requirements of the ADG and site-specific DCP. The areas previously identified as deep soil will maintain a consistent landscape design with planting to be in planters over the basement rather than deep soil.

The proposed development as modified would continue to achieve over 7% of the 4,611sqm developable area as deep soil consistent with the ADG.

Overall the decrease is minor representing only a 2.4% reduction in deep soil across the developable area with the areas to be removed limited to narrow strips of deep soil and the overall landscape and canopy cover outcome still able to be achieved.

In addition, 19.6% of the 1,755sqm proposed laneway would continue to be deep soil.

The approved and proposed deep soil quantities are detailed in Table 7 and Figure 3 and Figure 4.

**Table 7: Deep soil**

	Approved deep soil	Proposed deep soil
Deep soil within development area > 6m dimension	362sqm / 7.8% of developable area	408sqm / 8.8% of developable area
Deep soil within development area < 6m dimension	420sqm / 9.1% of developable area	259sqm / 5.6% of developable area
Total deep soil within developable area	782sqm / 16.9% of developable area	667sqm / 14.5% of developable area
Deep soil within laneway <6m width	340sqm / 19.4% of laneway	343sqm / 19.6% of laneway

It is considered that the proposed development would achieve a suitable amount of deep soil and is able to comply with the ADG.

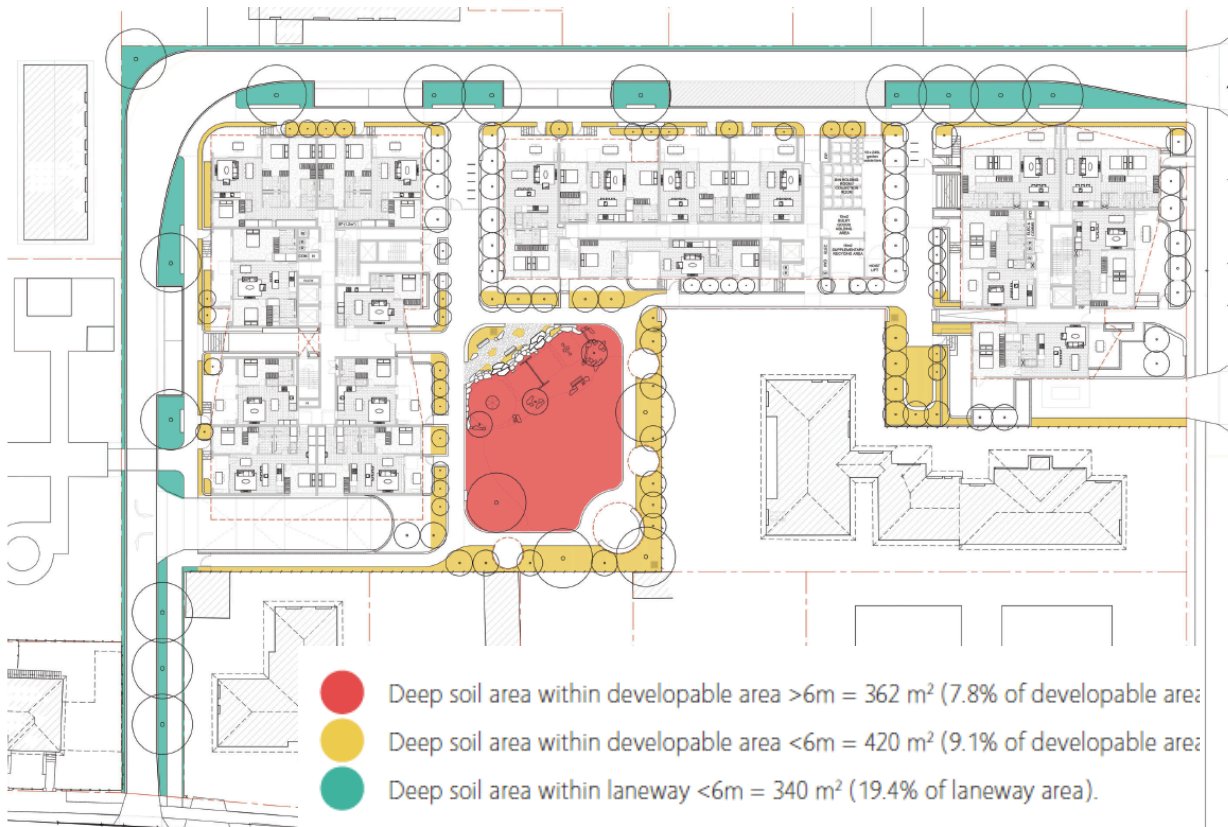


Figure 3: Approved deep soil extent

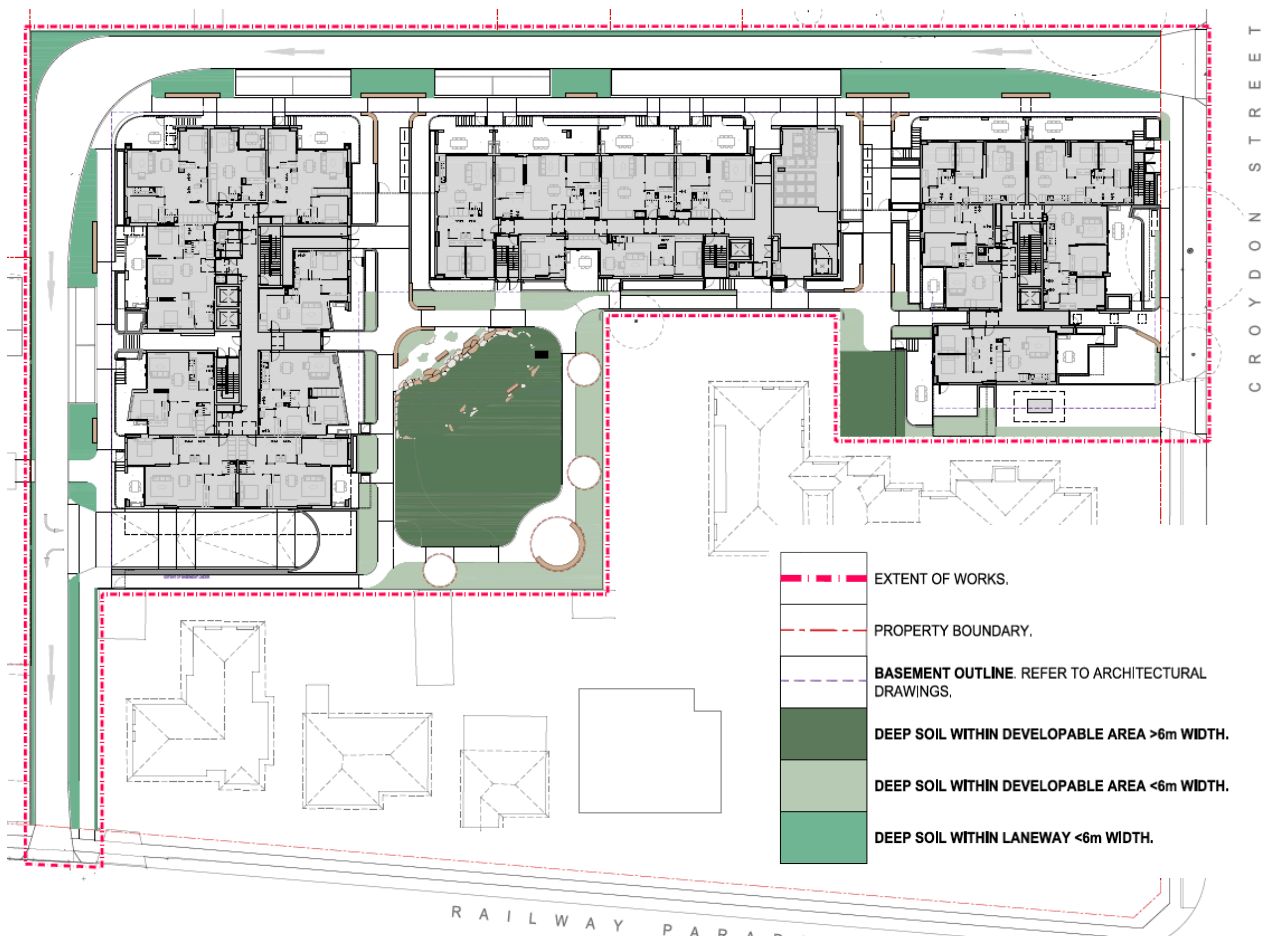


Figure 4: Proposed deep soil extent



## 5.4 Transport and access

A Traffic and Transport Assessment has been prepared to support this SEE (Appendix G) which includes updated swept path diagrams and concludes that:

- There will not be any adverse traffic implications as a result of the modification
- The proposed car parking provision will be adequate and appropriate
- The vehicle access and internal circulation arrangements will be quite suitable and appropriate in compliance with relevant Australian Standards.

The total number of car parking spaces has increased from 160 under the approval to 162 to account for the change in dwelling yield and mix.

This achieves compliance with the RMS Guide to Traffic Generating Development minimum car parking rates for high density residential flat buildings in Metropolitan Subregional Centres. These rates apply under the provisions of the ADG due to the site's proximity to Lakemba Station. As detailed in Table 8 a total of 162 spaces are required for the proposed development.

Of the 162 spaces 15 would be accessible spaces achieving compliance with the requirement for one accessible car parking space per adaptable dwelling.

**Table 8: Car parking requirements**

Dwelling type	Dwelling mix	Car parking rate / dwelling	Total car parking spaces
Studio	7	0.6	4
1 bedroom	11	0.6	7
2 bedroom	110	0.9	99
3 bedroom	16	1.4	23
Visitor	-	0.2	29
<b>Total</b>	<b>144</b>		<b>162</b>

No change is proposed to the approved number of bicycle parking spaces which comprises 30 spaces within the basement for residents and 16 spaces for visitors at ground level which is consistent with Council's bike parking rates being:

- 1 space per 5 dwellings for residents (30 spaces)
- 1 space per 10 dwellings for visitors (15 spaces).

However, the resident spaces have been relocated from the lower ground floor to the basement to accommodate FRNSW and BCA compliance requirements.

## 5.5 Waste management

A Waste Management Plan has been prepared to support this SEE (Appendix F) which details the operational waste management requirements associated with the amended dwelling yield and mix. It establishes the minimum requirements for waste storage that have been incorporated into the amended basement layout which includes the waste storage detailed in Table 9.

**Table 9: Waste storage facilities**

Dwelling type	Waste storage
Building A – Basement level 1	<ul style="list-style-type: none"> <li>• 37sqm chute discharge room</li> <li>• 7sqm bulky waste storage</li> </ul>
Building B – Basement level 1	<ul style="list-style-type: none"> <li>• 41sqm chute discharge room</li> <li>• 6sqm bulky waste storage</li> </ul>
Building C – Basement level 1	<ul style="list-style-type: none"> <li>• 31sqm chute discharge room</li> <li>• 10sqm bulky goods storage room</li> </ul>
Bin holding room – Level 1	<ul style="list-style-type: none"> <li>• Holding area to accommodate 18 x 1,100L MGB for recycling and waste and 10 x 240L garden waste bins</li> <li>• 23sqm bulky waste holding room</li> <li>• 9sqm supplementary recycling area.</li> </ul>

## 5.6 Acoustic

An Acoustic Assessment has been prepared to support this SEE (Appendix E) which sets out that the proposed changes do not necessitate any amendments to the acoustic report which was submitted with the development application as approved.

## 5.7 Accessibility

An Access Statement has been prepared to support this SEE (Appendix H) which sets out that the proposal can achieve compliance with the access provisions of the BCA and Chapter 4 of the Housing SEPP.

## 5.8 BCA compliance

A BCA compliance report has been prepared to support this SEE (Appendix I) to assess the BCA compliance of the development as proposed to be modified. The report sets out recommendations to address non-compliance matters and states that if compliance with the deemed-to-satisfy provisions is not achievable or desirable, Performance Solutions could be further developed and verified by an appropriately qualified BCA Consultant or Fire Safety Engineer.

## 6 Conclusion

It is considered that the proposed modifications can be approved under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act) which sets out provisions relating to modifications, other than modifications involving minor errors or involving minor environmental impact.

The development as proposed to be modified is substantially the same development as the original approval noting that there is no change to the land use, building envelope or dwelling yield.

The proposed modification will support the delivery of the building by addressing a number of compliance, servicing and fire safety matters which have been identified through the detailed design and aligns the dwelling mix with the expected market demand.

The proposed modifications do not impact on the consistency of the development with the Canterbury-Bankstown LEP or the site specific provisions of the Canterbury-Bankstown DCP. Compliance with all other relevant SEPPs and the ADG is also maintained.

On this basis it is considered that the proposed modification should be supported.

# Appendix A: Requested changes to conditions of approval

Condition number	Condition	Proposed change
<b>1. Stamped and approved plans</b>		
1.1	Stamped / Approved Plans Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation except where the conditions of this consent expressly require otherwise.	All relevant plan reference to be amended to reflected modified plans.
<b>2. Conditions to be satisfied prior to a Construction Certificate</b>		
2.48	<p>The principal certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <ul style="list-style-type: none"> <li>a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;</li> <li>b. Floors must be finished so as to be non-slip with a smooth and even surface;</li> <li>c. The room is to be integrated within the design and built-form of the development with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;</li> <li>d. Walls must be constructed of solid impervious material;</li> <li>e. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;</li> <li>f. Walls, ceiling and floors must be finished in a light colour;</li> <li>g. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;</li> <li>h. A self-closing door openable from within the room;</li> <li>i. Must be constructed to prevent the entry of birds and vermin;</li> <li>j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;</li> <li>k. Any doorways must be 2 metres wide and open outwards; and</li> <li>l. Building A Bin Room designed have a minimum area of 45m<sup>2</sup> and will house a waste chute with 3 x 1,100L bins on a carousel system;</li> </ul>	To be amended to reflect modified approval.

Condition number	Condition	Proposed change
	<p>m. Building B Bin Room designed have a minimum area of 54m<sup>2</sup> and will house a waste chute with 3 x 1,100L bins on a carousel system and the bin hoist lift to the temporary bin holding room (Building B Level 1); and</p> <p>n. Building C Bin Room designed have a minimum area of 54m<sup>2</sup> and will house a waste chute with 3 x 1,100L bins on a carousel system.</p> <p>o. Building A Bulky Waste Room (Basement 2) designed have a minimum area of 7m<sup>2</sup>;</p> <p>p. Building B Bulky Waste Room (Basement 2) designed have a minimum area of 6m<sup>2</sup>;</p> <p>q. Building B Bulky Waste Holding Room (Level 1) designed have a minimum area of 15m<sup>2</sup>; and</p> <p>r. Building C Bulky Waste Room (Basement 2) designed have a minimum area of 10m<sup>2</sup>.</p>	
2.52	As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993.	Duplicate of 2.29
2.55	<p>The principal certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the supplementary recycling rooms (Building B Level 1) that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":</p> <p>a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;</p> <p>b. The floors must be finished so that is non-slip and has a smooth and even surface;</p> <p>c. The walls must be constructed of solid impervious material;</p> <p>d. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;</p> <p>e. Must be compatible with the overall design of the development;</p> <p>f. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;</p> <p>g. Walls, ceiling and floors must be finished in a light colour;</p>	To be amended to reflect modified approval.

Condition number	Condition	Proposed change
	h. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; i. A self-closing door openable from within the room; j. Must be constructed to prevent the entry of birds and vermin; k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room; l. Any doorways must be 2 metres wide; and m. Designed to a minimum size of 14m <sup>2</sup> .	
2.70	Windows identified as being 'frosted glazed' on the approved plans are to be fixed windows to ensure a suitable level of visual amenity is afforded to residents. Amended plans demonstrating such change are to be submitted to the appointed Principal Certifying Authority (PCA) prior to the issuing of any Construction Certificate.	Condition to be removed noting this amendment has been accommodated in the as modified plans.
<b>5. Conditions to be satisfied prior to a Construction Certificate</b>		
5.17	163 off-street car spaces being provided in accordance with the submitted plans (including 14 accessible spaces). This shall comprise: a. 134 residential spaces b. 29 residential visitor spaces Note: 14 of the required car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.	To be amended to reflect the modified approval.



**Appendix B: Architectural plans**

**Appendix C: Design Verification Statement**

**Appendix D: ADG Compliance**

**Appendix E: Acoustic report**

**Appendix F: Waste management plan**

**Appendix G: Traffic and Transport Assessment**

**Appendix H: Access Report**

**Appendix I: BCA Report**

**Appendix J: Detailed Site Assessment**

**Appendix K: Hydrological Report**