Statement of Environmental Effects

Residential Flat Building

115-117 Dutton Street, Yagoona

BMA URBAN

Submitted to: Canterbury Bankstown Council

On behalf of: Cedar Design & Construct

Date: November 2024

BMA URBAN STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	Dutt-072/24
Report Number	Final- 18/12/24

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TABLE OF CONTENTS

FIGURES

TABLES

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by BMA Urban in support of a Development Application (DA) to Canterbury Bankstown Council, prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2021. The proposed development seeks consent for demolition of the existing dwellings and outbuildings, tree removal and construction of residential flat building, comprising a total of 28 apartments over two (2) levels of basement car parking at 115-117 Dutton Street, Yagoona. Six (6) of the apartments are proposed to be affordable housing in accordance with Chapter 2 – Affordable housing within State Environmental Planning Policy (Housing) 2021.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act*, 1979 and Clause 50 of the *Environmental Planning and Assessment Regulation*, 2021.

The proposed development has been designed in accordance with the Canterbury Bankstown Local Environmental Plan 2023 controls and is generally consistent with the built form outcomes of the Canterbury Bankstown Development Control Plan 2023. Specifically, the built form, siting and massing of the proposed development takes into account the transitioning character of the context and necessity to provide a contextually balanced form that serves to integrate into the existing development and evolving visual character setting.

The SEE concludes this proposal is of an appropriate scale and mass for the site, which is consistent with the existing and future character of the area. The proposal:

- positively contributes to the prominent site setting with a large emphasis placed on interface relationships and residential and neighbourhood amenity;
- provides for a '*residential flat building*' which will contribute to the economic redevelopment of the immediate area; and
- provides a built form and massing which is commensurate with the likely evolution in built forms governed by the land zoning and prescribed controls applicable to the land.

The SEE concludes this proposal is of an appropriate scale and mass for the site, is consistent with its immediate context and the desired future character of the Precinct, is well designed and has no adverse amenity impacts and will make a valuable contribution to housing supply and diversity in the Canterbury Bankstown LGA. As such, it is considered that the proposal will deliver a suitable and appropriate development for the site and is worthy of approval.

In view of the contents of this report, we are satisfied that this proposal has properly responded to all relevant matters for consideration within Clause 4.15 of the Environmental Planning and Assessment Act, and the accompanying Regulation.

1.1 Report Structure

This SEE is structure in the following manner:

- **Section 1** – Introduction;
- **Section 2** - Analysis of site and surrounding context;
- **Section 3** – Description of the Development
- **Section 4** - Assessment of the proposal's compliance with relevant planning instruments and policies;
- **Section 5** - Impact assessment and consideration of key planning issues as required by Section 4.15 of the EP&A Act; and
- **Section 6** – Conclusion.

1.2 Supporting Documentation

The technical and design documents that have been prepared to accompany this DA are identified in **Table 1** and are as follows;

Document:	Prepared by:
Architectural Plans	Cedar Design and Construct
Traffic and Parking	CJP Consulting
BASIX	Bonnefin Consulting
ESD, BASIX and NatHERS summary	Bonnefin Consulting
BCA	EBS Consultants
Stormwater Quality Management Plan	Enscape Studio
Stormwater Plans	Hydraulics Solutions
Arboricultural Impact Assessment	DJD Tree Consultancy
QS Report	Cedar Design and Construct
Operational Waste Management Plan	Dickens Solutions
Landscape Plans	Bluegum Desgins
Survey	Masri Survey Group
Access	EBS Consultants

Table 1: Technical and design documentation

2. SITE ANALYSIS AND CONTEXT

2.1 The Subject Site

The subject site is located within the Local Government Area (LGA) of Canterbury Bankstown. The site is located within the Yagoona Precinct, which is a transitioning locality that is undergoing change through the redevelopment of numerous sites. The site is located within proximity to the Yagoona Railway Station and Town Centre and therefore, has optimal access to public transport. Land uses surrounding the site are mixed, primarily including detached dwellings forming part of the original housing stock which is slowly transitioning to more densely scaled development consistent with transition towards higher density development typologies noting the prescribed zonings, FSR and heights afforded to the land/s.

Figures 1 and **2** below provide an aerial view identifying the location of the site within its defining context.

Figure 1: Site Plan (Base Map)
Source: Six Maps

Figure 2: Site Plan (Aerial)
Source: Six Maps

2.2 Site Description

2.2.1 Dimensions and Locational Characteristics

The subject site is comprised of two (2) allotments identified as Lots 18 and 19 in DP 9795 located on the western side of Dutton Street, more readily identified as 115-117 Dutton Street, Yagoona. The site presents a primary consolidated frontage of 30.48m to Dutton Street, respective and equidistant northern and southern boundary lengths of 69.595m and combined land area of 2112m^2.

A detailed Land Survey prepared by Masri Survey Group indicating boundary lengths, site area and the location of existing structures on the allotment. The survey plan provided is reproduced in **Figure 3** below.

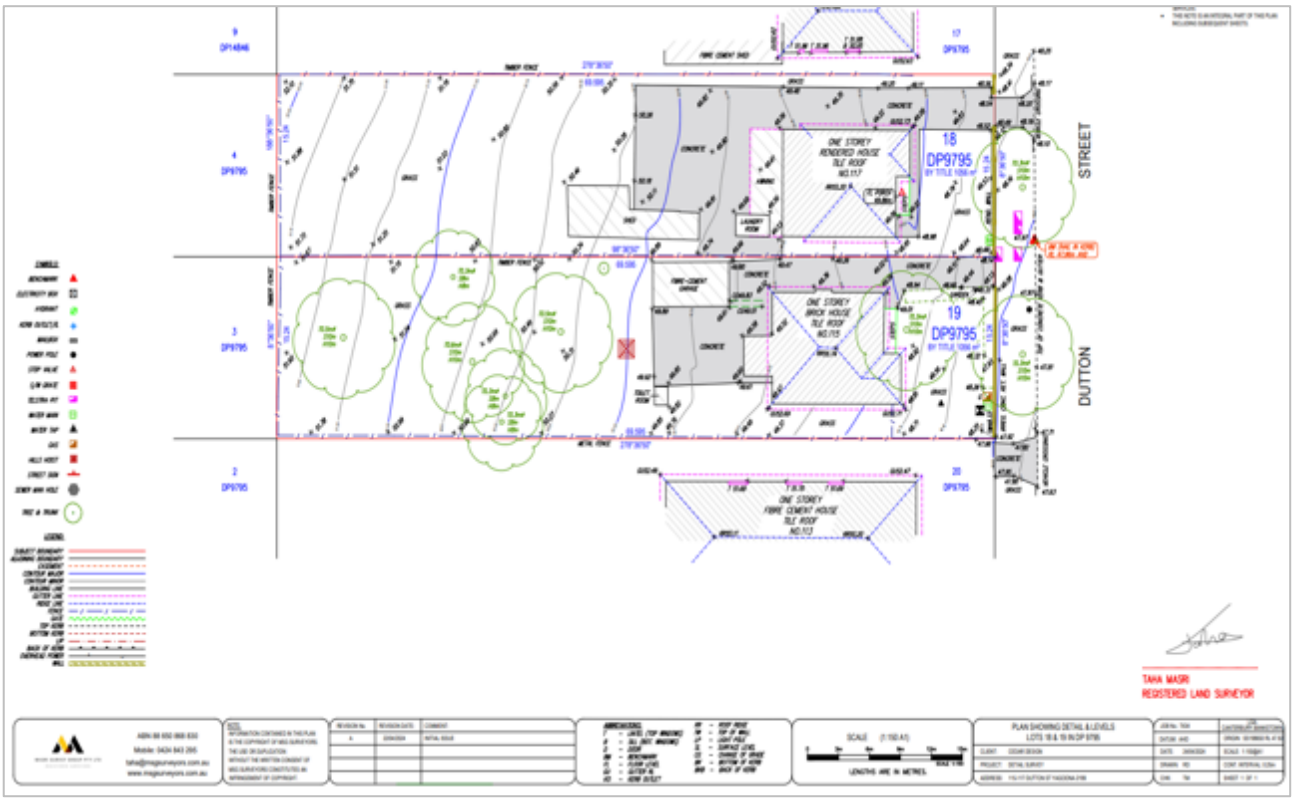


Figure 3: Survey Plan
Source: Maasri Group

2.2.2 Existing Improvements

Lot Number/DP	Address	Description
Lot 19 in DP 9795	115 Dutton Street, Yagoona	One storey brick house with tiled roof
Lot 18 in DP 9795	117 Dutton Street, Yagoona	One storey rendered house with tiled roof

2.3 The Locality

The locality is defined by a mixture of developments including but not limited to, detached dwellings forming part of the original housing stock, medium to large scale residential development in the form of multi-dwelling housing and residential flat/shop top housing, commercial uses, hotels and places of public worship.

It is worth noting that over time, housing stock will be demolished and redeveloped commensurate with the scale of development envisaged for zone and the prescribed standards applying to it.

3. PROPOSED DEVELOPMENT

3.1 Development Summary

This DA seeks consent for demolition of the existing improvements and construction of a new residential flat building with two (2) levels of basement car parking. The proposed development comprises:

- The construction of a residential flat building, containing a total of 28 residential units;
- Of the total of 28 residential units, 6 of those are proposed to be affordable housing in accordance with Chapter 2 – Affordable housing within SEPP (Housing) 2021. These units are nominated as being: 101,103, 104, 105,106 and 107;
- Two levels of basement accommodating a total of 55 car parking spaces;
- Principal usable communal open space provided at level 04; and
- Ground plane landscaping.

The key numerical aspects of the proposed development are outlined in **Table 2** and described in further detail in the following sections.

Parameter	Proposal
Site Area	Total Land Area - 2112m^2
Gross Floor Area	2698.92m^2
Deep Soil Provision Landscaping	486.58m^2 or 203% 694.83m^2 or 32.8%
Building Height (maximum)	Approximately 16.8m
Apartment Mix (Across Development as a whole) 1 bedroom 2 bedroom 3 bedroom	• Six (6) • Eighteen (18) • Four (4) Total = Twenty-eight (28) dwellings
Parking Provision (Total)	• Resident - 55 (including 4 accessible) • Visitor - 6 spaces
Communal open space	579m^2 or 27.4%

Table 2: Numeric Overview of the proposed development

3.2 Built form and Urban Design

The proposed built form comprises a single residential flat building within a landscaped setting as identified in **Figure 4** below.

The elevations are highly modulated using articulated walls and varying setbacks. A range of different materials and colours have been used to further visually break up the built form, including ribbed render, ecogrove panelling, light and dark grey paint render and aluminium blades.

As shown in **Figure 5** being the development render, the buildings have been modulated to provide articulation and visual interest when viewed from the public domain.

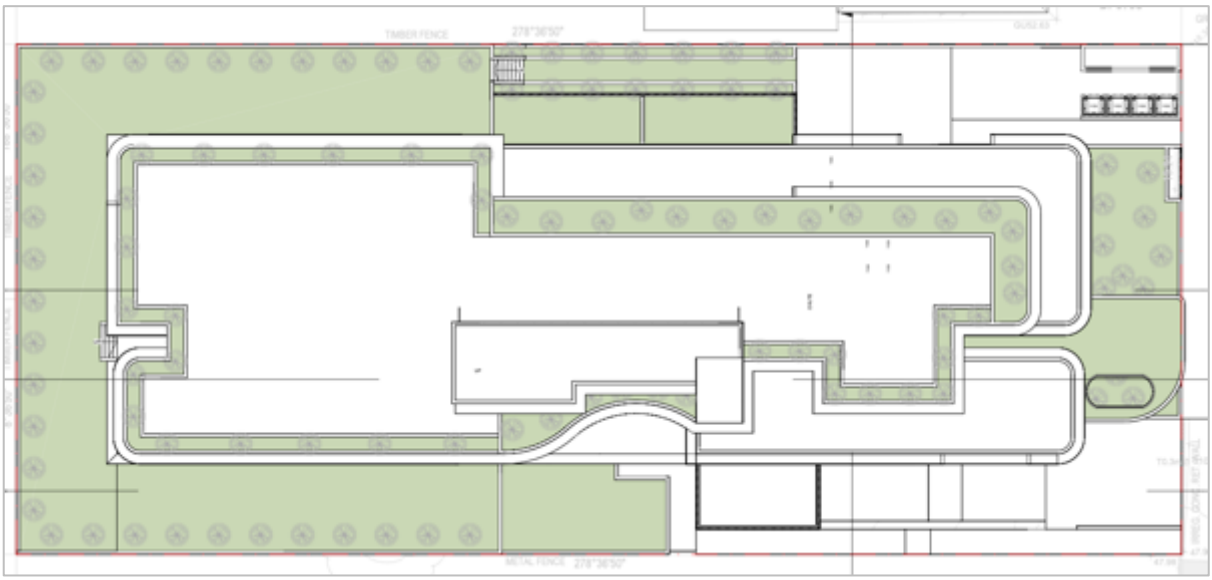


Figure 4: Site Plan
Source: Cedar

Figure 5: Development Render
Source: Cedar

3.3 Landscaping/Communal Open Space

Landscape Plans prepared by Bluegum accompany this development application.

The landscape design strategy seeks to provide residents with a diversity of spaces and activities for their leisure that are both attractive and functional. The planting palette will be vibrant and lush, reflecting the desired future character of the area and with a focus on native and floral species. Private open space is provided in the form of landscaped courtyards and balconies.

The design aims to deliver opportunities for community gathering and private retreats across the rooftop communal area.

With regards to streetscape, the landscape design strategy seeks to create revitalised street frontages with multiple pedestrian access points, a centralised entry lobby, deep soil planting within the setback zones; and tree planting consistent with Council's guidelines for re-development in this precinct.

3.4 Water Management

In accordance with Council's guidelines for stormwater and water cycle management, Hydraulic Solutions have developed a stormwater management plan incorporating on-site detention and discharge to the public drainage network via new stormwater infrastructure proposed across the site which feeds into the inlet structures.

The inlet structures have been designed to adequately convey the surface runoff into the in-ground drainage network. The runoff will then be conveyed through a pit and pipe system to on site detention tanks. From

the detention tanks stormwater is then conveyed to the legal point of discharge using gravity and the geometric falls of the pipe system.

3.5 Waste Management

An Operational Waste Management Plan prepared by Dickens Solutions is separately submitted with this application. The Operational Waste Management Plan outlines the strategy for managing ongoing operational waste from the residential development.

3.6 External Materials and Finishes

Details of the proposed materials of the development are included as part of the Architectural Drawings prepared by Cedar and are also reproduced for reference in **Figure 6** below. The building will use a combination of contemporary materials to provide a visually interesting facade that responds to the future surrounding built form character. This includes: ribbed render, ecogrove panelling, light and dark grey paint render and aluminium blades.

Figure 6: Materials and Finishes Schedule
Source: Cedar

4. STATUTORY PLANNING CONSIDERATIONS

4.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Housing) 2021;
- Canterbury Bankstown Local Environmental Plan 2023; and
- Canterbury Bankstown Development Control Plan 2023.

The relevant provisions and controls of the above Instruments and Plans are summarised in the following sections of this SEE.

4.2 Environmental Planning and Assessment Act 1979

4.2.1 Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

- *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- *to promote the orderly and economic use and development of land,*
- *to promote the delivery and maintenance of affordable housing,*
- *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- *to promote good design and amenity of the built environment*
- *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- *to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The new stock increases employment opportunities and delivers a residential form of accommodation in a well serviced area;
- The subject site does not pose any risk to human health, or none that cannot be remediated;
- Creation of additional jobs during the construction phase;
- The proposal will result in the orderly and economic use and development of land;
- The proposed building promotes a high standard of environmental performance, incorporating the principles of ecologically sustainable development, while responding to the context and enhancing the qualities of the area; and
- Appropriate utility services are provided.

4.2.2 Section 4.15 of the EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	The provision of any draft State Environmental Planning Policy is discussed at Section 4.6
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 4.7.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3
Section 4.15(1)(b)	The likely impacts of the proposed development have been discussed throughout this Report, particularly Section 5 of this SEE.
Section 4.15(1)(c) The suitability of the site	The suitability of the site has been discussed throughout this Report, particularly within Section 5 of this SEE.
Section 4.15(1)(d) Any submissions	It is understood that the DA for the proposed development will be publicly notified as is statutorily required.

Section 4.15(1)(e) The public interest	The proposed development will increase housing choice by providing 28 residential apartments, including additional dedicated affordable housing that will contribute to meeting the housing targets within the Yagoona Precinct. The proposed development is located in proximity to public transport, including Yagoona Railway Station. The proposed development is therefore in the public interest.

Table 3: Section 4.15 of the EP&A Act 1979

4.3 Environmental Planning and Assessment Regulations 2021

4.3.1. Section 61 – Additional matters that consent authority must consider

Section 61 of the EP&A Reg prescribes those additional matters that are to be taken into consideration by a consent authority in assessing and determining a DA for the purposes of Section 4.15(1)(a)(iv) of the EP&A Act. All demolition works will undertaken in accordance with the Australian Standard AS 2601—2001*: The Demolition of Structures.*

4.3.2. Section 69 – Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

Any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), pursuant to Section 61 of the EP&A Reg and can be conditioned as part of any development consent granted for the DA.

4.4 State Environmental Planning Policies

4.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of this state policy applies to the whole of the State. The object of this chapter is to provide for a Statewide planning approach to the remediation of contaminated land. In accordance with the provisions of clause 4.6(1) of this state policy, Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in it contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Based on a review of the aerials of the site (see below), the site has had been subject to residential land uses which are unlikely to be contaminated.

Figure 7: 1943 aerial of the site and surrounds
Source: Six Maps

4.4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with the provisions of the State Environmental Planning Policy (Sustainable Buildings) 2022, a BASIX Certificate has been provided. The proposed development satisfies the requirements of the Certificate in terms of water, thermal comfort and energy efficiency.

4.4.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

Chapter 2 of this state policy applies to the non-rural areas of the State inclusive of the subject local government area and aims to:

(a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State and *(b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposal seeks the removal of eight (8) trees. The extent of vegetation located across and adjoining the site is described in the arborist report prepared by Tree Management Strategies. Offset planting is proposed in accordance with the landscape plan prepared by Bluegum.

4.4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5 – Electricity Transmission or Distributions

Subdivision 2 – Development likely to affect electricity transmission or distribution networks

2.48 Determination of development applications—other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
(b) development carried out—
(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
(ii) immediately adjacent to an electricity substation, or
(iii) within 5m of an exposed overhead electricity power line,
(c) installation of a swimming pool any part of which is—
(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—
(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The proposal is located in proximate distance of a single overhead power pole and lines. The consent authority is therefore under obligation to prepare a referral to the electricity supply authority. Subject to referral and consideration of any response, the proposal is capable of satisfying the provisions of this SEPP.

Division 17 – Roads and Traffic

2.122 Traffic generating Development

This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

(a) new premises of the relevant size or capacity, or
(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

The proposed development seeks the provision of twenty-eight (28) apartments and therefore, does not trigger as a traffic generating development.

5.4.6 State Environmental Planning Policy (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 relevant sections within this Division are addressed as follows:

15C Development to which division applies

This division applies to the proposed development on the basis of the following:

- The development (*residential flat building*) is permitted with consent on the subject land under the Canterbury Bankstown Local Environmental Plan 2023, that being an environmental planning instrument.
- The proposed affordable housing component within the development is at least 10% (20% proposed);
- All or part of the development is on land in the Six Cities Regional and is within an accessible area. In this regard, the site is land within 800m walking distance of a public entrance to the Yagoona Railway Station as demonstrated in **Figure 8** below. The walking distance from the site to the station is 500m.

Figure 8: Walking distance from the subject land to Yagoona Station
Source: Google Maps

16 Affordable housing requirements for additional floor space ratio

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). The maximum allowable FSR under the Canterbury Bankstown LEP 2023 is 1:1. An additional 30% is permitted, resulting in a maximum allowable FSR of 1.3:1. The proposed FSR is 1.227:1 which is compliant.

The minimum affordable housing component, which must be at least 10%, is calculated as follows—

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

Based on the proposed FSR of 1.227:1, the additional FSR sought as a percentage is 22.7%. Dividing that by two, the required affordable housing component is 11.35% or 306.32m^2. A total of 6 units are proposed to be affordable, those being:, 101, 103, 104, 105, 106 and 107. The combined area of these units is 541m^2 or 20% of the total FSR and is thus compliant.

If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). The development is for a residential flat building and is thus permitted an additional 30% building height. The maximum allowable height limit under Canterbury Bankstown LEP 2023 is 13m. An additional 30% results in a 16.9m height limit. The proposal complies with this.

19 Non-discretionary development standards -the Act, s 4.15

The following are non-discretionary development standard in relation to the residential development to which this division applies.

(2)(a) a minimum site area of 450m²

The site is 2112m² and is thus compliant.

(b) a minimum landscaped area that is the lesser of –
(i) 35m² per dwelling, or
(ii) 30% of the site area

30% of the site area is equivalent to 633.6m². The extent of landscaped area proposed is 694.83m² which is compliant.

(e) The following number of parking spaces for dwellings used for affordable housing—
(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,
(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,
(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,

(f) The following number of parking spaces for dwellings not used for affordable housing—
(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,
(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,
(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,

The on-site car parking provision complies with the above requirements. Refer to the Traffic and Parking Assessment prepared by CJP which accompanies this DA submission.

(g) The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development

The internal apartment sizes are ADG compliant as discussed further below under Chapter 4.
Note: Subsection (2)(c) and (d) do not apply because Chapter 4 of SEPP (Housing) 2021 applies.

20 Design requirements

(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—

(a) the desirable elements of the character of the local area, or
(b) for precincts undergoing transition—the desired future character of the precinct.

Having regard to the applicable planning controls, the site is located within a precinct undergoing transition. The design of the development would be consistent with the desired future character of the precinct given that it achieves a high degree of consistency with the planning outcomes intended for this transport oriented precinct. In this regard, the proposal:

- Incorporates landscaped setbacks along Dutton Street to enhance street character and provide improved amenity for adjacent residential uses.
- Retains a residential land use.
- Provides deep soil zones along the rear and side boundaries to facilitate planting and visual privacy between properties.
- Provides a siting, scale and volume that will set a positive design precedent for the evolving context;
- Provides for compliant building setback with appropriate landscaping outcomes adjacent to the public domain.
- Retains any available vistas.

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

The affordable housing component is proposed to be managed by a registered community housing provider in accordance with section 21(1)(b). Appropriate conditions of consent can be imposed in this respect.

22 Subdivision permitted with consent

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

No subdivision is proposed.

Chapter 4 - Design of Residential Apartment Development

The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—

(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—
(i) providing socially and environmentally sustainable housing, and
(ii) being a long-term asset to the neighbourhood, and

(iii) achieving the urban planning policies for local and regional areas,
(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,
(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,
(d) to better satisfy the increasing demand for residential apartment development, considering—
(i) the changing social and demographic profile of the community, and
(ii) the needs of a wide range of people, including persons with disability, children and seniors,
(e) to contribute to the provision of a variety of dwelling types to meet population growth,
(f) to support housing affordability,
(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,
(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.

(2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
(b) the Apartment Design Guide,
(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

Division 1 of the Environmental Planning and Assessment Regulation 2021, subclause 29, outlines that a development application that relates to a residential apartment development must be accompanied by a statement by a qualified designer.

The statement must—

(a) verify that the qualified designer designed, or directed the design of, the development, and
(b) explain how the development addresses—
(i) the design principles for residential apartment development, and
(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.

These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. An assessment of the proposed development, against these design principles and the Apartment Design Guide (ADG) criteria is contained in the Verification Statement prepared by Goodwill Studio which has been separately submitted and forms part of this development application.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in housing choice and stock in the area.

Furthermore, the proposed development is consistent with the aims and relevant provisions of the ADG.

In terms of how the proposal responds to the relevant design criteria specified in the Apartment Design guide, this has also been prepared by Goodwill Studio and accompanies the Verification Statement (Separately submitted).

Overall, the proposed development achieves an acceptable level of compliance with the critical provisions of the Apartment Design Guide as detailed in **Table 4 below**.

ADG	Objective	Design Criteria	Achieves Design Criteria
3D: Communal and public open space	Communal open space to enhance residential amenity, encourage a range of activities, be visually appealing and to provide opportunities for landscaping. Communal open space should be designed to maximise safety.	25% of site area (minimum) Minimum of 50% direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June (mid- winter)	**Yes** The extent of communal open space across the development equates to 579m^2 or 27.4%.
3E: Deep soil zones	To provide areas on the site that allow for and support healthy plant and tree growth.	 Less than 650m^2 - 7% 650m^2 – 1,500m^2 3m Greater than 1,500m^2 6m Greater than 1,500m^2 with significant existing tree cover 6m	**Yes** The extent of deep soil planting proposed is 486.58m^2 or 23%.
3F-1 Visual Privacy	"Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and visual privacy".	 Up to 12m (4 storeys) 6m 3m Up to 25m (5-8 storeys) 9m 4.5m Over 25m (9+ storeys) 12m 6m	**Yes** Refer to the discussion in Part 5.2.5 of the SEE.

<table>
<tr><td>4A: Solar Access</td><td>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</td><td>70% of total apartments (minimum)

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</td><td>Yes

The development results in 24 of the 28 apartments receiving the requisite amount of solar access.

Expressed as a percentage, this equates to 85%.</td></tr>
<tr><td>4B: Natural Ventilation</td><td>To maximise natural cross ventilation for comfortable indoor environments</td><td>60% of total apartments (minimum)</td><td>Yes

The development results in 18 of the 28 apartments capable of being natural cross ventilated.

Expressed as a percentage, this equates to 64%.</td></tr>
<tr><td>4C: Ceiling Height</td><td>Improve internal dwelling amenity.</td><td><table><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>These minimums do not preclude higher ceilings if desired.</td><td>Yes

All proposed apartments will comprise of areas that comply with the ADG Part 4C requirements.</td></tr>
<tr><td>4D: Apartment Size</td><td>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</td><td><table><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table></td><td>Yes

All proposed apartments will comprise of areas that comply with the ADG Part 4D requirements.</td></tr>
<tr><td>4E: Private Open Space and Balconies</td><td>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</td><td><table><tr><td>Studio apartment</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartment</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartment</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartment</td><td>12m²</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>Yes

The ADG objectives for Apartment size are achieved in the proposal.</td></tr>
</table>

			All apartments comply with the minimum primary area criteria and most of the apartments have private open space areas that exceed the minimum area requirement.
4G: Storage	Adequate, well designed storage is to be provided in each apartment	Studio apartment 4m² 1 bedroom apartment 6m² 2 bedroom apartment 8m² 3+ bedroom apartment 10m²	**Yes** All proposed apartments will comprise of storage areas that comply with the ADG Part 4G requirements.

Table 4: ADG core compliance summary

5.6 Local Environmental Plans

5.6.1 Canterbury Bankstown Local Environmental Plan 2023

The Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023) applies to the subject site which is identified as being within Zone R4 – High Density Residential. The proposed development is best characterised as '***residential flat building'*** which is a permissible form of development with the consent of Council in the R4 zone.

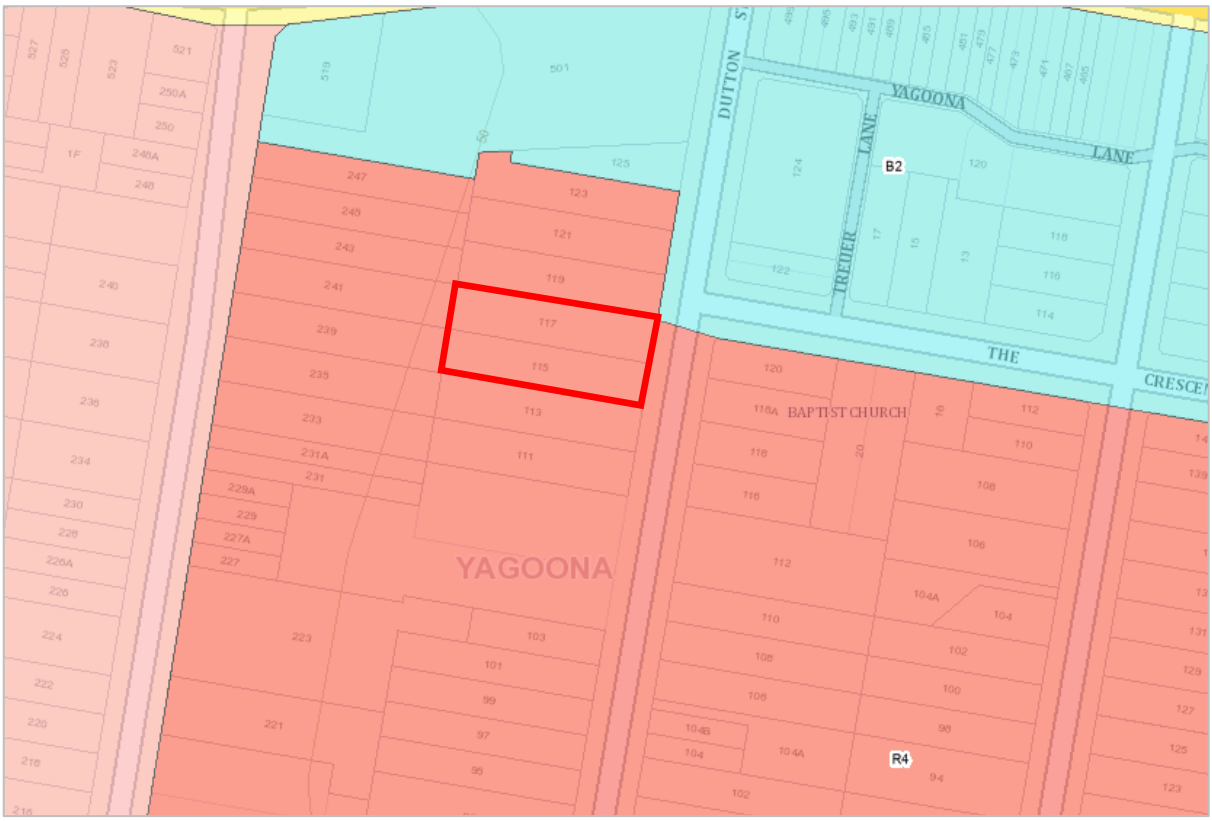


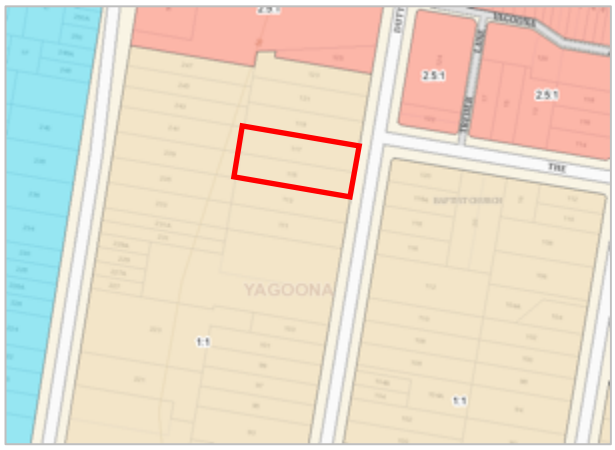
Figure 9: Zoning Map
Source: CBLEP 2023

The objectives of the R4 –High Density Residential Zone are as follows:

- *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.*

The proposed development is consistent with the objectives of Zone. A summary of our assessment of the proposed development against the LEP provisions is detailed below. Some clauses with the LEP have been deliberately omitted because they are not applicable to the proposed development.

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
Part 2 - Permitted or Prohibited development			
2.6	**Subdivision – Consent Requirements**	The proposal does not seek consent for subdivision.	N/A
2.7	**Demolition requires development consent**	This application seeks consent for demolition of the existing building/s and ancillary structures.	Yes
Part 4 – Principal Development Standards			
4.1B	**Minimum lot sizes and special provisions for certain dwellings** Development consent must not be granted to development on land specified in Column 1 of the table to this subclause for a purpose specified in Column 2 unless— (a) the lot is at least the size specified in Column 3, and (b) the width of the lot at the front building line is at least the width specified in Column 4.	Not applicable, SEPP prevails	N/A

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
4.3	**Height of Buildings** The development is subject to the provisions of Clause 4.3, which as indicated on the associated "Height of Buildings" Map, limits the height of buildings to 13m.	 Figure 10: Height of Buildings Map Source: CBLEP 2023 The proposal will comprise of a maximum height of 16.8m complying with the SEPP bonus which in this instance, prevails.	N/A
4.4	**Floor Space** The development is subject to the provisions of Clause 4.4, which as indicated on the associated "Floor Space Ratio" Map, limits the FSR to 1:1.	 Figure 11: FSR Map Source: CBLEP 2023 The proposal will generate an FSR is 1.227:1 which is compliant with the SEPP that initiates a 30% bonus and maximum FSR of 1.3:1.	N/A

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
Part 5: Miscellaneous provisions			
5.10	Heritage Conservation The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The building on the site is not identified as a heritage item, is not located in proximity to an item of relevance nor is it located in a heritage conservation area.	N/A
Part 6: Additional Local Provisions			
6.2	Earthworks This clause seeks to ensure earthworks would not have a detrimental impact on any environmental functions or existing built environments. It also prescribes that earthworks are required for most earthworks.	The proposal seeks to undertake a high level of earthworks noting the scope of work proposed across the site. It is considered unlikely that the site, which for the most part has been relatively undisturbed, contains relics or any items of historic significance. Should any such item be encountered during site preparation works, excavation will cease immediately and the appropriate government authority notified. It is anticipated that a	Yes

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
		standard condition of consent will be imposed in this regard. The site is not in proximity to, nor are earthworks likely to have any detrimental impact on groundwater, drinking water catchment or environmentally sensitive area. Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases to ensure there is no risk of sediment laden water leaving the site and entering council's drainage infrastructure. Excavation techniques which focus on minimising disturbance resulting from noise and vibration transmission will be implemented. Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases. In this regard, the proposal will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	
6.3	**Stormwater management and water sensitive urban design** (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains	The proposal is accompanied by a stormwater plan prepared by Hydraulic Solutions which we have been informed, has been designed in response to the controls prescribed across this standard.	Yes

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
	water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) includes riparian, stormwater and flooding measures, and (e) is designed to incorporate the following water sensitive urban design principles— (i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments, (ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes, (iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.		

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
6.9	**Essential Services** Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) waste management, (f) suitable vehicular access.	These services are already available to the site. Where required, the existing services will be upgraded to cater for the proposed development.	Yes
6.15	**Design Excellence** The objective of this clause is to ensure that development exhibits high quality architectural, urban and landscape design.		
Design Excellence Assessment (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters–			

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,		The building will present as a modern architectural design with a strong emphasis on visual identity and contextual integration. The building siting and form responds to the Precinct context and desired character while the range in materiality employed across the development will accentuate its key features; however, will remain consistent with the tactility of the setting.	✓
(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,		The development will provide for a high quality built form which addresses the streetscape and provides for a number of façade undulations, vertical and horizontal articulation, balcony design and fenestration.	✓
(c) whether the development detrimentally impacts on view corridors,		The siting, scale and built form relationship the development will have with both neighbouring properties and public domain, will not result in any visual impediment to established view corridors.	✓
(d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,		The proposal has been designed in response to the prescribed control provisions of the DCP. This is discussed in more detail in Section 5.7 of this SEE.	✓
(e) how the development addresses the following matters– *(i) the suitability of the land for development,* *(ii) existing and proposed uses and use mix,* *(iii) heritage issues and streetscape constraints,* *(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,* *(v) bulk, massing and modulation of buildings,*		The subject site is zoned R4-High Density where residential flat building's are a contemplated form of development. The proposal seeks to replace two (2) detached dwelling's which appear to form part of the areas original housing stock with a high quality residential flat building designed in response to Council's controls, The land does not contain any impediments which could preclude the ability for this development to be carried out while there are no proximate heritage items whose value could be compromised as a result of the proposal. The site involves the consolidation of two (2) lots which is an orderly response to the block pattern noting the R4-zone transition to the east and the residual five (5) lots to the west which have the ability to be redeveloped without constraint.	✓

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
	(vi) street frontage heights, *(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,* *(viii) the achievement of the principles of ecologically sustainable development,* *(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,* *(x) the impact on, and any proposed improvements to, the public domain,* (ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design, (x) Aboriginal cultural heritage, (xi) the protection and promotion of green infrastructure,	The siting, scale and setbacks of the development is strongly reflective of the guidelines set in the ADG and DCP. As described in response to the design consideration in 4 (b), the building will provide for several façade undulations, vertical and horizontal articulation, balcony design and fenestration all of which will work in conjunction so as to ensure the building identifies as appropriately scaled, and a desired '*fit*' for the locality. The development successfully mitigates the potential for unreasonable amenity impacts to arise across neighbouring properties noting that the neighbouring properties will also over time, be demolished and redeveloped to a scale envisaged by the zoning and more generally, the precinct. Accompanying this application are detailed plans/reports/analysis relevant to overshadowing, wind and Basix certificate which identify the proposal ability in achieving the required targets. The proposal seeks the provision of vehicular access/egress from the site directly from Dutton Street which as described in the accompanying traffic impact assessment prepared by CJP, will adhere to the Australian Standards. A pedestrian entry point is provided from within the eastern side the site (centrally) which directs occupants/visitors along a ramped path which returns into the central core of the building and into a generously sized lobby. The provision of high quality landscaping is proposed across the site but most importantly, along the private/public domain street interface. A detailed landscaping plan prepared by *Bluegum* accompanies the application. In brief, the landscape resolution for the site will comprise of trees, shrubs and grasses all of which will soften the built form and improve the landscaped character of the streetscape. A contiguous relationship at ground level is proposed between the	

Canterbury Bankstown Local Environmental Plan 2023			
CL	Requirement	Proposed	Y/N
		landscaping treatments and communal spaces which will in turn, will afford future residents and their visitors with a high level of user amenity.	

Table 5: Canterbury Bankstown Local Environmental Plan 2023 Compliance Table

5.7 The Provisions of any exhibited Draft Environmental Planning Instruments

5.7.1 Draft Environment SEPP

The planning provisions for waterways, catchments, world heritage and urban bushland are currently contained in seven State Environmental Planning Policies (SEPPs), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument), and in Ministerial Directions for plan making issued under the Environmental Planning and Assessment Act 1979. An Explanation of Intended Effect for the SEPP (Environment) was publicly notified between 31 October 2017 to 31 January 2018. The SEPP (Environment) will integrate provisions from seven existing SEPPs relating to catchments, waterways, urban bushland and world heritage, and to reduce the complexity and streamline the planning system.

The proposed SEPP (Environment) will:

- *Encourage the proper management, development and conservation of natural resources and the protection of the environment, in line with the objectives of the Act*
- *Enable growth that maintains and enhances the health and integrity of our natural and cultural heritage for the benefit and enjoyment of the present community and for future generations*
- *Streamline development assessment by identifying and considering environmental values and constraints at the earliest possible stage in the development decision making process, using evidenced based planning methods*
- *Promote ecologically sustainable development that supports a balanced approach to the use of land and natural resources, and provides for long term environmental, economic and social wellbeing*
- *Adopt a risk based approach to minimise cumulative negative impacts of development on both the immediate site and on a surrounding area or region*
- *The proposed SEPP fits within a range of plans and strategies including A Plan for Growing Sydney, draft District Plans, Regional Plans, local environmental plans, Ministerial Directions, and development control plans*

Based on the information of the Explanation of Intended Effect of the SEPP (Environment), it is considered that the proposal is consistent with the draft planning instrument being, the proposed SEPP (Environment).

5.8 Development Control Plans

5.1.1 Canterbury Bankstown Development Control Plan 2023

Council adopted the Canterbury-Bankstown Development Control Plan 2023 on 25 May 2021, and it came into effect on 23 June 2023. The Canterbury-Bankstown Development Control Plan 2023 supports the LEP by providing additional objectives and development controls to enhance the function, design and amenity of development.

Chapter 2: Site Considerations

Item	Response
2.3 Tree Management	The proposal seeks the removal of (12) trees. The extent of vegetation located across and adjoining the site is described in the arborist report prepared by Tree Management Strategies. Offset planting is proposed in accordance with the landscape plan prepared by Bluegum.

Chapter 3: General Requirements

Objective	Provisions	Response
Chapter 3.1 - DEVELOPMENT ENGINEERING REQUIREMENTS		
Section 2 – Civil Engineering Requirements		
O1 To ensure that development considers the existing public roads and levels. **O2** To ensure that development considers the location of existing and proposed vehicular access with regard to avoiding existing drainage structures, traffic control devices, street infrastructure, existing utilities and street trees.	Vehicular footway crossing design and construction Development requiring vehicular access across the Council footpath area must provide a vehicular footway crossing (VFC) with maximum and minimum widths in accordance with the following table. Maximum size is dependent on providing at least a 6m separation between wings, at the kerb, to adjoining VFCs. Minimum widths will apply in areas with high on street parking demands, and where on street time restrictions are in place.	Complies The entry driveway contains a passing bay within the property boundary for 2 vehicles to pass. This is in accordance with the requirements of AS/NZS2890.1 Clause 3.2.2 Width requirements at low volume (Category 1) driveways. The proposed vehicular access arrangements have been reviewed by CJP and it has been confirmed that these have

	 A second vehicular crossing will be permitted if: • A minimum 6m long parking bay can be provided between the wings of the crossings. Council may vary this requirement under special circumstances, based on technical assessments of the merits of the situation.	been designed in accord with the relevant standards.
	<u>Internal driveway requirements</u> The on-site driveway layout must be designed so that a car may be able to access and exit all required car spaces in one motion. In addition, a required car parking space must be located so as to be outside and clear of any vehicular manoeuvring area or right of carriage way. Austroads standard turning path templates are to be used to determine acceptability.	Complies A swept path analysis prepared by CJP accompanies this application. This analysis demonstrates that vehicles entering and exiting the site via the proposed driveway as well as vehicle circulation within the car parking areas can be carried out in a forward direction.
	<u>Sight distance requirements</u> Adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway. Refer to the Australian Standard AS 2890.1 for minimum sight distance requirements. If adequate sight distance for the access to any development cannot be achieved and considered a concern, the applicant may be required to install regulatory signs, at the	The accompanying traffic impact assessment prepared by CJP confirms that the proposed car parking layout has been designed to comply with the requirements set out in the relevant Australian Standards for car parking facilities, namely AS2890.1:2004 and AS2890.6:2009.

	boundary of the development, as agreed with Council.	
Section 3- Stormwater drainage systems		
O1 To establish a high standard of stormwater drainage infrastructure within the site. **O2** To ensure that the proposed and constructed stormwater drainage system do not adversely impact on Council's stormwater drainage system, the development itself and adjoining sites. **O3** To ensure that buildings are not affected by inundation from stormwater runoff resulting from the 100-year ARI storm event. **O4** To ensure that any proposed stormwater drainage works are designed to minimise any nuisance caused by stormwater drainage flows	<u>Development impacted by stormwater systems</u> Applicants must apply to Council for a Stormwater System Report (SSR), prior to DA submission, if the site is noted on Council's SSR register as affected by Council's stormwater drainage pipelines and/or affected by potential local stormwater flooding. The development must be designed to consider the recommendations of the SSR and satisfy the requirements of this DCP.	Complies A stormwater SSR report prepared by Enscape Studio accompanies this application.
	<u>Disposal of stormwater runoff</u> Site stormwater drainage systems should be designed to flow under gravity, and be connected to Council's stormwater drainage system at the nearest suitable location or CDL benefiting the site. Site drainage design should follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff.	Complies The proposal is accompanied by detailed stormwater drainage plans prepared by Hydraulic Solutions. We have been advised that these plans have been designed in consideration of the relevant prescribed requirements of this DCP.

<table>
<tr>
<td rowspan="2">from local catchment flooding or mainstream flooding from rivers.

O5 To manage stormwater runoff and prevent damage to buildings and property and reduce hazardous flows.

O6 To avoid the location of stormwater drainage infrastructure within tree driplines and deep soil zones.

O7 To give special consideration to development requiring the submission of BASIX Certificate where the use of rainwater storage tanks fitted into stormwater drainage systems may supplement the domestic water supply.</td>
<td><u>Drainage line easement widths</u>

The creation of an easement to drain water must be agreed to, in writing, by the burdened property owners, prior to an operational DA Consent being issued by Council. Documents relative to the creation of an easement to drain water are to be lodged and registered with Land and Property Information (LPI) prior to issue of the Construction Certificate. All costs must be borne by the developer.
The minimum easements widths are as follows:

<table>
<tr><th>Pipe diameter (mm)</th><th>Width of easement to drain water (m)</th></tr>
<tr><td>100, 150</td><td>1.0 *</td></tr>
<tr><td>225</td><td>1.2 *</td></tr>
<tr><td>300</td><td>1.5</td></tr>
<tr><td>375, 450</td><td>2.0</td></tr>
<tr><td>525, 600, 675</td><td>2.5</td></tr>
<tr><td>750, 825, 900</td><td>3.0</td></tr>
<tr><td>1050, 1200</td><td>3.5</td></tr>
<tr><td>1350, 1500</td><td>4.0</td></tr>
<tr><td>1650, 1800</td><td>4.5</td></tr>
</table>
</td>
<td>Complies

The proposed stormwater discharge will be provided in accordance with the engineering detail accompanying this application.</td>
</tr>
<tr>
<td><u>Requirements for flood freeboard and minimum floor levels</u>

Minimum flood freeboard and flood planning levels (FPL) are specified in Chapter 2.2 of this DCP. In cases, where different freeboard requirements apply to the same site, the highest freeboard must be adopted. Finished floor levels for buildings on lands, subject to OLFP flows, must also be set in accordance with Chapter 2.2 of this DCP.</td>
<td>Not Applicable

The subject land is not identified as being flood affected and is therefore, not subject to any flood planning level requirements.</td>
</tr>
</table>

Chapter 3.2 – PARKING		
Section 2- Off Street Parking Rates		
O1 To ensure development meets the car, bicycle and service vehicle parking demands generated by various land uses. O2 To minimise on-street car parking to ensure road safety and visual aesthetics.	Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.	**Not applicable** Parking provided in accordance with the SEPP provisions.
Section 3- Design and Layout		
O1 To ensure the location and layout of parking areas function efficiently and safely. **O2** To provide efficiency in vehicular circulation and connection with the external traffic network. **O3** To achieve a balance between parking requirements, visual aesthetics and pedestrian safety.	<u>Parking location</u> Development must not locate entries to car parking or delivery areas: (a) close to intersections and signalised junctions; (b) on crests or curves; (c) where adequate sight distance is not available; (d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island); (e) where right turning traffic entering may obstruct through traffic; (f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or (g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.	<u>Complies</u> The accompanying traffic impact assessment prepared by CJP confirms that the proposed car parking layout has been designed to comply with the requirements set out in the relevant Australian Standards for car parking facilities, namely AS2890.1:2004 and AS2890.6:2009.

Chapter 3.3 – WASTE MANAGEMENT		
Section 3 – Residential Development		
O1 To maximise resource recovery and encourage source separation of waste, reuse and recycling by ensuring development provides adequate and appropriate bin storage and collection areas. O2 To ensure development incorporates well-designed and adaptable bin storage areas and collection facilities that are convenient and accessible to occupants. O3 To maximise residential amenity and minimise adverse environmental and health related impacts associated with waste management such as odour and noise from bin storage and collection areas. O4 To ensure bin storage and collection areas are designed to integrate with and meet the requirements for Council's domestic waste services. O5 To ensure development facilitates all waste streams being handled, stored and collected in a manner to reduce risk to health and safety of all users including maintenance (such as caretakers), collection staff and contractors (and required vehicles and equipment).	3.1 Council or its contractors are solely to provide the waste services to all residential development types as required under the Local Government Act 1993. 3.2 Each dwelling is to have: (a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials. (b) A suitable space in the kitchen for a caddy to collect food waste. 3.3 Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins. 3.4 The location of the bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings. 3.5 The location of the bin storage area should ensure this area: *(a) is screened or cannot be viewed from the public domain; and* *(b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.* 3.6 The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes.	<u>Complies</u> The proposal is accompanied by an operational waste management plan prepared by Dickens Solutions. It is proposed to locate a bin storage area at ground level while a bin collection area is nominated within the north-eastern corner of the site.

O6 To integrate bin storage and collection areas with the building form and landscape to avoid adverse visual impacts on the streetscape and neighbourhood. O7 To assist in achieving Federal and State Government waste minimisation and diversion targets as set by relevant legislation, regulations and strategies.	3.7 Where possible, development may consider providing each dwelling with a suitable space for composting and worm farming, located within the backyard, private courtyard or open space. Composting facilities should locate on an unpaved area, with a minimum size of 1m2 per dwelling. 3.8 Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection. 3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide. 3.11 Development that proposes individual bin storage areas is to have all allocated bins presented for kerbside collection. 3.12 Where development proposes kerbside collection, the nominated collection point must be of sufficient size to accommodate all allocated bins within the site's frontage.	
CHAPTER 3.7 LANDSCAPE		
Section 2 – Landscape Design		
O1 To integrate the landscape design with the overall design of the development. **O2** To promote the retention and planting of large and medium size trees, and the healthy growth of trees in urban areas. **O3** To provide deep soil zones to manage urban heat and water, and to allow for and support healthy plant and tree growth.	New landscaping is to complement the existing street landscaping and improve the quality of the streetscape. The landscape design is to contribute to and take advantage of the site characteristics. Development must consider the retention of existing trees in the building design.	**Complies** Tree removal is sought as part of this application; however, is offset by the extent of new landscaping provided across the development as reflected in the accompanying landscape design prepared by Bluegum.

O4 To contribute to the quality and amenity of communal open space, podiums and courtyards.		

Chapter 5: Residential Accommodation

Section 5– Residential Flat Buildings			
Provisions	**Requirement**	**Proposed**	Y/N
5.2.1 Minimum Lot Sizes & Frontage	RFB must have a street frontage.	The proposed building has a direct relationship with Dutton Street.	Yes
	The minimum primary street frontage width for attached dwellings, multi dwelling housing and RFB is: (a) 27m for development along major roads; or (b) 20m for development along any local road.	A street frontage width of 30.48m is observed along Dutton Street.	Yes
5.2.2 Isolated Sites	Neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate redevelopment.	The proposal seeks to consolidate two (2) contiguous lots for the purpose of the development. Future consolidation of neighbouring properties is not precluded by way of this application.	Yes
5.2.3 Open Space	**Balconies** The State Environmental Planning Policy (Housing) 2021 (Chapter 4) states that a DCP cannot be inconsistent with the provisions of the Apartment Design Guide (ADG) made under that SEPP in relation to balconies and developments to which the SEPP relates. The ADG therefore sets the objectives and controls for balconies in the LGA for residential flat buildings to which the State Environmental Planning Policy (Housing) 2021 (Chapter 4) relates. Refer	The proposal seeks the provision of balconies across the development that respond to the ADG provisions relevant to siting, size and depth.	Yes

	to the objectives, design criteria and design guidance outlined in 4E Private Open Space and Balconies of the ADG.		
	Communal Open Space Residential flat buildings must provide communal open space areas equivalent to at least 25% of the open space on a site that is created by the required setbacks and building separations.	The extent of communal open space across the development equates to 579m^2 or 27.4%.	Yes
5.2.4 Layout and Orientation	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	The development has been sited and configured in a manner that will facilitate the provision of generous amount of solar access reducing the need for artificial lighting. The siting, layout and spatial distances across the ensuing internal built forms, will facilitate the provision of generous solar access into each respective living and or dining space across the apartment development.	Yes
	Coordinate design for natural ventilation with passive solar design techniques.	The siting of the floor plates and spatial relationship the built form will have with neighbouring properties ensures the provision of a high degree of natural cross ventilation across the development.	Yes
	Site new development and private open space to avoid existing shadows cast from nearby buildings.	The siting of the floorplates having regard to the orientational relationship between this and neighbouring building/s, both existing and emerging, will ensure that the extent of solar access capable of being provided to the nominated areas of private open space will not be adversely compromised.	Yes
	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	The orientation of the building does not lead to any unreasonable impediment in terms of the developments ability to provide ongoing casual surveillance over the street, common and or parking areas.	Yes

5.2.5 Height	Development for the purposes of residential flat buildings must not exceed the following numerical requirements: (a) Maximum three storeys and 10m maximum external wall height, where the height of buildings under the LEP is 11.5m.	Not applicable as the SEPP height provisions prevail	N/A
	Basement parking may be suitable for residential flat buildings provided that compliance with Chapter 3.2 of this DCP can be demonstrated.	Parking within a basement has been proposed.	Yes
5.2.6 Setbacks	**Front, Side and Rear** A minimum setback of 6m from the front boundary.	The proposed development observes a minimum front setback of >6m measured to the external face of the building and 6m to the eastern balcony periphery.	Yes
	A minimum setback of 4m from the side boundaries.	The development seeks the provision of setbacks that outperform the DCP minimums noting that 6m setbacks have been proposed in line with the ADG provisions.	Yes
	A minimum width of deep soil alongside boundaries of 2m and minimum of 5m wide along front/rear boundaries.	The development seeks the provision of generous levels of deep soil across the street frontage and rear interface that exceed the minimum DCP requirement.	Yes
5.2.7 Building Depth	The building depth may be increased to 35m in the R4 Zone provided facades incorporate deep soil courtyards that are: (a) Parallel to front or rear boundaries (or that have an orientation which is generally parallel to those boundaries) provided that the adjacent deep soil setbacks each accommodate at least three major canopy trees; or (b) Parallel to side boundaries (or have an orientation that is generally parallel to side boundaries) provided that the	A maximum building depth of 57.6m is proposed. Having regard to the siting, scale and orientational characteristics of the development, the numerical departure is not deemed to result in an adverse contribution to built form nor a development volume that is in discord with the setting.	Merit

	facades will incorporate deep soil courtyards that each have a minimum area 6m by 6m and will each accommodate at least one major canopy tree.		
5.2.8 Building Separation	The State Environmental Planning Policy (Housing) 2021 (Chapter 4) states that a DCP cannot be inconsistent with the provisions of the Apartment Design Guide (ADG) made under that SEPP in relation to visual privacy (building seperation) to which the SEPP relates. The ADG therefore sets the objectives and controls for building separation in the LGA for residential flat buildings to which the State Environmental Planning Policy (Housing) 2021 (Chapter 4) relates. Refer to 3F Visual Privacy of the ADG for objectives, design criteria and design guidance.	The development provides a strong degree of separation compliance across all facades that complies with the 3F provisions of the ADG.	Yes
5.2.10 Building Design	**Contemporary Built Form** Contemporary architectural designs may be acceptable if: (a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours. (b) The proposed addition is not visually prominent from the street or from a public space. (c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	The proposed development adopts a contemporary built form that will not be interpreted as incongruous with the streetscape setting both existing and likely to emerge upon the redevelopment of neighbouring land.	Yes
	New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	The built form of the proposal subtly introduces a number of contemporary design features that would serve to provide a greater degree of visual interest across the facades.	Yes

	All dwellings must contain one kitchen and laundry facility.	All dwellings forming part of this development comprise of kitchen and laundry facilities.	Yes
	Building Entries Entries to residential buildings must be clearly identifiable.	The proposal includes the provision of readily apparent building entry from along Dutton Street.	Yes
	A minimum of one habitable room per dwelling must be oriented towards the street to promote positive social interaction and community safety.	The development consists of a number of living and balcony spaces oriented towards the Dutton Street frontage.	Yes
	Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.	The proposal does not include the provision of any ancillary structures that would unduly compromise on available sight lines across the development.	Yes
	Ground level private terraces located within the front setback must be setback at least 1m from the street boundary to accommodate a landscape strip which should remain in communal ownership.	The ground level balcony spaces where they front Dutton Street, observe a generous setback from the street enabling the provision of a deep landscaped area	Yes
	Façade Treatment Facades visible from the street should be designed as a series of articulating panels.	The street fronting façade has been designed as a range of expressive elements which will display a high degree of built form modulation and articulation. This is best demonstrated in the development perspective prepared by Cedar and reproduced in **Figure 5.**	Yes
	Windows Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Window have been suitably located across the development with the intent of maximising solar access.	Yes
	Windows must be rectangular.	The proposed windows are rectangular.	Yes

	Large windows should be screened with blinds, louvres, awnings or pergolas.	Screening devices have been provided across the building so as to encourage solar access, yet restrict the ability for direct overlooking into neighbouring properties.	Yes
5.2.11 Roof Design and Features	Roofs must not exceed a pitch of 10 degrees.	The roof pitch does not exceed 10 degrees.	Yes
	Emphasise building articulation with the shape and alignment of the roof.	The roof pitching outcomes sought to be provided across the development are not uncharacteristic of that considered to be most definably prominent across both the immediate and broader contextual setting.	Yes
	Integrate service elements into the design of the roof - including lift over-runs, service plant, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes and signage.	Roof services have been integrated into the overall form where they will not present as an unreasonable contribution to the built form arrangement.	Yes
5.2.12 Solar Access and Shadowing	**Solar Access to Neighbouring Development** Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	The shadow diagrams prepared by Cedar demonstrate that living areas and POS will be provided with the minimum 3 hours of sunlight.	Yes
	Solar Access to Neighbouring Development Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	Despite the orientational characteristics between the subject and neighbouring land and the anticipated additional shadow that will inevitably be cast by an increased development form contiguous with that envisaged by the controls, additional shadowing will be cast. Despite this, neighbouring properties will receive ample amounts of solar access which is in this case, is also predicated upon their orientation.	Yes

5.2.13 Acoustic Privacy	▪ Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas. ▪ Above ground access to new dwellings must not include communal balconies that would be located immediately next to a bedroom window. ▪ Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.	The development has been designed to orient any noise sensitive equipment in such manner that will not result in any unreasonable impact to the acoustic privacy of adjoining properties and will in turn afford acoustic privacy to the occupants of the development.	Yes
5.2.15 Building Services	▪ All letterboxes be installed to meet Australia Post standards. ▪ Design and provide discretely located mailboxes at the front of the property. ▪ Integrate systems, services and utility areas (such as plant rooms, hydrants, equipment and the like) with the design of the whole development – coordinate materials with those of the building and integrate with landscaping. ▪ Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.	Consent Conditions may be imposed in this regard.	Yes

Table 6: Canterbury Bankstown Development Control Plan 2023 Compliance Table

5. ENVIRONMENTAL IMPACT ASSESSMENT

This chapter includes an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment includes those matters under section 4.15(1) of the EP&A Act that are relevant to the proposal.

5.1 Built Environment

5.1.1 Height, Bulk and Scale

The proposal complies with applicable height and FSR standards for the site, noting that the development is afforded additional height and FSR (i.e. – beyond the CBLEP 2023 controls) on the basis that it will deliver 6 affordable units in accordance with SEPP (Housing) 2021.

The proposal is also '***generally***' consistent with the site-specific built form objectives of the Canterbury Bankstown Development Control Plan.

Section 3.43 (5) of the EPAA states:

(5) A provision of a development control plan (whenever made) has no effect to the extent that:

(a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or
(b) it is inconsistent or incompatible with a provision of any such instrument.

A control which seeks to restrict development upon the site to a certain number of storeys is clearly inconsistent with the provisions of SEPP (Housing) 2021 and is therefore of no effect.

The proposal is deemed to facilitate the provision of a built form, siting, scale and spatial relationship between the subject and neighbouring developments which will continue to reinforce the emerging character of the precinct. Potential adverse impacts from building bulk have been controlled through the use of vertical and horizontal design elements, extensive modulation, varied materials, finishes and colours and other unique facade features.

The development has utilised façade indentations and extrusions for the purpose of providing visual depth and in conjunction with vertical/horizontal elements, balcony articulation and fenestration, provides for a greater degree of visual interest.

5.2 Public Amenity

5.2.1 Views and Visual Impact

The proposal demonstrates optimum capacity of the site to accommodate a built form that minimises the loss of views from neighbouring buildings, particularly within the context of the area being in transition to higher density forms of development, as well as in consideration with the planning controls applicable to the subject site. The proposed development achieves good balance between minimising views and benefitting from the planning controls applicable to the site, providing a high quality built form which bears limited impact on distant views and or view corridors.

Accordingly, in our opinion, the proposal is appropriate in respect of views.

With regards to visual impact, the built form incorporates a mixture of architectural elements which are supplemented by a diverse mix in building materiality designed to reflect more subtle neutral and or naturalistic colours and tones. The building acknowledges the desired human scale relationship with the introduction of a distinguished building outcome, differentiated into a number of varying components, all of which serves to strengthen the form of the building while reducing the extent of its perceivable scale across all levels.

5.2.2 Overshadowing

Overshadowing diagrams have also been prepared in support of this DA. They show the anticipated shadow impact of the proposed development on itself, the surrounding public domain and surrounding properties.

Overshadowing impacts within the development site are inevitable and unavoidable, but the proposal has been designed and laid out to ensure maximum solar penetration to the ground levels are achieved.

The proposal has been mindful of avoiding detrimental overshadowing impacts particularly to the neighbouring properties and public domain and has therefore sought to incorporate generous upper level setbacks.

The overshadowing impacts to adjoining and surrounding properties is again inevitable. With reference to the accompanying shadowing diagrams, modelling has shown that adjoining properties will not be restricted from achieving compliant solar access outcomes, owing mainly to the broader northerly orientation of sites in the precinct. As such, the overshadowing impacts are considered acceptable given the high density setting and controls for the area.

5.2.3 Building and Construction

Compliance with the BCA will be demonstrated with the Construction Certificate documentation.

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

5.2.4 Aural Privacy

The design and layout of the proposal has been designed to maximise aural and visual privacy for residents of neighbouring sites. Acoustic privacy is about preventing sound transmission between external and internal spaces, between apartments and communal areas, and apartments and external spaces. The building has been designed to orient private and communal open spaces and noise sensitive rooms in such manner that will not result in an unreasonable impact to the acoustic privacy of adjoining properties and will in turn afford acoustic privacy to the occupants of the building.

5.2.5 Building Separation and Visual privacy

The consent authority is required to consider whether the proposal will achieve the minimum building separation distances outlined in the ADG. It should be noted that it is not a requirement that the minimum building separation distances must be strictly achieved. As detailed in Planning Circular PS17-001, "*the ADG is not intended to be and should not be applied as a set of strict development standards*".

These separation distances are set out in Objective 3F-1 (noting that Part 2 of the ADG does not apply to development applications) and concern the achievement of 'reasonable levels of external and internal visual privacy' (see Objective 3F-1).

The proposal seeks the provision of compliant levels of building separation across the peripheries in accordance with the ADG requirements.

5.3 Natural Environment

5.3.1 Tree Removal/Landscaping

The proposal seeks the removal of twelve (12) trees from the site. All tree removal, retention and protection works are proposed to be carried out in accordance with the Arboricultural Assessment. Accordingly, the removal of trees is considered appropriate given their proposed replacement as part of the high quality landscape strategy including a new street trees, and in context of the broader community benefits delivered by the site's redevelopment in accordance with the expectations of the precinct controls.

Landscaping is proposed in accordance with the accompanying landscape plans prepared by Bluegum.

5.3.2 Water Management

In support of the application is a Development Application Stormwater Management Report prepared by Enscape Studio, which has undertaken a high level assessment of the proposed development and the expected stormwater management measures. The report confirms that the existing stormwater is able to be safely managed; that provision is required and has been made for on-site detention measures in accordance with Council's guidelines; and water quality improvement devices are required that will improve the outflow water quality from the development.

5.3.3 Demolition and Construction Management

Prior to the commencement of demolition and/or excavation work on site, the following details will be submitted to and be approved by the Principal Certifying Authority:

i. Plans and elevations showing distances of the subject building from the site boundaries and the location of adjoining buildings.
ii. A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
iii. An Excavation Work Method Statement prepared by an appropriately qualified person.
iv. A Waste Management Plan for the demolition and or excavation of the proposed development.

These statements will, where applicable, be in compliance with *AS2601-1991 Demolition of Structures*, the *Construction Safety Act 1912* and *Demolitions Regulations*; the *Occupational Health and Safety Act 2000 and Regulation; applicable Council Policies for Waste Minimisation,* the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations, and will include provisions for:

i. A Waste Management Plan for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
ii. The name and address of the company/contractor undertaking demolition/excavation works.
iii. The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
iv. The name and address of the transport contractor.
v. The type and quantity of material to be removed from site.
vi. Location and method of waste disposal and recycling.
vii. Proposed truck routes, in accordance with this development consent.
viii. Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
ix. Measures to control noise emissions from the site.
x. Measures to suppress odours.

xi. Enclosing and making the site safe.
xii. A certified copy of the Public Liability Insurance indemnifying Council for $10,000,000 against public prosecution for the duration of the demolition works.
xiii. Induction training for on-site personnel.
xiv. Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
xv. An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
xvi. Disconnection of utilities.
xvii. Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
xviii. Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
xix. Waterproofing of any exposed surfaces of adjoining buildings. Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
xx. Working hours, in accordance with this development consent.
xxi. Any Work Cover Authority requirements.

Demolition and/or construction works include temporary fencing, hoarding and warning notices required to conduct the works and protect the general public. All construction and building work will be adequately managed so as to minimise disruption to the local community and the environment. Noise generated by construction activities will comply with the Council's standard construction times and conditions.

5.3.4 Air and Microclimate

Some dust is anticipated during the construction period. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

A final CMP will be provided by the builder, once appointed, prior to the issue of the Construction Certificate.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

5.3.5 Waste Management

A nominated waste holding area and associated temporary bay are provided on the ground floor so as to enable ease of waste transfer for collection. Kerb side pick up is favoured in this location.

5.3.6 Soil and Erosion Control

The works have the potential to create adverse impacts to water quality, vegetation and result in erosion and sedimentation. These include:

1. Stormwater Drainage Infrastructure Inlets
2. Construction Exit Protection
3. Downstream Site Boundaries
4. Sediment Runoff

The following mitigation measures are proposed to minimise adverse environmental impacts:

- Sandbag protection to be installed surrounding existing stormwater drainage infrastructure inlets to prevent sediment entering the system.
- Shaker grid and wash down facility will be installed at all exists from the construction site.
- All vehicles leaving the site will have wheels washed down and pass over the shaker grid to remove any spoil collected.
- Installation of sediment fences on all downstream boundaries to collect sediment and prevent it from discharging onto downstream properties.

Additionally, impacts from earthworks will be managed in accordance with a Construction Management Plan to be developed by the contractor prior to the issue of a Construction Certificate. The plan is likely to contain the following mitigation procedures to manage sedimentation and impacts from soil disturbance:

- Bunding of sediment basins and siltation fencing to be installed;
- Stockpiles of soil to be bunded, covered and wet-down to limit impacts from dust;
- Works to be not occur during times of high wind events or prior to major storms;
- Excess cut material is to be transported from site as soon as practicable after completion and
- All excavation works should be undertaken in accordance with an approved staging / scheduling plan which is regularly updated by the site manager; and
- Site fencing is to be maintained around the perimeters to restrict access to the general public.

5.4 Environmentally Sensitive Design

The NSW Land and Environment Court has established six principles for Ecologically Sustainable Development (ESD):

1. *The principle of sustainable use;*
2. *The principle of integration;*
3. *The precautionary principle;*
4. *Inter-generational and intra-generational equity*
5. *Conservation of biological diversity and ecological integrity*
6. *Internalisation of external environmental costs*

The proposals consistency with the principles of ESD is provided below:

Sustainable Use

The construction and ongoing operational use of the development will need to be mindful of incorporating sustainable and renewable materials so as to limit its impact on the environment. This includes the use of sustainable building materials, the considered storage, treatment and recycling of waste and water, as well as the use of energy efficient appliances to conserve electricity.

Integration

The principle of integration is founded in properly considering and balancing the economic and environmental outcomes of development. In other words, the economic drivers behind a development should not compromise the achievement of environmental outcomes. The Applicant is an established developer. Whilst the proposed development will be underpinned by the achievement of certain economic outcomes, the proponent is committed to ensuring environmental efficiencies throughout the construction and operational phases. These include (but are not limited to):

- Utilising sustainable building materials;
- Incorporating resilient landscaping, water and building materials;
- Delivering design outcomes that decrease reliance on power for heating and cooling; and
- Managing waste such that materials can be efficiently recycled and re-used.

Precautionary Principle

The proposal is unlikely to cause any serious, irreversible or damaging impacts to the natural environment. This application has suitably demonstrated principles and methods of ensuring impacts are avoided and instilling a level of confidence that the building can developed in a considered way. Any damaging impacts will be identified with clear mitigation measures to reduce impacts if needed.

Inter and Intra Generational Equality

This principle requires that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. In the first instance, the development proposed is of significant benefit to the current and future generations in that it delivers high quality residential apartments that serve the growing Yagoona Precinct. The development will be undertaken having consideration for the highest standards and procedures for building and land use currently available. The use of new technologies, services and infrastructure has been and will continue to be investigated to ensure the longevity of the building and proposed uses within.

Conservation of biological diversity and ecological integrity

The Applicant is committed to sourcing and utilising sustainable materials, particularly those that are naturally sourced and are renewable.

Internalisation of external environmental costs

This principle requires the consideration of environmental costs in the short- and long-term operation of the development and services. The Construction and Operational Management Plans to be provided at the Construction Certificate and Occupation Certificate stages respectively, will include environmental goals to limit impacts and costs to the environment. These goals will need to be regularly assessed and solutions to improve reductions to environmental impacts should continually be revised and updated.

5.6 Movement and Access

A transport and parking assessment has been undertaken by CJP. The key findings of the report are summarised below.

5.6.1 Access

Vehicular access to the site and basement parking area is proposed to be provided via a 6.1m wide entry/exit driveway located at southern end of the Dutton Street site frontage. Beyond the initial 6.1m wide section of the driveway, it narrows into a 4.0m wide single-lane/two-way design that will be configured with a traffic signal, with the "passive" signal set to green at the street level, thereby giving priority to entering vehicles.

The internal ramp is also a single-lane design with traffic signals to control vehicle flow. Passing areas are provided on both basement levels as well as a holding bay on basement level 1.
The two existing driveway crossovers located off Dutton Street are to be permanently closed and restored to kerb & gutter.

5.5.2 Public and Active Transport

The existing public transport services available in the vicinity of the site are illustrated in Figure 2.8. Conveniently, the nearest bi-directional bus stops are located on the Hume Highway, either side of the Highland Avenue intersection, approximately 350m (5-minute) walking distance north-east of the site. These bus stops are serviced by the 907 and the M91.

The 907 operates daily services between Parramatta and Bankstown via Bass Hill. Weekday peak services operate approximately every 15-20 minutes, weekday off-peak and Saturday services approximately 30 minutes, and Sunday & public holiday services every 60 minutes.

The M91 operates daily services between Parramatta and Hurstville via Granville, Yagoona and Padstow. Weekday peak services operate approximately every 10 minutes, weekday of-peak services every 15 minutes and Saturday, Sunday & public holiday services every 20 minutes.

The abovementioned bus services also provide connections to the suburban railway network at Parramatta, Granville, Yagoona, Bankstown, Padstow and Hurstville.

5.6 Social and Economic Impacts

The proposed development is considered to provide a range of positive social and economic impacts as follows:

- Provides a mix of apartments types to suit a range of people close to high frequency public transport infrastructure.
- Provides dedicated affordable housing.
- Promotes local and state government initiatives in relation to urban growth and densification by increasing the density of residential housing in close proximity to services and facilities as envisaged by the Precinct.
- Achieves high environmental performance (water and energy) targets.
- Offer an improved urban design and architectural outcome for the site.
- Successful approach to a comprehensive landscape-led design will mitigate impacts of the urban heat island and deliver comfortable public and private open space.
- Establishes a high precedence for surrounding future projects and reinforces the objectives and vision for the precinct developed by Council.
- Creation of thousands of short-medium term jobs in construction of the project across a lifecycle.

5.7 The Public Interest

The development will increase the supply and choice of housing in the locality and will result in an overall improvement in the residential dwelling stock, and affordable housing in the locality. Furthermore, the amenity of the adjoining properties will not be detrimentally impacted upon by the proposed development, through various design measures to mitigate overlooking and view impacts. Further, the proposal will provide housing supply in a highly accessible location that is well served by public transport. For these reasons the development is considered consistent with the public interest.

6. CONCLUSION

The relevant matters for consideration under Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 have been addressed in this Statement of Environmental Effects and the proposed development has been found to be consistent with the objectives and requirements of the relevant planning provisions.

The proposed development is permitted with development consent within the R4 High Density Use zone, pursuant to the Canterbury Bankstown LEP 2023 and is consistent with the objectives of the zone. In particular the development:

- Will provide a range of housing types to meet a growing population in a highly accessible location;
- Will provide a high level of amenity that contributes towards the vision for the Yagoona Precinct; and
- Will provide for affordable housing in accordance with Chapter 2 of SEPP (Housing) 2021.

For reasons outlined in this Statement of Environmental Effects the proposed development is considered worthy of being granted development consent.

DISCLAIMER

This report incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of BMA Urban Pty Ltd opinion in this report. BMA Urban prepared this report on the instructions, and for the benefit only, Cedar **(Instructing Party)** for the purpose of the Statement of Environmental Effects **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, BMA Urban expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, BMA Urban was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to BMA Urban at the date of this report, and upon which BMA Urban relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which BMA Urban has no control.

Whilst BMA Urban has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. BMA Urban (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which BMA Urban relies, provided that such errors or omissions are not made by BMA Urban recklessly or in bad faith.

This report has been prepared with due care and diligence by BMA Urban and the statements and opinions given by BMA Urban in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.