



AVENUE
TOWN PLANNING



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STUCTURES, CONSTRUCTION OF 2 x RESIDENTIAL FLAT BUILDINGS COMPRISING 20 UNITS OVER BASEMENT PARKING & SITE LANDSCAPING

24A, 24B, 24C WENTWORTH STREET | CROYDON PARK

PROJECT REF: 23117
DATE: 03 December 2024

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1 EXECUTIVE SUMMARY

This Statement of Environmental Effects is to accompany a development application to Canterbury Bankstown Council seeking consent to demolish all existing structures at the site to enable the construction of 2 x residential flat building comprising 20 apartments over basement parking with associated landscaping at Nos. 22A, 24B and 24C Wentworth Street, Croydon Park.

The proposed development has been designed by BJB Architects in response to relevant provisions of the Housing SEPP (Design of Residential Apartment Development) and the Apartment Design Guide, Canterbury Bankstown LEP 2023 and Canterbury Bankstown DCP 2023.

This development application is supported by the following documents:

- **Estimated Costs of Development:** Prepared by RealEst Quantity Surveyors;
- **Land Survey:** Prepared by AB Dimensions;
- **Geotechnical Assessment:** Prepared by GCA Consultants;
- **Stage 1 Site Investigation:** Prepared by GCA Consultants;
- **Acid Sulfate Soils Assessment:** Prepared by GCA Consultants;
- **Architectural Drawings:** Prepared by BJB Architects;
- **Design Verification Statement:** Prepared by BJB Architects;
- **BCA Assessment Report:** Prepared by Nest Consulting Group;
- **Accessibility Assessment Report:** Prepared by Nest Consulting Group;
- **Adaptable Housing Report:** Prepared by Nest Consulting Group;
- **Landscape Plan:** Prepared by True Form Landscapes;
- **Traffic Report:** Prepared by Varga Traffic Planning;
- **Stormwater Design:** Prepared by Adcar Consulting;
- **Stormwater System Report:** Provided by Canterbury Bankstown Council;
- **Operational Waste Management Plan:** Prepared by Dickens Solutions; and
- **BASIX Certificate and Thermal Assessment.**

The subject site comprises three residential allotments that extend from Wentworth Street and are located within a high-density residential zone. The site adjoins two residential properties at each side boundary and towards the rear of the site, adjoining properties comprise public parkland and a Sydney Water Depot.

The subject site contains a number of existing trees, all of which are exempt species or are approved for removal as indicated on the accompanying Tree Removal Plan. The subject site is identified as flood prone land, however, as confirmed in a Stormwater Systems Report supplied by Council, no detailed Flood Study is required. The proposed dwellings and access to the basement level are designed to be compatible with the issued flood planning levels at the site.

The proposal includes the redevelopment of three existing dwelling houses at the site to provide an apartment development comprising two and three storeys in height, consistent with the intentions of the zone and applicable development standards. The apartments have been designed at the site in a way that is responsive to the site

orientation, neighbouring properties and in doing so will achieve excellent amenity for future residents within a highly compliant design.

The proposal seeks a departure from the maximum building height requirement under CBLEP 2023 due to a point encroachment as a result of the lift overrun to the rear building. A Clause 4.6 variation request has been submitted in support of this application detailing the nature and extent of the height exceedance as well as addressing the statutory requirements of Clause 4.6 of CBLEP 2023.

This Statement of Environmental Effects identifies the site, details the proposal and undertakes an assessment of the proposed development with consideration to the relevant planning framework and the likely impacts of the development on the natural and built environment in accordance with S.4.15 of the Environmental Planning & Assessment Act, 1979.

This Statement concludes that the proposal is suitable at the site, consistent with the public interest and is commended for approval in its current form.

2 SUBJECT SITE AND ADJOINING DEVELOPMENT

2.1 Subject Site

The subject site is located on the southern side of Wentworth Street and comprises three separate lots. The site is known as Nos. 24A, 24B and 24C Wentworth Street, Croydon Park and has a legal description of Lots A, B and C in DP 402722. Figure 1 below identifies the site location.



Figure 1: Site Location Plan

The site contains a flayed frontage to Wentworth Street of 25.7m, an eastern boundary length of 92.6m, a western boundary length of 85.5m and a curvilinear rear boundary of approximately 25m in length. The site comprises an area of 2,194m².

The site contains a gradual fall (approximate 2.2m) in a southerly direction towards the rear boundary. There are various existing ornamental trees and shrubs located at the site, all of which are identified as exempt species and as having limited environmental value.

Three existing street trees are located at the site frontage. The proposal involves the removal and replacement of the western most street tree. The tree to be removed is identified in the accompanying Arborist Report as a Weeping Bottlebrush tree and is determined to be of poor form.

The north-western portion of the site frontage (24A Wentworth Street) is identified as flood affected as a result of an overland flow of water. The Council issued flood planning levels identify a 1% AEP level of 7.10 at the site frontage.

Situated at the site are three existing dwelling houses and associated outbuildings. The two existing dwelling houses fronting the street are identified as Nos. 24C and 24A Wentworth Street. The street fronting properties contain single level dwelling houses of masonry and weatherboard construction.

The two street fronting dwelling and the existing street trees when viewed from Wentworth Street is identified at Figures 2 and 3 overpage.



Figure 2: Existing dwellings and street trees as the site presents to Wentworth Street



Figure 3: Nos. 24A and 24B as well as the access handle to No. 24C, viewed from frontage

A central driveway provides access to the internal lot identified as No. 24B Wentworth Street, comprising a single level masonry dwelling (Figure 4).



Figure 4: No. 24B Wentworth Street, viewed from the primary boundary (looking south)

Landscaped gardens and detached outbuildings exist within the rear of the site as indicated at Figure 5.



Figure 5: No. 24B Wentworth Street, viewed from rear boundary looking north

The aerial photographs provided at Figures 6 and 7 identifies the subject site and its relationship with the surrounding residential and non-residential properties.



Figure 6: Aerial photograph of the site and the surrounding properties



Figure 7: Aerial photograph of the site and the surrounding properties (looking south)

2.2 Surrounding Properties

As indicated at Figures 6 and 7 above, the site adjoins two residential properties within the northern portion of the site, and two non-residential properties towards the rear of the site. The site is located within a high density residential area comprising a range of original dwelling houses as well as two and three storey apartment buildings.

To the east of the site, also fronting Wentworth Avenue is three storey apartment building identified as No. 22 Wentworth Avenue. The apartment building contains dwellings with primary living areas and balconies that are oriented to the east as well as towards the front and rear of the site. The apartment building when viewed from the street and the subject site looking north-east are indicated at Figures 8 and 9 below.



Figure 8: No. 22 Wentworth Street, viewed from the street frontage



Figure 9: No. 22 Wentworth Street viewed from the site, looking north-east

Adjoining the western boundary at the site frontage is No. 26 Wentworth Street. Situated on this property is a single level detached dwelling house. The dwelling contains primary living areas and open space that are oriented to the south towards the rear boundary. A detached garage is constructed to the common boundary with the subject site.



Figure 10: No. 26 Wentworth Street, viewed from the street frontage

Also adjoining the site to the west and wrapping around the rear of the property is a large public area of open space and an existing stormwater culvert that feeds into the Cooks River. Whilst the adjacent parkland is identified for public recreation, it is not maintained and is closed for public access. The open space to the west of the site is indicated at Figure 11.



Figure 11: Public land to the east of the site, viewed from the mid-point of the site

Adjoining the western boundary, at the rear of the site is an existing Sydney Water Depot. Situated on the site are various buildings, hard stand areas and open storage space. Two single level buildings are located adjacent to the common boundary with the site, containing limited window openings. The adjoining buildings as viewed from the site is indicated at Figure 12.



Figure 12: Single level buildings at the Sydney Water Depot adjacent to the site

3 PROPOSED DEVELOPMENT

The proposal seeks consent to demolish all existing structures at the site and remove the existing trees to facilitate the construction of 2 x residential flat buildings comprising 20 apartments over a common basement level. The residential flat buildings are of 2 and 3 storeys in height and are proposed in-conjunction with hard and soft landscaping at the site.

The proposed development has been designed by BJB Architects in response to relevant provisions of the Housing SEPP (Design of Residential Apartment Development) and the Apartment Design Guide, Canterbury Bankstown LEP 2023, and Canterbury Bankstown DCP 2023.

Provided below is a detailed description of the proposal.

3.1 Numerical Information

A summary of the numerical information of the proposal is provided below:

- Total of 20 apartments, comprising 4 x 1 bedroom units, 14 x 2 bedroom units and 2 x 3 bedroom units;
- 2 x adaptable units (Units 09 and 18)
- 1 x basement parking level, including 28 car parking spaces, 3 bicycle parking spaces, secure unit storage, service rooms and a bin room;
- Site Area – 2,194m²;
- Proposed FSR – 0.74:1 (Gross floor area of 1,640.2m²);
- Deep Soil Area – 16.7% (329.1m²);
- Common Open Space – 312.8m² at ground level and 259.2m² contained within a the roof terrace to the rear building; and
- Building height – 2 and 3 storeys.

3.2 Demolition / Tree Removal / Earthworks

The proposal involves demolition of all existing dwellings and associated structures at the site. Demolition will be undertaken in accordance with AS2601-2001 by a licensed contractor.

It is proposed to remove all remaining trees from the site as detailed in the accompanying Tree Removal Plan. As noted, all trees to be removed from the site are exempt species or are endorsed for removal under a separate application.

The proposal includes the excavation of the site to accommodate the basement parking level. As detailed in the submitted Acid Sulfate Soils Assessment the proposed works will not encounter acid sulfate soils and will therefore not require a Management Plan. In addition, the submitted Geotechnical Assessment details the subsurface conditions and notes that the proposed excavation is not likely to impact on drainage patterns and the adjoining structures subject to the implementation of the recommendations of the report.

3.3 Proposed Apartment Buildings

It is proposed to construct 2 x apartment buildings at the site that are linked by a common basement level that is designed to step with the natural fall in the land. The northern apartment block presents to the street as a modest two storey form, containing

active living areas and balconies that present to Wentworth Street. The remaining units within this building are designed to contain dual aspects and present to the central landscaped courtyard.

The rear building is designed to contain a three storey element that steps down to a two storey form as the building presents to the rear boundary. Dwellings within this building are oriented to the rear and central courtyard to maximise available light and aspects towards the adjacent parklands.

Direct pedestrian access is gained to the ground level dwellings that front the street and common pedestrian access is gained via a pathway that provides accessible access to the circulation cores of each building. Vehicular access is provided via the western portion of the site frontage to the basement level below.

In terms of site servicing, engagement with Ausgrid in the initial design stage has determined that no substation is required. In addition, a hydrant and sprinkler booster is provided at the site frontage adjacent to the waiting bay and bin collection area.

Basement Levels

Vehicular access to the basement level is gained via the western portion of the site frontage. The basement ramp and internal manoeuvring and parking areas are designed to comply with AS2890.1 as verified in the accompanying Traffic and Parking Assessment.

Parking for 28 vehicles is provided within the basement including 4 x visitor parking spaces and a wash bay as well as accessible parking for the 2 x accessible units. The basement level is designed to site below the building footprints and allow central pockets of deep soil landscaped areas at the site.

Secure apartment storage is provided for each dwelling as well as bin storage, service rooms, bulky goods storage and access to the levels above via 2 x lift cores and fire stair access points.

Northern Building (Two Storeys)

The northern building presents as two storey form to the street and contains 4 x dwellings per level (8 in total). Each dwelling is designed to present to the street or central landscaped courtyard and provides a generally defensive presentation to each side boundary.

A central lift and stair core facilitates access to the level above. The roof configuration allows the generally south facing units to incorporate north facing windows to living areas.

The unit layouts and setbacks are predicated on the core local planning provisions, including the Apartment Design Guide (ADG). As a result, the units will achieve good levels of residential amenity whilst offering contemporary residential accommodation within close proximity to Caringbah Town Centre.

Southern Building (Two and Three Storeys)

The southern building contains three levels that tier back to two levels as the building presents to the rear boundary. The ground and first floor level contains 5 x dwellings and the upper level contains an additional 2 x dwellings (12 in total).

The buildings are designed to respond to the immediate context which comprises both residential and non-residential neighbours. Where adjoining residential properties, compliant separation is provided from living areas and open space to the adjoining properties.

A roof terrace including a covered common space and open area is provided above the first floor offering high amenity for future residents whilst ensuring suitable separation from neighbouring residential properties.

The unit layouts and setbacks within this building are predicated on the core local planning provisions, including the Apartment Design Guide (ADG). As a result, the units will achieve good levels of residential amenity whilst offering contemporary residential accommodation within close proximity to Caringbah Town Centre.

Externally

External materials comprise a combination of facebrick, exposed concrete, weatherboard cladding and aluminium windows as detailed on the accompanying Schedule of Materials and finishes.

The building is designed to fit within a compliant envelope at the street frontage and present as a contemporary and appropriate building form that is complementary to the varying architectural styles in the area.

The building is highly articulated at the street façade and each side facing façade through the application of window openings, stepping of the façade and use of material treatments. The proposal as it presents to Wentworth Street is indicated at Figure 13.



Figure 13: Photomontage of the proposal, viewed from Wentworth Street

3.4 Landscaping

The landscaping at the site has been designed by True Form Landscapes. The landscape drawings include a Tree Removal Plan which identifies all trees to be removed from the site. As noted, trees to be removed are of low environmental significance as they are exempt species.

In addition, the proposal includes the removal of 1 x street tree to be replaced within the site frontage. The submitted Arborist Report identifies the street tree to be of low retention value given the history of poor pruning, resulting in a compromised branch structure.

The Landscape Design includes a number of new trees, shrubs and ground covers to be provided at the site within the available deep soil areas as well as within the site frontage, side boundaries and the rear of the property.

Landscaping within the site frontage includes suitable screen planting to soften the appearance of the building and assist with privacy of residents. Landscaping is designed to ensure suitable sight lines for vehicles entering and leaving the site.

Screen planting is provided along each side boundary to assist with screening and passive separation from the adjoining residential properties.

3.5 Accessibility

The development accommodates 10% (2) adaptable units. These units are located within the southern building and are designed with easy access to common areas and the basement parking area.

The accompanying Access Report details that the proposal is capable of achieving compliance with the relevant standards.

3.6 Civil Design / Flood Planning

The stormwater design is detailed on the stormwater plans prepared by ADCAR Engineering. The Stormwater design relies on the collection of all roof water to be directed to a large rainwater tank and OSD system that will be incorporated into the basement structure.

In addition, all surface water and water collected within the basement will be directed to the OSD system for controlled discharge to the rear of the site and onto the adjacent stormwater culvert.

The flood planning levels for the site have been provided by Council in a Stormwater Systems Report which identifies that the only portion of the site affected by flooding is No. 24A Wentworth Street. The Report notes that the flood waters are a result of an overland flow path and determines that no Flood Study is required for the site.

The 1% AEP Flood Planning level is identified as RL7.10. The driveway crest is provided at RL7.70 and exceeds the flood planning level incorporating a 500mm freeboard. In addition, all internal habitable spaces that are affected by flooding contain flood levels that exceed the maximum probable flood level at the site.

3.7 Services

The proposed development has been designed to accommodate a sewer that traverses the mid portion of the site. The sewer will be maintained and encased into the structure of the basement, subject to obtaining the relevant approvals by Sydney Water as part of the Construction Certificate Process.

The design team has engaged with Ausgrid in relation to the need or otherwise for an electricity substation at the site. In a letter of offer provided by Ausgrid on 21.06.2024 it was determined that no additional substation is required as part of the proposed development.

The proposal has been designed to accommodate the required fire appliances that are applicable to the site. The basement has been designed to accommodate a pump room and the required fire booster assembly has been located at the most appropriate portion of the site frontage.

3.8 Waste Management

The submitted Waste Management Plan details the arrangements for all demolition and construction waste in accordance with the requirements of the DCP.

In terms of operational waste management, the WMP identifies that the proposed apartments will generate waste volumes that warrant the provision of 3 x 1,100L general waste, 3 x 1,100L recycling bins and 2 x 1,100 green waste bins. All waste bins will be stored within the basement and will be transported to the bin presentation area for collection on site.

4 STATUTORY PLANNING ASSESSMENT

Provided below is a statutory planning assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. This assessment considers the following:

- Relevant planning policies and controls - Section 4.15(1)(a);
- Impacts on the natural and built environment - Section 4.15(1)(b);
- The suitability of the site for the development - Section 4.15(1)(c); and
- The public interest - Section 4.15(1)(e).

4.1 Compliance with Planning Controls (Section 4.15(1)(a))

The following provides an assessment of the statutory and non-statutory planning policies that apply to the application under Section 4.15(1)(a) of the Environmental Planning and Assessment Act, 1979. The applicable policies are listed as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2023;
- State Environmental Planning Policy (Housing) 2021;
- Canterbury-Bankstown Local Environmental Plan 2023; and
- Canterbury-Bankstown Development Control Plan 2023.

Below is a consideration of the relevant State and Local planning provisions and an assessment of the proposed development.

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

On March 1, 2022 SEPP (Resilience and Hazards) 2021 replaced three former SEPPs including SEPP 55 (Remediation of Land). Chapter 4 of the SEPP applies to the State of NSW and aims to undertake remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether land is contaminated. The submitted Stage 1 - Preliminary Site Investigation details the long standing residential use of the site and notes that there are some fill materials located within the rear of the site that contain potential contaminants. The Report concludes that the site is appropriate for residential use subject to the preparation of a remediation action plan is to be developed prior to the excavation of the site to ensure that excavated material is appropriately classified.

Subject to the implementation of the recommendations of Section 16 of the PSI prepared by Geotechnical Consultants Australia, the subject site will remain appropriate for continued residential use.

4.1.2 SEPP (Sustainable Buildings) 2004

The proposal is defined as BASIX affected development and under the SEPP a BASIX Certificate is required. A BASIX Certificate has been obtained in relation to this proposal which demonstrates that the development once operational will comply with the thermal, water and energy requirements of the SEPP.

In addition, the necessary NatHERS Assessment has been undertaken detailing compliance with the thermal requirements of the BASIX Assessment and the sustainability requirements of the SEPP.

4.1.3 SEPP (Housing) 2021 - Design of Residential Apartment Development

Chapter 4 of the Housing SEPP aims to improve the design of residential apartment development in NSW. The SEPP applies to the proposed as it is defined as a residential flat building which contain at least 4 dwellings and exceeding 3 storeys. As detailed above, the northern building contains a total of two storeys and the southern building contains part 2 and 3 storeys. As such, whilst these provisions apply to the proposed development, a majority of the built form contains less than three storeys.

Pursuant to Clause 145(2) of the SEPP at Consent Authority in determining a development application for consent to carry out development to which this Policy applies is to *refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development*. It is understood that Council will refer the application to the relevant design review panel as part of the assessment of the application.

Clause 147(1) of the SEPP requires that:

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.*

In satisfaction of the above, the project architect has prepared a Design Verification Statement responding to the relevant Design Quality Principles within Schedule 9 of the SEPP and a response is provided below to the Apartment Design Guide (ADG) provisions.

In accordance with Clause 147(3) of the SEPP, it is noted that compliance with the ADG Design Criteria is not required. Specifically, it states, *to avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide*. The ADG therefore contains flexible planning provisions that are objective based.

The ADG compliance table below confirms that the proposal is compliant with the relevant objectives and *Rules of Thumb*, including key criteria relating to solar access, cross ventilation, building separation, unit size and private open space size.

Table 1: Apartment Design Guide Compliance Table		
Provision	Proposal	Complies
Part 3: Siting the Development		
<i>Design Guidance: Orientation</i> Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures	N/A – the adjoining properties receives adequate sunlight.	Yes

Table 1: Apartment Design Guide Compliance Table				
Provision			Proposal	Complies
solar access to neighbouring properties is not reduced by more than 20%			No solar collectors will be impacted on the adjoining dwellings.	Yes
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings				
Design Guidance: Public Domain Interface			Direct access to the Units 01 and 02 is provided from the street frontage.	Yes
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate				
Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m				
Opportunities for people to be concealed should be minimised			Front fencing will be open form fencing with associated landscape treatments.	Yes
			The common access and circulation areas within the foyer do not facilitate any concealment opportunities with good lines of sight available.	Yes
Design Criteria: Open Space			Communal open space (572m ² or 26% of the site area) is provided within ground level consolidated areas as well as within the roof terrace to the southern building.	Yes
Communal open space has a minimum area equal to 25% of the site area. Site Area of 2,194m ² requires 548.5m ² of communal open space.				
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)			Refer to the submitted shadow diagrams and sun eye diagrams which detail that 54% of the required open space areas receive at least 2 hours of sunlight between 1pm and 3pm at mid winter.	Yes
Design Criteria: Deep Soil Zones			Deep soil landscaped areas are identified at Drawing A1401. The proposal provides at least 7% deep soil areas within 6m x 6m areas and additional deep soil areas to a total of 16% of the site area in satisfaction of the design guidance of the ADG.	Yes
Deep soil zones are to meet the following minimum requirements:				
Sites greater than 1500m ² minimum dimension 6m and deep soil area to be at least 7% of the site area.				
Design Criteria: Visual Privacy			<u>Separation Up to 4 Storeys</u>	Yes
Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Northern Building (2 storeys)	
			Up to 4 storeys	
			- 6m setbacks provided to all building elements except for the western facade of Units 4	
Building Height	Habitable Rooms and Balconies	Non-habitable rooms		

Table 1: Apartment Design Guide Compliance Table			
Provision			Complies
Up to 12m (4 storeys)	6m + 3m for zone transition	3m + 3m for zone transition	<p>and 13. The western façade of these units contains a non-habitable window or high level window to a bedroom that looks towards a detached garage.</p> <p>Southern Building – 2 / 3 storeys</p> <p>The southern building is designed to align with the public recreation area to the west. In this regard, setbacks of 3.5m and 4m has been applied to the west facing dwellings. This is deemed to be an appropriate outcome as it encourages passive surveillance of this public space and there will be no privacy impacts associated with the existing and future use of the adjoining western property.</p> <p>To the east, setbacks of at least 6m from habitable balconies and windows are provided to the eastern properties, both residential and non-residential.</p> <p>Internal Separation</p> <p>Setbacks of 9m is provided between the dwellings accounting for the southern aspects of the south facing units as well as the the non-habitable presentation of the northern units within the southern building.</p>
Up to 25m (5-8 storeys)	9m + 3m for zone transition	4.5m + 3m for zone transition	
<p>Design Criteria: Car Parking</p> <p>For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>			N/A
PART 4: DESIGNING OF A BUILDING			
<p>Solar and Daylight Access</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p>			Yes
A maximum of 15% of apartments in a			Yes
			2 of the 20 apartments receive no

Table 1: Apartment Design Guide Compliance Table											
Provision		Proposal	Complies								
building receive no direct sunlight between 9 am and 3 pm at mid-winter		direct sunlight 10%.									
Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed		18 of 20 (90%) of units are naturally cross ventilated.	Yes								
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		Not applicable.	N/A								
Ceiling Heights Measured from finished floor level to finished ceiling level, minimum ceiling heights are		All habitable and non-habitable rooms are 2.7m in height.	Yes								
<table><tr><th colspan="2">Minimum Ceiling Heights</th></tr><tr><td>Habitable Rooms</td><td>2.7m</td></tr><tr><td>Non-habitable rooms</td><td>2.4m</td></tr><tr><td>2 storey apartments</td><td>2.7m for living area 2.4m for second floor</td></tr></table>				Minimum Ceiling Heights		Habitable Rooms	2.7m	Non-habitable rooms	2.4m	2 storey apartments	2.7m for living area 2.4m for second floor
Minimum Ceiling Heights											
Habitable Rooms	2.7m										
Non-habitable rooms	2.4m										
2 storey apartments	2.7m for living area 2.4m for second floor										
Apartment Size and Layout Apartments are required to have the following minimum internal areas		N/A Min. size is 50m². Min. size is 75m². Min. size is 95m².	Yes Yes Yes Yes								
Studios - 35m² 1 bedroom - 50m² 2 bedroom - 70m² 3 bedroom - 90m²											
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.											
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.											
Habitable room depths are limited to a maximum of 2.5 x the ceiling height											
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		Compliant, as above.	Yes								
		Every habitable room contains windows that exceed the minimum requirement.	Yes								
		Refer to Architect Design Statement for Compliance.	Yes								
		Refer to Architect Design Statement for Compliance.	Yes								
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding		Master bedroom min. size is 10m², for other bedroom 9m² is the min.	Yes								

Table 1: Apartment Design Guide Compliance Table		
Provision	Proposal	Complies
wardrobe space).	size proposed, all excluding the wardrobe.	
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Remaining bedrooms are 3m x 3m in area.	Yes
Living rooms or combined living/dining rooms have a minimum width of:		
• 3.6m for studio and 1 bedroom apartments	Minimum 4m in width.	Yes
• 4m for 2 and 3 bedroom apartments	Minimum 4m in width.	Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	N/A	N/A
All apartments are required to have primary balconies as follows:		
Studio - 4m ² (min dimension 2m)	N/A	N/A
1 bed - 8m ² (min dimension 2m)	Min. 23.1m ² and min. dimensions exceed 2m	Yes
2 bed - 10m ² (min dimension 2m)	Min. 10m ² and min. dimension of 2m	Yes
3 bed - 12m ² (min dimension 2.4m)	Min. 14.3m ² and min. dimensions exceed 2.4m.	Yes
The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Noted.	Yes
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	All ground level dwellings contain open space areas that exceed 15m ² and 3m in one direction. Note, that Units 3 and 4 extend above ground level as they present to the internal courtyard and have been provide open space in accordance with a non-ground floor courtyard apartment.	Yes
Common Circulation Spaces		
The maximum number of apartments off a circulation core on a single level is eight	Maximum of 5 units per level.	Yes
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A
Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		
Studios - 4m ²	N/A	N/A
1 bedroom - 6m ²	Min. 6m ²	Yes
2 bedroom - 8m ²	Min. 8m ²	Yes
3 bedroom - 10m ²	Min. 10m ²	Yes

Table 1: Apartment Design Guide Compliance Table		
Provision	Proposal	Complies
At least 50% of the required storage is to be located within the apartment	All the above nominated storage is provided within the units.	Yes

In light of the above, the proposed development has been designed to ensure compliance with the relevant provisions (design criterion and/or design objectives) of the Apartment Design guide and is consistent with Chapter 4 of the Housing SEPP.

4.1.4 Canterbury-Bankstown LEP 2023

Under the LEP the subject site is located within the *R4 – High Density Residential* zone within which residential flat buildings are permissible with consent from Council. A Residential flat building is defined within the LEP as follows:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposed development is best defined as a residential flat building as despite being two separate buildings, one of which is 2 storeys, the structures are connected by the common basement and collectively comprise a residential flat building.

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 proposal is consistent with the zone objectives as it provides for the housing needs of the community within a high-density residential environment and in doing so will provide a range of dwelling types that are designed and location to minimise impacts on adjoining properties.

Provided at Table 2 is a consideration of the development standards that are applicable to the site and the proposed development.

Table 2: Relevant Provisions of CBLEP 2023		
Provision	Proposal	Complies
2.7 Demolition Demolition is permissible with consent from Council.	All existing structures will be demolished	Yes
4.1B Minimum Lot Sizes and Special Provisions	N/A – not applicable to the site.	Yes
4.3 Building Height Maximum 8.5m	Proposal has been designed to comply with the 8.5m building height requirement, other than a point encroachment relating to the lift	Refer to Clause 4.6 variation

Table 2: Relevant Provisions of CBLEP 2023		
Provision	Proposal	Complies
	<p>overrun for the southern building that extends to RL16.30 and a height of 9.47m.</p> <p>A Clause 4.6 variation request has been submitted separately with this application demonstrating that the statutory tests of 4.6 have been met in relation to the minor breach of the standard.</p>	
4.4 Floor Space Ratio Maximum 0.75:1 Max Gross floor area of 1,645.5m ² based on a site area of 2,194m ²	Proposed gross floor area of 1645.5m ² resulting in an FSR of 0.75:1.	Yes
4.6 Exception to Development Standards	Refer to the accompanying Clause 4.6 variation request relating to the minor departure from the height limit in relation to the lift overrun.	Yes
5.2 Flood Planning (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	<p>The driveway crest and floor levels are compatible with the flood levels at the site.</p> <p>No impacts due to the nature of the small portion of the site affected by overland flow.</p> <p>Pedestrian entrance points are clear of the flood affected parts of the site.</p> <p>N/A given minor nature of flooding at the site.</p> <p>No impacts anticipated.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
6.1 Acid Sulfate Soils The site is identified as containing Class 4 Acid Sulfate Soils.	Refer to the accompanying Geotechnical Report for soil sampling on site and the conclusions that no management plan is required.	Yes

Table 2: Relevant Provisions of CBLEP 2023		
Provision	Proposal	Complies
<p>6.2 Earthworks</p> <p>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <ol style="list-style-type: none"> the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, the effect of the development on the likely future use or redevelopment of the land, the quality of the fill or the soil to be excavated, or both, the effect of the development on the existing and likely amenity and structural integrity of adjoining properties, the source of any fill material and the destination of any excavated material, the likelihood of disturbing relics, the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>The proposal is consistent with the requirements of Clause 6.2(3) of the LEP for the following reasons:</p> <ul style="list-style-type: none"> the proposed basement is centrally located on the site and will not cause any disruption to local drainage patterns or soil instability; the earthworks proposed are required to enable the proposed development and its intended use; the soil excavated from the property will be disposed of at the appropriate facility noting that the site would not contain any contaminants given its residential history of use and therefore, exported material is likely to be of good quality; the proposed earthworks will not impact in an adverse manner on the amenity of the neighbouring properties where the construction process is to be appropriately managed as required by Councils' standard conditions of consent and the recommendations of the accompanying Geotechnical Report; given the site's historical use for residential purposes, it is unlikely that any relics exist or will be disturbed as part of the earthworks process; subject to appropriate construction management the proposal will not impact on any waterway or environmentally sensitive area; following completion of the development, site landscaping and the built form will conceal the basement levels and the earthworks undertaken and will complement the character of the locality. 	Yes
<p>6.3 Stormwater Management and Water Sensitive Urban Design</p> <p>(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—</p> <ol style="list-style-type: none"> is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on- 	<p>Compliance with the landscaped requirements of the ADG is achieved.</p>	

Table 2: Relevant Provisions of CBLEP 2023		
Provision	Proposal	Complies
<p>site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(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</p> <p>(d) includes riparian, stormwater and flooding measures, and</p> <p>(e) is designed to incorporate the following water sensitive urban design principles—</p> <p>(i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,</p> <p>(ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,</p> <p>(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.</p>	<p>On site water retention is incorporated into the Stormwater Design.</p> <p>Water will be collected on site and discharged via controlled flow to the natural catchment at the rear of the site.</p> <p>Refer to Stormwater Design for compliance.</p> <p>Refer to Stormwater Design for compliance.</p>	
<p>6.15 Design Excellence</p> <p>Applies to residential flat buildings of at least 4 storeys.</p>	N/A	

In light of the above, with the exception of a relatively minor and justified variation to the building height standard (as outlined in the accompanying Clause 4.6 variation), the proposed development is compliant with all relevant provisions of Canterbury-Bankstown LEP 2023 and is therefore an appropriate development form in the zone.

4.1.5 Canterbury-Bankstown DCP 2023

A response to the relevant provisions of CBDP 2023 as they apply to Residential Flat Buildings is provided at Table 3 below.

Provision	Proposal	Complies
Chapter 3 – General Requirements		
3.2 Parking Car parking (and associated space such as access aisles) in excess of the Off-Street Parking Schedule will be counted as gross floor area. <u>Residential Flat Buildings – R4 Zone</u> 1 space per 1 bedroom dwelling - 4 x 1 bed dwellings – 4 spaces 1.2 spaces per 2 bedroom dwelling - 14 x 2 bed dwellings – 16.8 spaces 1.5 spaces per 3 or more bedroom dwelling - 2 x 3 bed dwellings – 3 spaces 1 visitor parking space per 5 dwellings. - 4 visitor spaces for 20 dwellings Total Required – 27.8 parking spaces. Bicycle parking 1 space / 10 dwellings	<p>Noted – compliant parking has been provided.</p> <p>28 parking spaces are provided within the basement.</p> <p>3 bicycle parking spaces are provided within the basement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Access and Driveway Design		
The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	Direct access is provided for the proposed driveway.	Yes
Driveway width for two way movement is to be 5.5m	The proposed driveway facilitates two way movements.	Yes
Carwash Bay to be 3.5m x 5.5m	One carwash bay is provided with compliant dimensions.	Yes
Visitor spaces must not be located behind security grills and must be easily accessible.	Visitor parking will be readily accessible within the basement.	Yes
3.3 Waste Management		
Waste volumes 140L general waste, 120L recycling and 120L green waste per dwelling.	Refer to accompanying Waste Management Plan for compliance.	Yes
Bin sizes – 660L or 1,100L for Residential Flat Buildings.	The proposal includes the use of 1,100L bins.	Yes

Table 3: Relevant Provisions of CBDP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
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.	Cupboards are provided within each kitchen for waste storage.	Yes
(b) A suitable space in the kitchen for a caddy to collect food waste	Each kitchen is capable of accommodating a food waste receptacle.	Yes
Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins	Waste volume and bin sized are detailed in the accompanying WMP. Bins are to be stored within the basement.	Yes
The location of the nominated collection point and bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings.	A bin holding area is located at the site frontage and will be used for weekly collection.	Yes
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.	Bin storage areas are contained within the basement in a convenient location. Bin carting will be done by Strata Management as detailed in the WMP.	Yes
Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection	Bulky storage area is provided within the basement.	Yes
Development must comply with the requirements of the applicable Waste Design for New Developments Guide.	Refer to the submitted WMP for compliance.	Yes
In addition to clauses 3.1–3.10, residential flat buildings are to provide a communal bin storage area that is designed to integrate with Council's standard collect and return service by locating the bin storage area within 10m of a layback to the nominated collection point and ensuring safe parking for Council's service vehicle, without blocking driveways or traffic. Nominated collection points must avoid classified roads and roads with high vehicle and pedestrian traffic.	A bin presentation area is provided within the property frontage and will facilitate convenient bin collection.	Yes
Chapter 5 – Residential Accommodation – Residential Flat Buildings		
Site Planning		
<u>5.2.1 Minimum site frontage</u> - 20m	25.7m frontage.	Yes

Table 3: Relevant Provisions of CBDP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
5.2.3 Open Space		
Balconies are to be provided in accordance with the ADG	All balcony areas and dimensions comply with the requirements of the ADG.	Yes
25% of a site to be provided as communal open space	Compliant communal open space is provided at ground level and within the terrace to the southern building.	Yes
Communal open space can be provided on podiums and terraces.	Communal open space is provided at ground level and within the terrace to the southern building.	Yes
At least one side must have a minimum 6m length for each area of communal open space.	Communal open space areas are at least 6m in either direction.	Yes
Consolidate communal open space into recognisable areas with reasonable area, facilities and landscape for the uses it will accommodate, and design to generate a variety of visible pedestrian activity	Communal open space areas are provided in consolidated spaces that are highly usable for passive and active recreation.	Yes
Provide communal open space in locations that are sunny, and are adjacent to, as well as visible from, the main building lobby.	Communal open space achieves required solar access under the Apartment Design Guide.	Yes
Provide windows that overlook communal open space and approaches to the building to generate a variety of visible pedestrian activity in the main building lobby.	Windows from balconies and bedrooms provide an aspect to each communal open space.	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 building and window openings are oriented according to the shape of the site and prevailing natural light.	Yes
Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	Compliance is achieved to the solar access requirements for neighbouring properties.	Yes
Coordinate design for natural ventilation with passive solar design techniques.	Compliance with the cross ventilation requirements of the ADG has been achieved.	Yes
Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Casual surveillance to the street is gained via windows to bedrooms, living areas and external terraces.	Yes
5.2.6 Setbacks		
Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of	N/A – Wentworth Street is a local road.	N/A

Table 3: Relevant Provisions of CBDP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
9m.		
<i>Front and Rear setback</i> - A minimum setback of 6m from the front and rear boundary.	<p>Street Setback The site frontage is splayed and the proposed street fronting apartments are setback to generally comply with the 6m requirement except for point encroachments for the first floor balconies. These minor encroachments assist with articulation and result in a volume of building that is entirely consistent with the intention of the street setback control.</p> <p>Rear Setback The ground floor units comply with the 6m setback requirement, however, the first floor units (Units 16 and 17) contain point encroachments in the rear setback requirement relating to the first floor balconies. The minor encroachment at this part of the site is deemed to be acceptable as:</p> <ul style="list-style-type: none"> • The adjoining property to the rear of the site public reserve and the setbacks will not give rise to any future privacy or amenity impacts on the adjoining property; and • The minor encroachments facilitate slightly larger balconies that will provide improved amenity to residents without any apparent impact on the adjoining public parkland. In fact, the proposed units will facilitate improved passive surveillance to the adjacent public land without any adverse or desirable outcomes. <p>Having regard to the above, the proposed rear boundary setback is acceptable and consistent with the intention of the control.</p>	<p>On Merit</p> <p>On Merit</p>
<i>Side Setback</i> - A minimum setback of 4m from the side boundaries	Main building elements located above ground level are setback 4m from each side boundary.	Yes
A minimum width of deep soil alongside boundaries of 2m and minimum of 5m wide along front/rear boundaries.	Where possible, 2m deep soil landscaped spaces have been provided along side boundaries. Minor and justifiable encroachments relate to fire stairs, the OSD tank and	Yes

Table 3: Relevant Provisions of CBDP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
<p><u>5.2.7 Building Depth</u></p> <p>The building depth may be increased to 35m in the R4 Zone provided facades incorporate deep soil courtyards that are:</p> <p>(b) Parallel to side boundaries (or have an orientation that is generally parallel to side boundaries) provided that the facades will incorporate deep soil courtyards that each have a minimum area 6m by 6m and will each accommodate at least one major canopy tree.</p> <p>Building Design</p> <p><u>Building Entries</u></p> <p>Entries to residential buildings must be clearly identifiable.</p> <p>A minimum of one habitable room per dwelling must be oriented towards the street to promote positive social interaction and community safety</p> <p>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</p> <p>Private open spaces accessed from the street must be clearly articulated.</p> <p><u>Façade Treatment</u></p> <p>Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows</p> <p><u>Pavilions</u></p> <p>Residential flat buildings up to three storeys facades that would be wider than 25m should be indented so that the new building would appear like a cluster of pavilion elements:</p> <p>(a) Width of each pavilion should be</p>	<p>the basement access ramp.</p> <p>The Northern building extends to a depth of 31m and the Southern building extends to depth of 34m.</p> <p>Each building is designed to incorporate a highly articulated side facing facades as well as concentrated areas of deep soil that assist in breaking the mass and length of each building.</p> <p>A clearly defined pedestrian entry point is provided at the eastern side of the street frontage. The pedestrian entry provides clear and intuitive access to each building.</p> <p>Each street fronting dwelling contains a window to a living room or bedroom that provides passive surveillance to the street.</p> <p>Ground level open space is setback at least 1m from the street frontage.</p> <p>Private open space is clearly identified and defined for the street fronting dwellings.</p> <p>The façade design includes windows that capture natural sunlight and shading features to comply with the requirements of BASIX.</p> <p>Each building is highly articulated as it presents to the side boundary through the use of stepping of the façade, window placement, material treatments and stepping of the building form as the land falls to the</p>	<p>On Merit.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Table 3: Relevant Provisions of CBDP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
<p>between 10-12m</p> <p>(b) Pavilion elements should be separated by courtyards that are less than 6m wide</p> <p><u>Windows</u></p> <p>Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter</p> <p><u>Roof Design</u></p> <p>Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.</p>	<p>rear.</p> <p>Window location and design complies with BASIX.</p> <p>The proposal contains a simple roof form that combines parapet lines and some pitched elements to create visual interest and assist with improved solar access. The roof form is therefore appropriate.</p>	<p>Yes</p> <p>Yes</p>
Amenity		
<u>5.2.12 Solar Access and Overshadowing</u>		
<p>Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</p> <p>Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:</p> <p>(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</p> <p>(b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.</p> <p>Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.</p>	<p>Refer to Section 4.2 of this Statement for a detailed assessment of solar access and compliance with this DCP provision.</p> <p>No additional shadow cast on the roof space of either adjoining residential property.</p> <p>Refer to Section 4.2 of this Statement for a detailed assessment of solar access and compliance with this DCP provision.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<u>5.2.13 Acoustic Privacy</u>		
<p>Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.</p>	<p>No major noise generating activity in the vicinity of the site.</p>	<p>Yes</p>

Table 3: Relevant Provisions of CBDP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
Fences and Ancillary Development		
<u>5.2.14 Fences</u> Front fences within the front boundary setback are to be no higher than 1.2m.	Front fences to be 1.2m.	Yes
Side fences may be 1.8m high to the predominant building line.	Side fences to be 1.8m.	Yes
<u>5.2.15 Building Services</u>		
All letterboxes be installed to meet Australia Post standards	Letterboxes to be provided adjacent to the primary pedestrian entry.	Yes
Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.	Building services are suitable designed and located to be integrated into the building and landscaped frontage.	Yes
The location and design of substations must be shown on the plans	No substation is required as confirmed by Ausgrid.	Yes
New buildings must ensure: (a) all overhead wires, including but not limited to electrical and telecommunication services wires, along the street frontages of the site are located underground as part of the development; (b) any redundant power poles are removed and replaced with underground supplied street lighting columns; (c) all works are carried out at the landowner's expense.	Council may wish to require this by condition of development consent.	Yes
Section 9 – Livable Housing		
A minimum 40% of new dwellings must comply with the Livable Housing Design Guidelines (Livable Housing Australia), to be split as follows: • a minimum 20% of new dwellings must achieve the Silver Standard; and • a minimum 20% to achieve Gold Standard.	Units 6, 8, 15, 17 and 20 – 25% Units 2, 9, 11 and 18 – 20%	Yes Yes

In light of the above, the proposal achieves compliance with the relevant provisions of the DCP, unless reasonable alternatives have been identified and sufficient justification provided.

4.2 Impacts on Natural & Built Environment (Section 4.15(1)(b))

4.2.1 Natural Environment

The proposal seeks to redevelop the site for a high-density residential development in accordance with the zone objectives. The subject site comprises three residential

properties that contain dwelling houses and ornamental gardens. There are no environmental classifications that apply to the site and all trees to be removed from the site are exempt species or are approved for removal under separate applications.

The proposal will redevelop the site to the intended density and in doing so will provide suitable consolidated deep soil areas that are to be planted with a range of trees, shrubs and ground covers that are suitable to the site and the locality. The development, once complete, will only have an improved impact on the number of trees suitable native species at the site with resultant biodiversity benefits.

4.2.2 External Appearance and Design

The building presents a contemporary design with high quality materials, including a range of contemporary and long-lasting finishes. The appearance of the building will be a welcomed addition to the street in place of the old single dwellings that exist on the site. The proposal will achieve apartment living that is commensurate with contemporary expectations.

Externally the building is designed to appear as a highly articulated two storey form within the street. The parapet roof element, balconies, material treatment and stepping of the façade will result in a suitable form that is complementary to the existing streetscape.

At the street frontage, deep soil landscaping will soften the front fences and the built form at the site whilst allowing intuitive access points to street fronting dwellings and the primary pedestrian access.

The building provides all parking within the basement levels and allows for deep soil planting at the boundaries, which will enhance the built form, create residential amenity (for the neighbours and for the future residents of the building) and will make a valuable contribution to the streetscape. The proposal will incorporate a range of hard and soft landscape elements that support and enhance the external appearance of the building.

Internally, the design comprises well resolved and open plan living areas with room layout, window dimensions and orientation being selected to achieve a combination of high amenity for the future residents and protected amenity for the neighbouring properties.

The massing of the building is appropriate to the context of the site. The density is distributed across the site within two separate buildings that appropriately setback and highly articulated as they present to each neighbouring property. The building form outcome at the site is consistent with the high-density residential living encouraged by the planning controls resulting in a suitable building form that will be complementary to the locality.

4.2.3 Built Environment

The proposed development has been designed to be consistent with the relevant numerical controls and/or objectives of the Housing SEPP and the Apartment Design Guide, CBLEP 2023 and CBDOP 2023, which ultimately intend on managing the impacts of development on the streetscape and the residential amenity of the adjoining properties.

The proposal does not give rise to any material impacts on the built environment as detailed below.

Privacy

The proposal has been designed with the intention of achieving high levels of privacy to future occupants as well as retaining aural and visual privacy to the adjoining properties.

In particular, the orientation of all units is concentrated towards the street, rear boundaries and towards the internal courtyard. Living room windows and open space areas are designed to be setback from each side boundary (that is common with a residential property), in a way that achieves the separation requirements of the ADG.

Notably, the Northern Building comprises a 6m setback to the apartments to the east and is setback 6m from the western building except in relation to a small projection of the western façade. This two storey element of the building achieves a 4m setback, consistent with the setback controls that would otherwise apply to the development if the ADG was not applied. The 4m setback comprises high level windows to bedrooms and windows to bathrooms and results in an appropriate privacy outcome.

The southern building adjoins the public reserve to the west and only a small portion of the adjacent apartment building to the east. Ther the proposal is adjacent to the existing residential building at No. 22 Wentworth Street, a 6m setback has been applied. A small projection into the 6m setback has been applied where the building is located adjacent to the non-residential buildings at the Sydney Water Depot.

In addition, the buildings are designed with a 9m setback internally to ensure that compliant separation is achieved with the apartment design guide. In particular, 6m is provided from the south facing units in addition to the 3m setback required from the non-habitable presentation of the units within the southern building.

Common open space areas are provided within deep soil areas at the ground level that will allow a range of passive and active living areas, consistent with the reasonable expectations of the high density area. Additional communal open space is provided within the upper level terrace to the southern building. This terrace is well removed from any adjacent residential buildings and will provide excellent occupant amenity without giving rise to any adverse impacts on neighbours.

Overshadowing and Solar Access

In terms of solar access to the proposed dwellings, the Apartment Design Guide requires that:

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas

And

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

As indicated in the ADG compliance table and on the accompanying shadow diagrams, compliance is achieved to both living room windows and common open space areas.

In relation to overshadowing impacts, the DCP requires that:

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.

Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:

(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.

(b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.

Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.

The impacts of overshadowing at mid-winter are detailed on the accompanying Shadow Diagrams which provide shadow impacts between 8.00am and 4.00pm. Compliant sunlight is gained to each adjoining neighbouring property as detailed below.

No. 26 Wentworth Street: The shadow diagrams detail that minor additional overshadowing occurs at 9.00am to the rear open space area and eastern side setback area. Notably, the shadow cast by the proposal at 9.00am does not impact on any living room windows of this dwelling.

No additional overshadowing impacts from the proposal occur on this property beyond 9.00am and as such existing living areas, open space and drying areas continue to have access to compliant sunlight from 10.00am until 4.00pm.

No. 22 Wentworth Street: The adjoining western apartment development contains dwellings with north and east facing balconies as well as open space and drying areas that are located within the rear of the site. The shadow diagrams detail that this property is entirely unaffected by shadow cast from the proposal between 8.00am and 1.00pm (5 hours). The solar access maintained during this 5 hour window ensures that each living room window and the drying areas receive compliant sunlight access.

Whilst there is some additional overshadowing at 2.00pm and 3.00pm the existing drying area within the rear of the site and a majority of the west facing windows of the adjacent apartment building will remain unaffected by overshadowing.

In light of the above, both solar access requirements to the proposed dwellings as well as shadow impacts of the proposal on the adjoining properties are appropriate as they are consistent with the requirements of the Apartment Design Guide and the CBDP 2023 controls.

Compliance with CPTED Principles

The Crime Prevention Through Environmental Design Principles have been considered as part of designing the proposed development as follows:

- *Natural Surveillance:* The proposal provides courtyards, balconies and living room windows that are oriented towards the street frontage and site boundaries. In doing so, the proposal provides for excellent levels of passive surveillance to the public domain.
- *Access Control:* The basement entrance will be controlled by a lockable roller door, and the common pedestrian entry foyers will be a controlled entry also.
- *Lighting:* No lighting beyond standard lighting of main pedestrian access points is required given the scale of the development and access to streetlights.
- *Vandalism:* Due to the crime profile of the area and passive design elements incorporated into the street façade of the development (including primarily open form fencing), there are no graffiti resistant measures that are necessary to deter vandalism.

Social and Economic Impacts

The proposal will redevelop the site with a contemporary apartment development that is consistent with the desired future character of the area. The proposal will provide additional accommodation, in an area that has excellent access to public transport and key services, and the site is therefore highly suited to the development proposed. As such the proposal will only have positive economic and social impacts and is consistent with the intended form of development for the site and locality.

4.3 The Suitability of the Site (Section 4.15(1)(C))

The proposed apartment development is permissible with consent in the *R4 – High Density Residential* zone. The subject site is located within an established residential area with no identified hazards that would suggest that the proposed development is unsuitable at the site.

In the absence of any adverse natural or built environmental impacts as detailed above, the proposed development is suitable at the site.

4.4 The Public Interest (Section 4.15(1)(e))

The proposed development is permissible with consent, is consistent with zone objectives and complies with all relevant aspects of the applicable SEPPs, Apartment Design Guide, CBLEP 2023 and CBDGP 2023 as detailed throughout this Statement, unless otherwise justified in the report.

Accordingly, the proposed development is in the public interest and worthy of Council's support.

5 CONCLUSION

This Statement of Environmental Effects has detailed the specifics of the site and its context and outlines the proposal to demolish the existing dwellings, remove existing trees to enable the construction of 2 x residential flat buildings over a common basement level with associated landscaping.

The application has been considered in accordance with the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is permissible with consent from and complies with all relevant provisions of the applicable SEPPs, the Apartment Design Guide and the local planning provisions.

The proposal achieves a high level of compliance with the DCP that is relative to the site size and complies with all relevant provisions of CBLEP 2023 except in relation to the minor height breach as identified in the accompanying Clause 4.6 variation request.

The proposal will give rise to only acceptable impacts on the natural and built environment and will significantly improve the site's streetscape appearance, whilst contributing to the provision of additional residential accommodation within this highly desirable location.

The proposal is suitable for the site and in the interest of the public and it is therefore requested that Council support the subject application.

ANNEXURE A

CLAUSE 4.6 VARIATION - HOB