GAT & Associates Pty Ltd

Statement of Environmental Effects

March 2025

51 Drummond Street, Belmore

Demolition of all Existing Structures and the Construction of a Six (6) Storey Shop Top Housing Development Comprising a Commercial Tenancy and Twenty-Six (26) Residential Units, Two Basement Levels, Landscaping and Site Works

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of an application for the demolition of all existing structures and the construction of a six (6) storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units, two (2) levels of basement parking, landscaping and site works at 51 Drummond Street, Belmore.

A detailed description of the proposed works is under **Part 3** of this SEE.

This development application arises following a withdrawn development application (DA-114/2022). The application has been refined following meetings and advice provided during the previous assessment and after the withdrawal of the application.

GAT & Associates has been engaged by Wardell Building Pty Ltd to prepare the SEE to accompany the development application for the consideration of Canterbury-Bankstown Council.

This SEE is based on information and details in the following plans prepared by Loucas Architects, Project No. 210010, Rev I:

- Drawing No. A-0001 Location and General Description
- Drawing No. A-0002 Site Analysis
- Drawing No. A-0700 Site Plan
- Drawing No. A-0800 Basement 2 Floor Plan
- Drawing No. A-0900 Basement 1 Floor Plan
- Drawing No. A-1000 Ground Floor Plan
- Drawing No. A-1100 L1 Floor Plan
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- Drawing No. A-6000 Demolition Plan
- Drawing No. A-6100 Construction Management Plan

The following documents accompany the development application:

- Access Report prepared by Accessible Building Solutions.
- BASIX Certificate prepared by Building & Energy Consultants Australia.
- Carpark Certification prepared by Motion Traffic Engineers.
- Geotechnical Investigation prepared by EI Australia.
- Landscape Plan prepared by Isthmus.
- Plan of Management prepared by GAT & Associates.
- Preliminary Site Investigation prepared by EI Australia.
- Quantity Surveyors Report prepared by QPC&C.
- Stormwater Plans prepared by John Romanous & Associates.
- Survey Plan prepared by Geometra Consulting.
- Traffic and Parking Impact Assessment prepared by Motion Traffic Engineers.

- Waste Management Plan prepared by Loucas Architects.

This SEE has been prepared in support of the proposed application. This report is based on the submitted plans, inspections of the site and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts (positive and negative).

The proposed development has been assessed in relation to:

- Section 4.15 Evaluation under the Environmental Planning & Assessment Act 1979.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Canterbury-Bankstown Local Environmental Plan 2023.
- Canterbury-Bankstown Development Control Plan 2023.

2. SITE CONTEXT

The subject site is commonly known as 51 Drummond Street, Belmore, and is legally defined as Lot 200 in Deposited Plan 1062028. The site is a corner property located on the western side of Drummond Street and the northern side of Drummond Lane.

The lot is irregular in shape and widens from front to rear. The following are the site parameters:

- Site area: 1,086m^2
- Front (eastern) boundary (Drummond Street): 16.14m
- Southern boundary (Drummond Lane): 55.885m
- Western (rear) boundary: 23.025m
- Northern (side) boundary: 55.455m

Refer to Figure 1 Site Location Map below.

Figure 1: Site Location Map (Source: SIX Maps)

Currently located on the site is a two storey brick and concrete warehouse with a front setback hardstand car park and limited vegetation. A substation is located in the street setback in the southwestern corner.

Development in the immediate vicinity is a mixture of warehouse, commercial and residential uses. The majority of development is of older stock and remains single and two storeys with contemporary development in the order of five or six storeys.

The immediately adjoining properties are:

- North: A two storey brick warehouse building with front setback hardstand car parking and limited vegetation at 49 Drummond Street.
- West: A five storey residential/shop-top housing brick and white render complex with at-grade communal open space at 721 Canterbury Road.
- South: Single and two storey older stock rendered and brick commercial/industrial buildings at 691, 701 and 709 Canterbury Road.
- East: Currently vacant land at 687 Canterbury Road.

Land further to the north transitions to low density residential scale, while land proximate to Canterbury Road is zoned for higher density development. Refer to the photos of the site and the surrounds in **Part 2.1**.

The locality is an accessible area for public transport, schools, services, etc. as follows:

- Bus stops on Canterbury Road at Drummond Street 80m (1min walk)
- IGA Belmore 200m (3min)
- Belmore South Public School 230m (3min walk)
- St Joseph's Catholic Primary School 450m (6 min walk)
- Belmore Station 800m (11min walk)
- Terry Lamb Reserve 800m (11min walk)

2.1 Photos of the Site and Surrounds

Figure 2: View of the subject site from the corner of Drummond Street and Lane

Figure 3: View of Drummond Lane with the site (left) and rear of commercial buildings (right)

Figure 4: View of five storey residential flat buildings at 721 Canterbury Road and substations

Figure 5: Additional view of the five storey development over the rear boundary of the site

Figure 6: View of Drummond Street northbound including two storey residential buildings opposite

Figure 7: View of two storey industrial building adjoining to the north at 49 Drummond Street

Figure 8: View of the street frontage of 49 (foreground) and 51 Drummond Street

Figure 9: Currently vacant property opposite the site

3. PROPOSAL

The proposed development is for the demolition of all existing structures and the construction of a six (6) storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units, two (2) levels of basement parking, landscaping and site works.

The proposed unit mix is:

- 5 x 1 bedroom units
- 17 x 2 bedroom units
- 4 x 3 bedroom units

A detailed description of the works follows.

Demolition

The demolition of the existing building, hardstand and removal of all trees on the site is proposed.

The existing substation will be retained.

Basement Level 2

The level comprises 21 residential car spaces, storage cages, two lift cores and fire stairs.

The basement ramp is single-width and will operate via traffic signals.

Basement Level 1

The parking component comprises 8 residential car spaces, 6 visitors and 6 commercial spaces.

A total of six (6) bicycle spaces are provided in the northeastern corner.

The remainder of the level accommodates residential storage, two fire egress points (one to Drummond Street, one to the rear), and a pump room.

Ground Floor

A 118m^2 commercial tenancy is proposed fronting Drummond Street. The hydrant boosters are located within the façade.

Residential access is divided into two cores. The eastern core is accessed near the corner of Drummond Street and Lane intersection, with the doorway facing and visible from Drummond Street. The second, western entry faces the laneway.

Centrally is an HRV loading bay to allow for Council's waste truck and general deliveries.

Separate residential and commercial bin rooms are proposed.

The basement ramp is proposed at the western end of the site.

The remainder of the level comprises services (e.g. pump room, electrical/comms, hydrant/sprinklers, etc.).

Level 1

Split into two cores, the overall level proposes 2 x 1 bedroom and 3 x 2 bedroom units. Balconies face Drummond Street and the central void above the loading space.

Levels 2-4

Each level comprises 1 x 1 bedroom, 4 x 2 bedroom and 1 x 3 bedroom units.

Level 5

A communal open space is proposed on the roof of the eastern building.

The western building contains 2 x 2 bedroom and 1 x 3 bedroom units.

General

The building will be constructed primarily with face brick, with modest portions of render black and white.

Residents will take their waste to the bin room on the ground floor. Council's contractors will collect the waste from the proposed loading bay.

New landscaping is proposed in the rear deep soil setback and as on-structure planting.

4. SECTION 4.15 EVALUATION

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(4) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.

The provisions of:

4.1 Any Environmental Planning Instruments

4.1.1 State Environmental Planning Policy (Planning Systems) 2021

Part 2.4 of State Environmental Planning Policy (Planning Systems) 2021 declares certain development as regionally significant development for the purposes of the Environmental Planning and Assessment Act 1979.

The relevant development type threshold for consideration under Schedule 6 is 'general development over $30million'. The Quantity Surveyors report prepared by QPC & C for the application identifies the estimated development cost at $10,150,331 excluding GST.

Consequently, the development is not regionally significant development. The consent authority is the Local Planning Panel.

4.1.2 State Environmental Planning Policy (Sustainable Buildings) 2021

The proposal has been assessed against the provisions of State Environmental Planning Policy (Sustainable Buildings) 2022. A BASIX Certificate has been prepared and is attached under a separate cover. The certificate demonstrates compliance with the required Water, Thermal and Energy provisions under BASIX.

4.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.1.3.(a) Chapter 4 Remediation of Land

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 relates to the remediation of land. Clause 4.6 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if it is contaminated, the consent authority is satisfied that the land is suitable for the purpose. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation has been prepared by EI Australia and is submitted under separate cover. The report concluded that the site can be made suitable for the proposed use subject to the implementation of recommendations. The recommendations are standard post-consent actions. No Stage 2 Detailed Site Investigation is required.

In accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, Council can conclude that no further assessment of contamination is necessary, and the residential use of the site is suitable.

4.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.1.4.(a) Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to the clearing of vegetation in non-rural areas.

The proposed development will require the removal of four (4) minor trees within the front boundary to accommodate the proposed development and the nil setback ground floor alignment envisioned by the planning controls. The trees are not significant and will be replaced by additional tree planting as indicated in the landscape plan prepared by Isthmus.

The proposed tree removal can be supported, and the development is consistent with Chapter 2.

4.1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.1.5.(a) Chapter 2 Infrastructure

Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 relates to the development of and in proximity to infrastructure.

The table below pertains to the relevant clauses to the proposed development.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLY
2.48 Determination of development applications—other development	• 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	• The proposal involves development immediately adjacent to an electricity substation. A referral to the relevant electricity supply authority is required as part of the application assessment process.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	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.	
2.122 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 Traffic and Parking Impact Assessment prepared by Motion Traffic Engineering determined the peak traffic generation by the development is 23 trips per hour. Consequently, the development is not classified as traffic generating development.

4.1.6 State Environmental Planning Policy (Housing) 2021

4.1.6.(a) Chapter 4 Design of Residential Apartment Development

Chapter 4 of State Environmental Planning Policy (Housing) 2021 relates to the improvement of residential apartment development.

Under Section 144, the Chapter applies to the proposal as it includes development for the purposes of shop top housing.

In accordance with Section 147, the consent authority is to consider the following in the development assessment:

(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.

The principles for residential apartment development are discussed in **Appendix A** of this SEE.

A compliance table of the relevant sections of the Apartment Design Guide is in **Appendix B**.

A design review panel will consider the application once submitted.

3F Visual Privacy

Objective 3F-1 states "*adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*"

The internal and external separation are discussed separately below.

Internal

A two tower design above the ground floor podium. The internal separation created is generally in the order of 12m or greater. However, some encroachments are proposed.

Level 1

A 12m separation is proposed between Units 1.01 and 1.06 and is compliant. A portion of the balcony for Unit 1.05 is within 12m of the Bed 2 window for Unit 1.01. To offset this, a privacy screen is proposed and eliminates the sightlines between the two spaces.

Additionally, the balcony and the Bed 2 window of Unit 1.03 are within 12m. A high level window is proposed for Bed 2, ensuring no overlooking concerns arise.

Levels 2 and 3

All internal separation is compliant with the minimum 12m.

Level 4

On Level 4, building separation is recommended to increase to 18m under the design criteria. The internal separation remains generally in the order of 13m.

It is worth noting that the design criteria is not a development standard but only one means of achieving the objective. As quoted earlier, the objective of the building separation is to achieve reasonable levels of visual privacy.

High level windows are employed for certain bedrooms to secure visual privacy.

Level 5

On Level 5, the internal separation is between the communal open space and residential units. Given the trafficable portion of the communal open space and the rooms or balconies are approximately 14.5m apart, it is submitted there is adequate separation notwithstanding the technical encroachment.

To assist in mitigating potential visual privacy concerns, planters separate the trafficable portion of the communal open space facing the units which will reduce potential overlooking. The main seating area of the COS is also located on the eastern side of the lobby, which is a point where separation is compliant.

It is also noted that the building to the west on 721 Canterbury Road was approved as a five storey development with a 6m setback to the site. It is clear there is acknowledgement that 6m separation above four storeys is still acceptable in certain circumstances notwithstanding the design guidance of ADG.

External

The rear setback for all floors is partly 6m and partly 7.2m. Across Levels 1-3, the separation is compliant.

Levels 4 and 5

A 9m separation is required for Levels 4 and 5. An encroachment of 1.8m and 3m is therefore proposed.

In order of windows, north to the south, the following comments are made:

- Bed 1 of Unit 4.06 and 5.03 is 12m between buildings, with an approved variation on 721 Canterbury Road. High level windows are proposed for both bedrooms (and both floors). It should be noted that Unit 5.03 is set at FFL 58.20m AHD and the top of sill of the highest window on the neighbouring building is 58.6m AHD. Visual privacy is achieved.
- Bed 2 of Unit 4.06 and 5.03 are 13.2m from 721 Canterbury Road. The primary outlook for the unit on 721 Canterbury Road is not toward the site, which will assist in mitigating any visual privacy concerns. A high sill can also be used to secure visual privacy.

- All three bedrooms of Units 4.04 and 5.01 are 6m from the boundary. However, these windows all have an outlook toward not another building, but over the three substations (one on the site, two outside) and the plant/services structure situation on 721 Canterbury Road. Refer to Figure 5. A measurement of 18m is over the roof of this structure. As 721 Canterbury Road is a contemporarily developed site, there is no additional development potential, and the interface is set for the long-term. Consequently, there is no visual privacy concern by the encroachment by the direct view and a separation encroachment creates no consequence. Views toward the units are sufficiently oblique to have negligible visual privacy consequence.

Given the above, there are sufficient measures in place to secure the visual privacy objective in the absence of strict compliance with the building separation design criteria.

4.1.7 Canterbury-Bankstown Local Environmental Plan 2023

A comprehensive assessment of the proposal against the development standards, miscellaneous provisions and local provisions can be found in **Appendix C**.

Additional comments regarding certain clauses are provided below.

4.1.7.(a) Land Zoning

The subject site is zoned B2 Local Centre under the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023). Refer to Figure 10.

The proposed development is characterised as "shop top housing" and is defined in the CBLEP as:

> ***"shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.*
>
> *Note—*
>
> *Shop top housing is a type of residential accommodation—see the definition of that term in this Dictionary."*

Shop top housing is listed as permissible with consent in the B2 Local Centre zone.

Under Standard Instrument (Local Environmental Plans) Order 2006, Schedule 1, Part 2, clause 6 (1A), the employment zone reform was postponed for the CBLEP 2023 until 26 April 2025. Once the reform comes into force, the land will be zoned E1 Local Centre. Shop top housing will remain permissible in the zone.

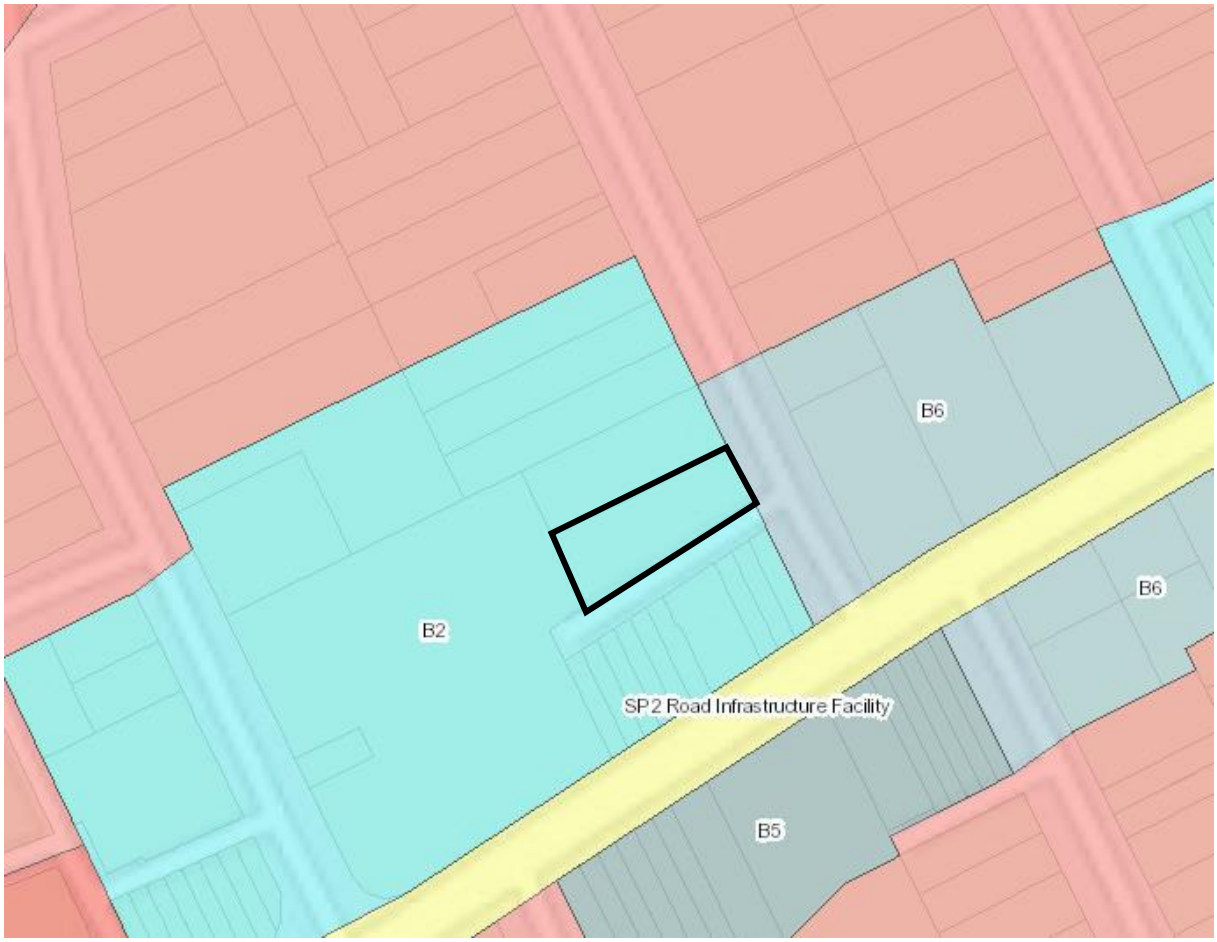

Figure 10: Land Zoning Map (Source: NSW Planning Portal Digital EPI Viewer)

The objectives of the B2 Local Centre zone are as follows:

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

The following comments are made with regard to the objectives of the zone:

- The proposal involves the redevelopment of the site and provides a commercial tenancy appropriately sized to facilitate a range of retail and business uses to support the local area.
- As above, a commercial tenancy is proposed under this application and will provide employment opportunities. The site is an accessible area as it is proximate to high frequency buses on Canterbury Road and within 800m of Belmore Train Station.

- The well connected site will encourage walking, cycling and public transportation usage.
- The proposal involves residential uses above ground as permissible in the zone. The adjoining land uses are compatible with the additional residential accommodation in the locality.
- It is considered the proposed building achieves a high standard of urban design and local amenity. The architectural language, materials and finishes are of a high quality that improves the public domain experience and aligns with the emerging character as expressed through redevelopments such as those to the west of the site. Further, the proposal enhances the pedestrian experience, visually and through practical attributes such as an awning over the footpath and an active street frontage.

The proposed development is consistent with the objectives of the zone.

4.1.7.(b) Section 4.3 Height of Buildings

The CBLEP 2023 prescribes a maximum 18m height of buildings (HOB) for the site. Refer to Figure 11 below.

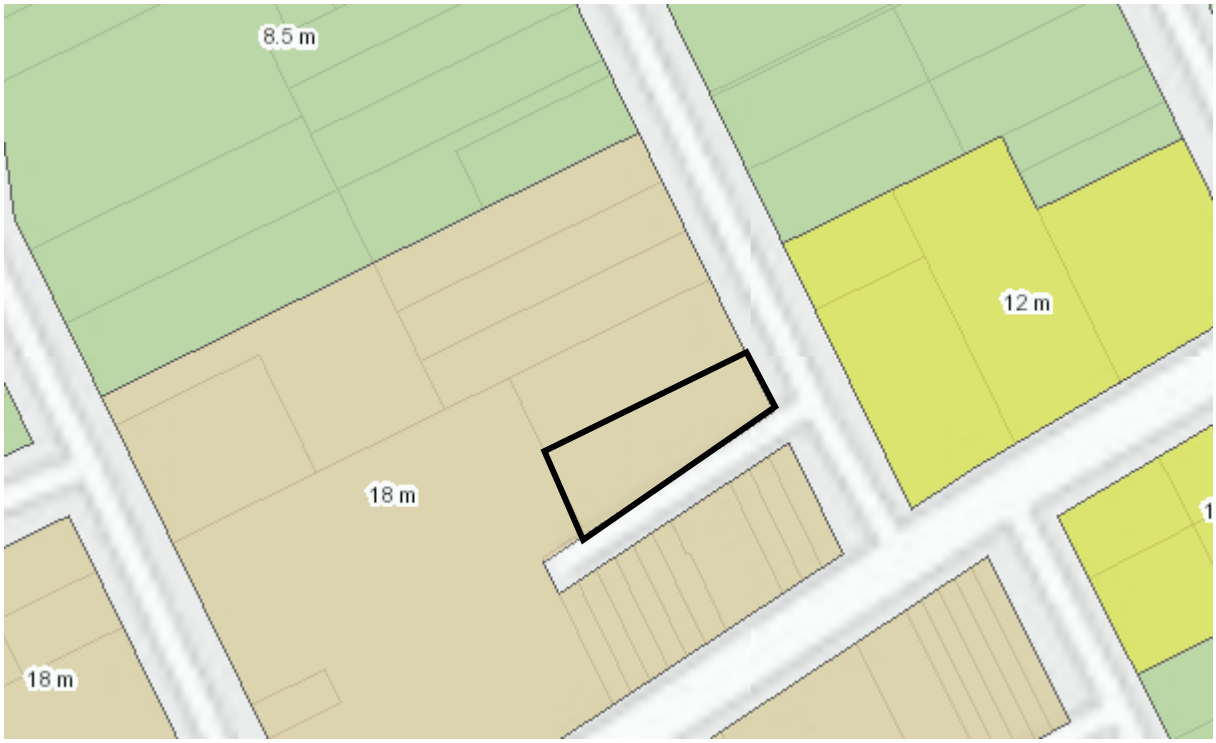

Figure 11: Height of Buildings Map (Source: NSW Planning Portal Digital EPI Viewer)

The proposed development seeks a maximum height of 18.604m. A variation of 604mm is sought for the front building and a lesser variation of 400mm for the rear building. Both contraventions of the building height are solely attributable to lift overruns. Refer to the extract of the section below illustrating the variation sought.

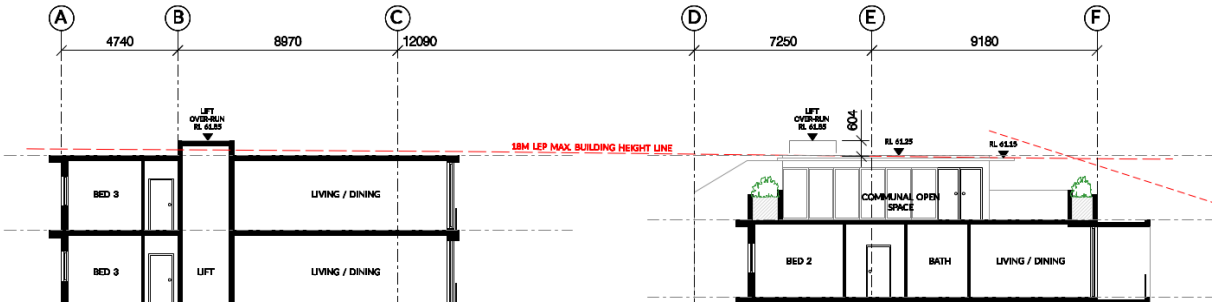

Figure 12: Extract of Section A-A (Source: Loucas Architects)

A Clause 4.6 submission has been prepared and is attached as **Appendix E** of this SEE.

4.1.7.(c) Section 6.15 Design Excellence

Under subclause (2), the design excellence clause applies to a shop top housing of at least 4 storeys. The proposed development is 6 storeys. Consequently, an assessment of the design excellence provisions is undertaken below.

Clause	Comment
In deciding whether the development exhibits design excellence, the consent authority must consider the following— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed development is deemed to achieve a high standard of architectural design, materials and detailing appropriate to a shop top housing development and location. The use of brick as the predominant material ensures longevity of the materials and continuity with the emerging character as expressed by the redevelopment of 721 Canterbury Road (see Figure 4 & 5). Less render is adopted and, where proposed, used to express horizontal lines and accents rather than as main finish, distinguishing the development from its neighbours and minimising future maintenance. The development reads as a shop top housing development and will sit well within its future context.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	As above, a high quality external appearance is achieved. The development will enhance the public domain through the nil setback, street awning and construction of new footpaths and any street trees required as part of Councils policies.
(c) whether the development detrimentally impacts on view corridors,	No specific views are impacted by the proposed development.
(d) how the development addresses the following matters— (i) heritage issues,	The site is not identified as an item of heritage or proximate to any heritage items. The site is not within a heritage conservation area.
(ii) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The built form has a suitable relationship to existing and future potential development on adjoining properties. To the north, it is expected that a future development on 49 Drummond Street will seek to match the two tower form to ensure solar access and ventilation to units, as well as a compliant building depth. The development potential of No. 49 is not affected by the proposal.

(iii) bulk, massing and modulation of buildings,	The setbacks and separation proposed are defined by the DCP, advice from Council's urban designer and the constraints of the site. Generally speaking, the built form aligns with the intent of the zone for a greater street presence but retains a human scale by limiting the street wall height to 3 storeys, while the internal separation allows for sunlight and ventilation for units throughout the site and potential future development to the south. Privacy is achieved internally and to the rear. The levels are expressed through horizontal render banding, and a suitable balance of solid and void articulates the building.
(iv) street frontage heights,	A three storey street wall height and 3m setback above is adopted, as recommended by Council's urban designer. The street front height is reflective of the land zoning and transitional role the B2 zone plays along Drummond Street to the R2 zone to the north, ensuring a human scale is maintained.
(v) environmental impacts, including sustainable design, overshadowing, wind and reflectivity,	The development is compliant with natural cross ventilation and solar access and has maximised natural light. Additionally, there are limited overshadowing impacts as the shadows fall on Drummond Lane and the rear, service elevations of commercial development fronting Canterbury Road. It is not anticipated that the development will raise any wind concerns. Excessive glazing is not sought, and it is expected that no reflectivity issues will arise. Standard conditions for reflectivity will secure a positive outcome.
(vi) the achievement of the principles of ecologically sustainable development,	The development achieves the principles of ESD through the provision of solar panels on the roof, landscaping to assist in the microclimate, incorporating overhangs, compliant cross-ventilation, and maximising natural light. It is required by the NCC that residential car parking be EV ready, which will further ESD outcomes.
(vii) pedestrian, cycle, vehicular and service access, circulation and requirements,	The development enhances pedestrian movement in front of the site. Further, it accommodates required bicycle parking, car parking and loading areas. The Traffic and Parking Impact Assessment prepared by Motion Traffic Engineering demonstrates that the circulation of the parking areas is compliant. Consequently, these matters are dutifully addressed in the submission.
(viii) the impact on, and any proposed improvements to, the public domain,	The public domain will be improved in accordance with Council's policies as part of the conditions of consent. Furthermore, the provision of an active street frontage on Drummond Street and at the corner will increase activation and the pedestrian experience in front of the site.

(ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design,	All services except the existing substation are incorporated into the building envelope. The hydrant boosters are on the front façade but are screened by horizontal louvres. All other services are not read from the street.
(x) Aboriginal cultural heritage,	The site is not identified as containing any aboriginal cultural heritage.
(xi) the protection and promotion of green infrastructure,	The development incorporates green space on the ground floor and as part of the communal open space, improving upon the existing poor landscaping.
(e) whether the development integrates high quality landscape design in the site layout and building design,	The site is an urban centre context which permits no deep soil. However, a deep soil zone is proposed in the rear setback and accommodates two significant canopy trees. Additionally, on-structure planting is proposed to enhance the overall amenity of the development. Reference should be made to the landscape plan prepared by Isthmus.
(f) how the development responds to the physical and cultural connection of the local Aboriginal community to the land.	The site is not identified as containing any aboriginal cultural heritage.

In view of the above, the proposed development is deemed to achieve design excellence.

4.2 Any Draft Environmental Planning Instruments

No draft environmental planning instruments affect the assessment of the proposed development.

A discussion paper (though not a draft EPI) has been exhibited toward an amendment to the CBLEP 2023. This is discussed below.

4.2.1 Recommended Planning Provisions – Alternative Approach to the Belmore and Lakemba TOD Controls

In April 2024, the NSW State Government added Belmore and Lakemba station precincts to the Transport Oriented Development (TOD) program. The TOD provisions proposed a blanket 2.5:1 FSR and 22m or 24m HOB on all land within 400m of the stations, equivalent to six storeys for residential flat buildings and shop top housing development respectively.

The Department of Planning, Housing and Infrastructure (the Department) has permitted Councils to submit alternative local planning to achieve the housing targets envisioned by the TOD program. Canterbury-Bankstown Council prepared a submission and publicly exhibited it in October 2024.

The outcome sought from the Recommended Planning Provisions is to amend the CBLEP 2023 in relation to:

- Land use zoning.
- Height of buildings (including provisions for rooftop gardens).
- Floor space ratio (including provisions for underground floor space).
- Minimum lot sizes and minimum frontages for specified types of development.
- Active street frontage requirements in key locations.

- Prohibition of residential uses from select sites on Canterbury Road (through deletion of existing Additional Permitted Uses).
- Listing of additional Heritage Conversation Areas and Heritage items.
- Identify sites for acquisition, public easement or dedication to provide public benefit including additional public open space, pedestrian connections and community infrastructure.
- Apply an affordable housing contribution scheme.

Following the exhibition period, Council resolved to delegate the determination of the Recommended Planning Provisions to the CEO. The submission was forwarded to the Department and on 23 December 2024, the Minister for Planning and Public Spaces announced that the Department was assessing Council's submission.

As relevant to the subject site, although the land is not captured within the 400m radius of Belmore Station, it is identified in the Recommended Planning Provisions with a proposed HOB of 24m and 2:1 FSR subject to a minimum lot width of 30m.

The proposed development seeks a building height of 18.604m, a variation over the current 18m height but well below the new development standard proposed.

4.3 Development Control Plans

4.3.1 Canterbury-Bankstown Development Control Plan 2023

Refer to **Appendix D** for a compliance table assessment of the relevant sections of the DCP.

Expanded comments on certain controls are provided below.

4.3.1.(a) 3,1 Minimum Frontage

> "*C1 Where redevelopment is proposed in a B1 or B2 Zone of the LEP a minimum frontage of at least 18m shall be provided.*"

The primary street frontage to Drummond Street measures 16.14m.

A secondary street frontage to Drummond Lane measures 55.885m.

The DCP does not define "frontage", however it does define a secondary street frontage as:

> ***"secondary street frontage** means:*
>
> *(a) the longer frontages where a corner site has two or more frontages to the street; and*
>
> *(b) any frontage of a site that adjoins a lane."*

C1 does not require the frontage to be measured only at the primary street frontage or otherwise excluded secondary street frontages. Consequently, the site has a frontage of 18m as the secondary street frontage and is compliant.

Notwithstanding the above, the objectives of the section are:

> *O1 To ensure efficient vehicular access to parking and servicing and reduce driveway crossings.*
>
> *O2 To facilitate efficient building envelopes that achieve optimum density.*

The Traffic and Parking Impact Assessment and Carpark Certification prepared by Motion Traffic Engineers demonstrates the proposal has accommodated its parking and servicing requirements.

The proposed building envelope is deemed to align with the desired future character of the area and achieves an optimum density for the site. This is articulated through the broader assessment of planning controls within this SEE.

Consequently, the objectives of the section have been met.

Further to the above, it is worth acknowledging the site is irregularly shaped and widens from 16.14m to 23.025m. The site achieves an 18m width 15m from the primary street frontage (27% depth point). The site is sufficiently wide to accommodate the development.

Lastly, it is stated for clarity that 49 Drummond Street is approximately 20m wide and is not isolated by the proposed development.

4.4 Any Planning Agreement or Draft Planning Agreement under Section 7.4

There are no planning agreements or draft planning agreements entered into under Section 7.4.

4.5 Regulations

There are no prescribed matters which hinder the development.

4.6 Likely Impacts

Consideration must be made to the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.6.1 Impact on the Natural Environment

The site is within an established urban environment and contains no notable vegetation. While the trees on the property are sought to be removed, they will be replaced in an appropriate location (the rear setback) to suit the intended development potential of the site. Further, on-structure landscaping will also support an improved landscape outcome overall.

Overall, the development will not negatively impact the natural environment.

4.6.2 Impact on the Built Environment

The proposed shop top housing development directly responds to the B2 Local Centre zoning prescribed for the land. The proposal incorporates a generously sized commercial tenancy at ground floor that complements the character of the neighbourhood and activates the Drummond Street frontage. The overall built form has been architecturally designed to be compatible with the emerging character of the locality.

For the reasons detailed within this SEE, the proposal will lead to a positive impact on the built environment.

4.6.3 Social and Economic Impacts on the Locality

The proposed development will result in a positive social and economic impact to the locality. From a social perspective, the proposal provides for new residential accommodation in an area

well serviced by local infrastructure. The proposed units comprise a mix of 1, 2 and 3 bedrooms including adaptable designs, therefore catering to a range of households. The units are well designed with areas of private open space that flow on from living areas and are generous in size. The proposed areas of landscaping throughout the development and communal open space at roof level ensure a high level of amenity for residents and visitors.

As discussed throughout this report, an area of commercial floor space is provided at ground level fronting Drummond Street. Although the use of this tenancy is subject to a future application, the proposal ensures future business and employment opportunities are possible on the site, reinforcing the B2 Local Centre land zoning which applies to the site.

4.7 Suitability of the Site

The land is appropriately zoned to permit shop top housing. The development meets the long-term objectives of the B2 Local Centre zone and the CBLEP 2023.

4.8 Submissions made in accordance with this Act or the Regulations

Not relevant.

4.9 The Public Interest

The public interest would be served by approval of this development, as it achieves the desired future character envisioned for Drummond Street. The proposed development promotes urban renewal, providing new residential accommodation as part of a shop top housing development. The proposed building is considered to be of a high standard of design and will contribute towards creating an attractive streetscape.

The proposed commercial tenancy will activate the street frontage and encourage employment opportunities reflective of the B2 Local Centre zone objectives.

It is considered that the development is conducive to Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.

5. CONCLUSION

The proposed development is for the demolition of all existing structures and the construction of a six (6) storey shop top housing development consisting of a commercial tenancy and twenty-six (26) residential units, two (2) levels of basement parking, landscaping and site works at 51 Drummond Street, Belmore.

The application has considered the surrounding land uses. It is submitted that all reasonable measures to mitigate any adverse environmental impacts have been incorporated into the proposal.

The proposal has been assessed in accordance with the provisions of Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 and is found to be satisfactory. The proposed development is permissible with the consent of Council.

The beneficial effects of the proposal include:

- The proposed shop top housing development is well designed and provides excellent presentation to both street frontages.
- The development has achieved a high level of internal and external amenity within its site constraints.
- The proposed commercial tenancy will ensure continued employment generating uses on the land.
- The development will facilitate the redevelopment of underutilised land and increase the provision of housing in the locality.
- There are no external physical or material impacts as a result of the application.
- The proposal is compatible with the Canterbury-Bankstown planning objectives and controls for the site and locality.
- The proposed development will have no significant impacts on the air or water quality in the locality.

The proposed works do not result in any unreasonable impact on adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A 9 Principles of State Environmental Planning Policy (Housing) 2021, Chapter 4 Design of Residential Apartment Development

The following comments are provided to address the 9 Design Principles:

Principle 1 Context and Neighbourhood Character

Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character.

Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in the following areas—

- established areas,
- areas undergoing change,
- areas identified for change.

Comment:

The site is located on the western side of Drummond Street and is on a corner lot with Drummond Lane to the south. The site is zoned B2 Local Centre. The proposal is for a shop top housing development, a permissible form of development in the zone that reflects the desired future character of the area.

Properties to the north and south are commercial and are predominantly two storeys. However, the land to the west is a redeveloped 4-5 storey shop top and residential development. The complex is illustrative that the area is undergoing change. Additionally, a draft LEP amendment proposes to increase the height of buildings from 18m and 24m, signalling the area as an area identified for change.

The locality is well connected to public transport (buses and trains) and shops, services and amenities.

The proposed six storey development is considered to have taken consideration of the current context and desired future character in the massing of the envelope and the selection of materials and finishes.

Principle 2 Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—

- building alignments and proportions,

- building type,
- building articulation,
- the manipulation of building elements.

Appropriate built form—

- defines the public domain,
- contributes to the character of streetscapes and parks, including their views and vistas, and
- provides internal amenity and outlook.

Comment:

The immediate western neighbour, 721 Canterbury Road, consists of several five (5) storey shop top housing/residential flat building developments. The immediate northern neighbour, 49 Drummond Street, is a two storey building/warehouse.

Opposite the subject site to the south of Drummond Lane are two (2) storey commercial premises which front Canterbury Road.

The proposed development is reflective of the desired future character of the area, providing a six (6) storey shop top housing development. The proposed development is considered consistent with other recently constructed shop top housing developments located within the vicinity of the subject site. The proposed development has been adequately setback and articulated to prevent the appearance of building bulk to the streetscape.

Principle 3 Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population.

Appropriate densities can be sustained by the following—

- existing or proposed infrastructure,
- public transport,
- access to jobs,
- community facilities,
- the environment.

Comment:

The proposed development provides new residential accommodation in an accessible location where demand exists for increased density.

The proposed 26 units and commercial tenancy are considered appropriate within the site's constraints and site specific context. The land is proximate to shops, public transport (buses) and other commercial activities within 200m and further public transport and amenities in the Belmore centre to the northwest.

The proposed density is compatible with the recent approvals and planning controls for the locality, which is emerging as five and six storeys. That the development contravenes the building height for the lift overruns does not render the density unreasonable.

The building design is responsive to the site constraints, including nil setbacks, being located at the southern end of the block, and achieves a positive redevelopment outcome for the land.

Principle 4 Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes—

- use of natural cross ventilation and sunlight for the amenity and liveability of residents, and
- passive thermal design for ventilation, heating and cooling. which reduces reliance on technology and operation costs.

Good sustainable design also includes the following—

- recycling and reuse of materials and waste,
- use of sustainable materials,
- deep soil zones for groundwater recharge and vegetation.

Comment:

The development complies with the natural cross-ventilation design guidance under ADG with 17/26 units (65%).

Acknowledging the site constraints including its orientation and unavailability of the northern elevation, the development has positively achieved 2 hours of solar access to 17/26 units (73%) between 9am and 3pm. No units receive no solar access and, positively, all balconies achieve the 2 hour benchmark.

Where solar access is limited, natural light is considered to have been maximised.

Other positive attributes of the sustainability of the design are the inclusion of compliant deep soil, on-structure planting, solar panels, and hard wearing materials (e.g. brick) as the main construction materials. The development is also compliant with the requirements of BASIX under State Environmental Planning Policy (Sustainable Buildings) 2022.

Principle 5 Landscape

Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.

A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—

- the local context,
- co-ordinating water and soil management,

- solar access,
- micro-climate,
- tree canopy,
- habitat values,
- preserving green networks.

Good landscape design optimises the following—

- usability,
- privacy and opportunities for social interaction,
- equitable access,
- respect for neighbours' amenity.

Good landscape design provides for practical establishment and long term management.

Comment:

Although the site is within a high density urban context where nil deep soil may be permitted under the design guidance, the development has nevertheless achieved a compliant 7% of the site area as deep soil. The area is positively used to provide for canopy trees for the amenity of the development.

Specific regard has been given to reasonably maximising the on-structure planting to otherwise enable water infiltration, assist in the micro-climate of the building and for general amenity. This is detailed in the landscape plan prepared by Isthmus.

Principle 6 Amenity

Good design positively influences internal and external amenity for residents and neighbours.

Good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines the following—

- appropriate room dimensions and shapes,
- access to sunlight,
- natural ventilation,
- outlook,
- visual and acoustic privacy,
- storage,
- indoor and outdoor space,
- efficient layouts and service areas,
- ease of access for all age groups and degrees of mobility.

Comment:

Careful planning of the floor plate has ensured a high level of internal and external amenity for residents and neighbours on a difficult site at the southern end of a high density environment. The design ensures visual and acoustic privacy, solar access, natural light and ventilation are achieved, with good outlook and internal spaces and storage are designed according to policy requirements. The building is accessible throughout.

A 2.7m floor to ceiling height is achieved for habitable rooms.

Principle 7 Safety

Good design optimises safety and security within the development and the public domain.

Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.

Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The proposed development has had regard to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been considered in the planning of the building.

The proposed development allows for excellent natural surveillance for public areas, being Drummond Street and Drummond Lane. The common areas will be appropriately lit to ensure safety and visibility after dark.

The entrance to the upper level residential units from the foyer is via a controlled access lift system. An intercom system will be provided adjacent to the entry lobby along Drummond Street for visitor access.

The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building.

Principle 8 Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including—

- different types of communal spaces for a broad range of people, and
- opportunities for social interaction amongst residents.

Comment:

The proposed development provides new residential accommodation within an established urban area, which is located in close proximity to public infrastructure. The development includes a range of one, two and three bedroom apartments to cater to different housing needs and lifestyles. A well designed and landscaped communal open space provides opportunities for residents to

interact. Moreover, 12 Livable units have been proposed, enhancing the housing diversity of the Belmore locality.

Principle 9 Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.

Good design uses a variety of materials, colours and textures.

The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The proposed development incorporates a composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The location of the site, and bulk and scale of surrounding existing and potential future developments have been considered in the design of the development and its aesthetics. The building will be in harmony with the locality.

Design Verification Statement

A Design Verification Statement has been prepared by Loucas Architects and is submitted with this development application.

Further to the above design quality principles, Clause 147(1)(b) of State Environmental Planning Policy (Housing) 2021 also requires residential apartment development to be designed in accordance with the Department of Planning's publication entitled *Apartment Design Guide*. The following table outlines compliance with the Apartment Design Guide, where numerical requirements are specified.

Appendix B State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design of Residential Apartment Development – Apartment Design Guide Compliance Table

SECTION	OBJECTIVE	COMPLIANCE
3A Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Refer to the site analysis plan and Section 2.0 of this SEE.
3B Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies. Given the desired future character of nil side setback walls as the north elevation, the proposal has been designed to orient living rooms to the east and west. Solar access has been optimised within the development.
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Complies. Refer to the submitted shadow diagrams in Drawing No. A-2800 to A-2830. The proposed development will primarily cast shadows on Drummond Lane and the rear of the commercial/industrial buildings fronting Canterbury Road. No residential is affected.
3C Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies. The commercial and residential entries are distinguished on the façade and are safely accessible. The street façades have minimised solid walls.
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies.

<table>
<tr><th>SECTION</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="4">3D Communal and Public Open Space</td><td>3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

Design criteria:
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)

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 3pm on 21 June (mid winter).</td><td>The architectural plans state that the communal open space is 278m^2 (25.5% of the site area).

Complies. The rooftop COS receives excellent solar access.</td></tr>
<tr><td>3D-2 – Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</td><td>Complies.
Refer to the landscape plan prepared by Isthmus.</td></tr>
<tr><td>3D-3 – Communal open space is designed to maximise safety.</td><td>Complies.</td></tr>
<tr><td>3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</td><td>N/A.</td></tr>
<tr><td>3E Deep Soil Zones</td><td>3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design criteria:
Deep soil zones are to meet the following minimum requirements:
<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 - 1,500m^2</td><td>3m</td></tr><tr><td>greater than 1,500m^2</td><td>6m</td></tr><tr><td>greater than 1,500m^2 with significant existing tree cover</td><td>6m</td></tr></table></td><td>Complies.
Site area: 1,086m^2
Deep soil required: 76.02m^2 (7%)
Deep soil proposed: 77m^2 (7%)</td></tr>
<tr><td>3F Visual Privacy</td><td>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td>Refer to Part 4.1.6.(a) of this SEE.</td></tr>
</table>

<table>
<tr><th>SECTION</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>Design criteria:
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:
<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
<tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td><td></td></tr>
<tr><td></td><td>3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</td><td>Complies.</td></tr>
<tr><td>3G Pedestrian Access and Entries</td><td>3G-1 - Building entries and pedestrian access connects to and addresses the public domain.</td><td>Complies.
Multiple entries are provided in a mixed use context, with the commercial tenancy on the main street, and the residential lobbies on the laneway visible from the main street.</td></tr>
<tr><td></td><td>3G-2 - Access, entries and pathways are accessible and easy to identify.</td><td>Complies.
The residential lobby entry will be distinguished on the façade by the alternative brick material used.</td></tr>
<tr><td></td><td>3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations</td><td>N/A.</td></tr>
<tr><td>3H Vehicle Access</td><td>3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</td><td>Complies.
The vehicle entry is located furthest from the intersection of</td></tr>
</table>

SECTION	OBJECTIVE	COMPLIANCE
		Drummond Street and Lane, can be safely access and used as per the traffic consultant documentation submitted with the application.
3J Bicycle and Car Parking	3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas *Design criteria:* *For development in the following locations:* *on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre* *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.* *The car parking needs for a development must be provided off street.*	Complies. Residential car parking is determined under the Guide to Transport Impact Assessment. The site is identified as Category 1 and as a high density residential development. Car parking is identified in the Guide as a <u>minimum</u> rate and not a maximum. **Requirement** 1 bedroom units = 0.4 spaces 2 bedroom units = 0.7 spaces 3 bedroom units = 1.2 spaces Visitor = 1 space per 7 dwellings **Calculation** 1 bedroom: 5 x 0.4 units = 2 spaces 2 bedroom: 0.7 x 17 units = 11.9 spaces 3 bedroom: 1.2 x 4 units = 4.8 spaces Visitors: 26 units / 7 = 3.7 spaces Total required: 18.7 (19) residential spaces and 3.7 (4) visitors

SECTION	OBJECTIVE	COMPLIANCE
		Total proposed: 30 residential spaces and 6 visitors Commercial car parking is proposed in accordance with the CBDCP 2023 rates. Refer to the assessment in **Appendix D**.
	3J-2 – Parking and facilities are provided for other modes of transport	Complies. Sufficient parking and bicycle parking have been proposed within the basement.
	3J-3 – Car park design and access is safe and secure.	Complies.
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	Complies.
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	N/A.
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	N/A.
4A Solar and Daylight Access	4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. *Design criteria:* *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* *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours 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*	Complies. 17/26 units (73%) receive 2 or more hours of solar access to living rooms and POS. Complies. All units receive some solar access.
	4A-2 – Daylight access is maximised where sunlight is limited.	Complies.
	4A-3 – Design incorporates shading and glare control, particularly for warmer months.	Complies.

<table>
<tr><th>SECTION</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="3">4B Natural Ventilation</td><td>4B-1 – All habitable rooms are naturally ventilated.</td><td>Complies.</td></tr>
<tr><td>4B-2 – The layout and design of single aspect apartments maximises natural ventilation.</td><td>Complies.</td></tr>
<tr><td>4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.

Design criteria:
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
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</td><td>Complies.
17/26 units are cross-ventilated (65.4%).</td></tr>
<tr><td rowspan="3">4C Ceiling Heights</td><td>4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access.

Design criteria:
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table>
<tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr>
<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 used 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>Complies.

A 3.3m ground floor and 2.7m (habitable room) floor to ceiling height has been proposed.

Refer to the detailed section in Drawing No. A-2700.</td></tr>
<tr><td>4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</td><td>Complies.</td></tr>
<tr><td>4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>Complies.</td></tr>
</table>

<table>
<tr><th>SECTION</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="3">4D Apartment Size and Layout</td><td>4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

Design criteria:
Apartments are required to have the following minimum internal areas:
<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><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>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 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</td><td>Complies.

Minimum unit sizes per unit type are:

1 bedroom unit: 50m²

2 bedrooms, 2 baths: 75m²

3 bedrooms, 2 baths: 105m²</td></tr>
<tr><td>4D-2 – Environmental performance of the apartment is maximised.
Design criteria:
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.</td><td>Complies.</td></tr>
<tr><td>4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs

Design criteria:
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)
Living rooms or combined living/dining rooms have a minimum width of:
3.6m for studio and 1 bedroom apartments
4m for 2 and 3 bedroom apartments
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>Complies.</td></tr>
<tr><td></td><td>4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</td><td>Complies.</td></tr>
</table>

<table>
<tr><th>SECTION</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td rowspan="4">4E Private Open Space and Balconies</td><td>Design criteria:
All apartments are required to have primary balconies as follows:
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</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.
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 15m² and a minimum depth of 3m.</td><td>All balconies are dimensioned and achieve their minimum depths.</td></tr>
<tr><td>4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.</td><td>Complies.</td></tr>
<tr><td>4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td><td>Complies.</td></tr>
<tr><td>4E-4 - Private open space and balcony design maximises safety</td><td>Complies.</td></tr>
<tr><td rowspan="2">4F Common Circulation and Spaces</td><td>4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments

Design criteria:
The maximum number of apartments off a circulation core on a single level is eight.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>Complies.

Maximum 3 units per lift floor to a lift core.</td></tr>
<tr><td>4F-2 - Common circulation spaces promote safety and provide for social interaction between residents</td><td>Complies.</td></tr>
<tr><td>4G Storage</td><td>4G-1 - Adequate, well designed storage is provided in each apartment

Design criteria:
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</td><td>Complies. Storage is provided within the basement and units to achieve the minimum storage volume.</td></tr>
</table>

<table>
<tr><th>SECTION</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td><table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>At least 50% of the required storage is to be located within the apartment.</td><td></td></tr>
<tr><td></td><td>4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.</td><td>Complies. Storage cages are proposed within the basement.</td></tr>
<tr><td rowspan="2">4H Acoustic Privacy</td><td>4H-1 - Noise transfer is minimised through the siting of buildings and building layout</td><td>Complies.</td></tr>
<tr><td>4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.</td><td>Conditions of consent will ensure that the inter-tenancy acoustic requirements under the NCC will be met.</td></tr>
<tr><td rowspan="2">4J Noise and Pollution</td><td>4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</td><td>N/A. Not in a specifically noisy or hostile environment as discussed in this section.</td></tr>
<tr><td>4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</td><td>Appropriate noise attenuation will be installed as required by the NCC.</td></tr>
<tr><td rowspan="2">4K Apartment Mix</td><td>4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.</td><td>Complies.
A mixture of 1, 2 and 3 bedroom units will be introduced to the locality, catering to a variety of household types.</td></tr>
<tr><td>4K-2 - The apartment mix is distributed to suitable locations within the building.</td><td>Complies.</td></tr>
<tr><td rowspan="2">4L Ground Floor Apartments</td><td>4L-1 - Street frontage activity is maximised where ground floor apartments are located</td><td>N/A.</td></tr>
<tr><td>4L-2 - Design of ground floor apartments deliver amenity and safety for residents</td><td>N/A.</td></tr>
</table>

SECTION	OBJECTIVE	COMPLIANCE
4M Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	Complies.
	4M-2 - Building functions are expressed by the façade.	Complies.
4N Roof Design	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	Complies. The flat roof proposed is consistent with contemporary shop top housing development and minimises visual bulk.
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	Complies. Rooftop COS is proposed.
	4N-3 – Roof design incorporates sustainability features.	Refer to BASIX Certificate.
4O Landscape Design	4O-1 – Landscape design is viable and sustainable	Complies. Refer to the landscape plan.
	4O-2 – Landscape design contributes to the streetscape and amenity.	Complies. Refer to the landscape plan.
4P Planting on Structures	4P-1 – Appropriate soil profiles are provided.	Complies. Refer to the landscape plan.
	4P-2 – Plant growth is optimized with appropriate selection and maintenance.	Complies. Refer to the landscape plan.
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	Complies. Refer to the landscape plan.
4Q Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. 12 Livable units are proposed – 6 gold and 6 silver.
	4Q-2 - A variety of apartments with adaptable designs are provided.	Complies.
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	Complies.
4R Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A.

SECTION	OBJECTIVE	COMPLIANCE
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A.
4S Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	Complies. The site is within a local centre zone with services and public transportation access, making it well suited for the proposed mixed use development. An active street frontage is provided to both street frontages.
	4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Complies. The residential entries are separated from the commercial tenancy access. Lifts will be secured to prevent unauthorised access to residential floors.
4T Awnings and Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	Complies.
	4T-2 - Signage responds to the context and desired streetscape character.	No signage proposed.
4U Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Refer to submitted BASIX Certificate. Complies.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Refer to submitted BASIX Certificate. Complies.
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	Complies. All units and habitable rooms are naturally ventilated. Refer to the submitted BASIX Certificate.
4V Water Management and Conservation	4V-1 - Potable water use is minimised.	Refer to submitted BASIX Certificate. Complies.
	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Refer to submitted Stormwater Plans. Complies.

SECTION	OBJECTIVE	COMPLIANCE
	4V-3 – Flood management systems are integrated into site design.	N/A.
4W Waste Management	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies. Residential and commercial waste are separated and proximate to their collection points, meeting the requirements of the DCP. Neither waste room is perceived as such from the street.
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies.
4X Building Maintenance	4X-1 – Building design detail provides protection from weathering.	Complies.
	4X-2 – Systems and access enable ease of maintenance.	Complies.
	4X-3 – Material selection reduces ongoing maintenance costs.	Complies.

Appendix C Canterbury-Bankstown Local Environmental Plan 2023

SECTION	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Land Zoning / Permissibility	• Zone B2 Local Centre "***2 Permitted without consent*** *Home occupations* ***3 Permitted with consent*** *Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4* ***4 Prohibited*** *Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*	• Shop top housing and commercial premises are listed as permissible with consent. **Refer to Section 4.1.7.(a) of this SEE.**
Clause 2.7 Demolition	• The demolition of a building or work may be carried out only with development consent.	• Demolition is sought under this application. Refer to Drawing No. A-6000.
Clause 4.3 Height of Buildings	• 18m on *Height of Buildings Map*	• The proposed maximum height of 18.604m.

SECTION	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		A variation is sought. Refer to the Clause 4.6 variation submitted as Appendix E of this SEE. Refer also to **Part 4.1.7.(b)** of this SEE.
Clause 4.4 Floor Space Ratio	• N/A	• N/A.
Clause 5.10 Heritage Conservation	• The objectives of this clause are as follows: (a) To conserve the environmental heritage of Canterbury-Bankstown, (b) To conserve the heritage significance of heritage items and heritage conservation, including associated fabric, settings and views, (c) To conserve archaeological sites, (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.	• N/A. The site is not identified as an item of heritage or within a heritage conservation area. No heritage items are within proximity of the site.
Clause 5.21 Flood Planning	• 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 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.	• N/A. The site is not identified as flood affected on Council's LEP maps.
Clause 6.1 Acid Sulfate Soils	• The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	• N/A.
Clause 6.2 Earthworks	• The objectives of this clause are as follows: (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring separate development consent.	• Consent is sought for earthworks associated with the application. A Geotechnical Investigation has been prepared by EI Australia and submitted separately. The report concludes that the excavation

SECTION	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		proposed can be supported subject to the recommendations.
Clause 6.3 Stormwater Management and Water Sensitive Urban Design	• 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 water, groundwater or river water, and (c) avoids a significant adverse impact of stormwater runoff on adjoining properties, native bushland and receiving waters, or if an 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.	• Refer to the stormwater plans prepared by John Romanous & Associates. The provision of deep soil is compliant with the relevant objectives of ADG. Furthermore, on-structure planting is proposed to enhance water permeable surfaces. Subject to the water quality measures in the stormwater plans and the erosion and sediment control plan for the construction stage, the consent authority can be satisfied there will be appropriate stormwater management and WSUD measures in place.
Clause 6.4 Biodiversity	• This clause applies to land identified as "Biodiversity" on the Biodiversity Map.	• N/A. The site is not identified on the map as Biodiversity.
Clause 6.5 Riparian Land and Watercourses	• This clause applies to— (a) land identified as "Riparian land" on the Riparian Lands and Watercourses Map, and (b) land identified as "Watercourse" on that map.	N/A. The site is not identified on the map as riparian land or near a watercourse.
Clause 6.10 Active Street Frontages	• Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied — (a) the building will— (i) have an active street frontage, and (ii) consist of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, and	• N/A. Not mapped as requiring an active street frontage.

SECTION	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	(iii) be used for purposes that encourage the movement and flow of people between the internal and the external public areas of the building, and (b) the development ensures that conflicts between pedestrians, cyclists and vehicles will be minimised.	
Clause 6.12 Special Provisions for Shop Top Housing	• This clause applies to land identified as "Area 6" on the Special Provisions Map.	• N/A. The site is not within Area 6.
Clause 6.15 Design Excellence	• Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development exhibits design excellence. • In deciding whether the development exhibits design excellence, the consent authority must consider the following— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) heritage issues, (ii) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (iii) bulk, massing and modulation of buildings, (iv) street frontage heights, (v) environmental impacts, including sustainable design, overshadowing, wind and reflectivity, (vi) the achievement of the principles of ecologically sustainable development, (vii) pedestrian, cycle, vehicular and service access, circulation and requirements, (viii) 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, (e) whether the development integrates high quality landscape design in the site layout and building design, (f) how the development responds to the physical and cultural connection of the local Aboriginal community to the land	• Refer to **Part 4.1.7.(c)** of this SEE.

SECTION	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 6.21 Restrictions on Development in Zones B1, B2 and B5	• Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the ground level of a building resulting from the development will not be used for residential accommodation.	• Complies. No residential accommodation is proposed on the ground floor.

Appendix D Canterbury-Bankstown Development Control Plan 2023

SECTION	CONTROL	COMPLIANCE
CHAPTER 2 SITE CONSIDERATIONS		
2.1 Site Analysis		
Development Controls	• Development for the following purposes must submit a site analysis plan.	• Refer to the submitted site analysis plan and Part 2.0 of this SEE.
2.3 Tree Management		
Objectives	• To sustainably manage the tree resources to improve the visual, physical and environmental amenity of Canterbury-Bankstown.	• Tree removal is proposed. Refer to Part **4.1.4.(a)** of this SEE.
CHAPTER 3 GENERAL REQUIREMENTS		
3.1 Development Engineering Standards		
Objectives	• To ensure that development provides a satisfactory level of engineering infrastructure	• Refer to the stormwater plans, architectural plans and the traffic report for details of the proposed drainage and driveway design.
3.2 Parking		
Section 2 – Off-Street Parking Rates		
Development Controls	• 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. • In calculating the total number of car parking spaces required for development, these must be: (a) rounded down if the fraction of the total calculation is less than half (0.5) a space; or (b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and (c) must include a room that is capable of being converted to a bedroom. • Development comprising more than one land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule. • 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>Shop Top Housing in Former Canterbury LGA</u>	• Complies. Note: Guide to Transport Impact Assessment residential rates apply and were covered in Appendix B. The breakdown for the DCP rates is still shown below for clarity. <u>Residential Parking</u> 1 bedroom units: 5 x 1 space = 5 spaces 2 bedroom units: 17 x 1.2 spaces = 20.4 spaces. 3 bedroom units: 4 x 2 spaces = 8 spaces Total required: 33.4 spaces Proposed: 29 spaces

SECTION	CONTROL	COMPLIANCE
	Other locations Studio: 0.67 car space per dwelling; 1 bedroom: 1 car space per dwelling; 2 bedroom: 1.2 car space per dwelling (the 0.2 space to remain as common property); 3 bedroom or more: 2 car spaces per dwelling; Visitor parking: 0.2 car space per dwelling. Retail Premises Other locations in the former Canterbury LGA 1 car space per 40m^2 GFA (< 120m^2); 1 car space per 30m^2 GFA (120m^2–1,000m^2); 1 car space per 22m^2 GFA (> 1,000m^2).	Residential Visitors Parking Requirement: 1 per 5 dwellings 26 units / 5 = 5.2 spaces Proposed: 6 visitor spaces Commercial Premises Requirement: 1 space per 30m^2 Commercial GFA: 188m^2 188m^2 / 30m^2 = 6.3 spaces Proposed: 6 spaces Bicycle Parking Residential: 1 visitor per 10 dwellings 26 units / 10 dwellings = 2.6 (3) spaces Proposed: 5 spaces Commercial: 1 space per 300m^2 GFA for staff 188m^2 / 300m^2 = 0.63 (1) spaces Proposed: 1 space
Section 3 Design and Layout		
Development Controls	• 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.	• Car parking is entirely accommodated within two basement levels.

SECTION	CONTROL	COMPLIANCE
	• Parking areas for people with disabilities should be close to an entrance to development. Access from the parking area to the development should be by ramps or lifts where there are separate levels. • Where above ground parking is the only solution possible, locate to the rear of buildings. <u>Loading and Unloading Facilities</u> • Mixed use development must provide appropriate loading/unloading or furniture pick-up spaces. If no provision is made for the facilities, applications must provide justification why they are not necessary. <u>Electric Vehicle Charging Equipment</u> • All car spaces in Class 2 buildings must be serviced by a cable tray: (a) located within 10m of the car spaces; (b) sized to accommodate the same number of cables as car spaces that the cable tray serves; (c) that terminates at the closest electric vehicle distribution board as required by section J9D4 of the National Construction Code 2022 Volume One; (d) that enables installation of charging stations in individual car spaces without works that require the consent of the building owner.	• Complies. • N/A. All within the basements. • A loading bay is proposed centrally on the site accessed from Drummond Lane. It serves waste collection and loading facilities. • Can be conditioned in accordance with NCC requirements.
3.3 Waste Management		
Objectives	• 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.	• Refer to the Waste Management Plan. Separate commercial and residential waste rooms are proposed. Both rooms are adjacent to the loading bay where residential and commercial waste will be collected from. Residents will transfer their waste into the bin room directly.

SECTION	CONTROL	COMPLIANCE
		A bulky waste area is provided within the waste room.
3.4 Sustainable Development		
Section 2 Water Conservation		
Development Controls	• Proposals for new development with a gross floor area less than 5,000m2 and proposals for extensions to existing developments below 5,000m2 seeking to expand by 50% or more of the existing floor area must comply with Requirement W1. • Proposals for new development or extensions with a floor area greater than or equal to 5,000m2 of gross floor area must comply with Requirements W1 and W2	• Refer to the stormwater plans prepared by John Romanous & Associates and BASIX Certificate for the water conservation measures proposed.
Section 3 Energy Minimisation		
Development Controls	• Proposals for new development where the total gross floor area is below 5,000m2; and extensions to existing uses below 5,000m2 that involve an increase in 50% or more of the existing gross floor area must comply with Requirements E1 and E2.	• Refer to the BASIX Certificate for the energy minimisation measures proposed.
3.7 Landscaping		
Section 2 Landscape Design		
Development Controls	<u>Existing Vegetation and Natural Features</u> • New landscaping is to complement the existing street landscaping and improve the quality of the streetscape. • Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged. <u>Design and Location of Landscape</u> • The landscape design is to contribute to and take advantage of the site characteristics. • The landscape design is to improve the quality of the streetscape and communal open spaces by: (a) providing appropriate shade from trees or structures; (b) defining accessible and attractive routes through the communal open space and between buildings; (c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant; (d) improving the microclimate of communal open spaces and hard paved areas; (e) locating plants appropriately in relation to their size including mature size; (f) softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale;	• Refer to the landscape plan prepared by Isthmus. The existing three modest trees will be removed to facilitate the construction of the required nil setback built form. Two significant (15-20m) and four modest (4-5m) trees will be planted to offset the tree removal and provide for greening in an urban centre context. Additional on-structure planting is proposed at an appropriate size and scale to provide amenity to residents.

SECTION	CONTROL	COMPLIANCE
	(g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter. • The landscape of setbacks and deep soil zones must: (a) provide sufficient depth of soil to enable the growth of mature trees; (b) use a combination of groundcovers, shrubs and trees; (c) use shrubs that do not obstruct sightlines between the site and the public domain; and (d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer. <u>Trees</u> • Development must consider the retention of existing trees, including street trees, in the building design.	
CHAPTER 5 RESIDENTIAL ACCOMMODATION		
Chapter 5.2 Former Canterbury LGA		
Section 6 Shop Top Housing		
6.2.1 Isolated Sites	• Development on land within Zone R4 High Density Residential is not to result in a site adjoining such land having an area of less than 1,000m2 or a width of less than 20m at the front building line for the purpose of multi dwelling housing. Development on land within Zone B5 Business Development is not to result in a site adjoining such land having a site frontage of less than 30m for the purpose of shop top housing.	• N/A. Not R4 or B5 zone.
6.2.2 Landscaping	• Refer to Chapter 3.7 of this DCP for objectives and controls relating to landscaping and tree preservation.	• Refer to the assessment earlier in this table.
6.2.3 Balconies and Communal Open Space	<u>Balconies</u> • The ADG sets the objectives and controls for balconies in the LGA for shop top housing to which the State Environmental Planning Policy (Housing) 2021 (Chapter 4) relates. Refer to the objectives, design criteria and design guidance outlined in 4E Private Open Space and Balconies of the ADG. <u>Communal open space</u> • Provide a minimum of 15% of the site area for the purposes of communal open space on redevelopment sites larger than 500m. • Communal open space may be provided on podiums terraces, or in any deep-soil setback or separation between buildings. Roof top terraces will only be permitted in circumstances where there will be no adverse impacts to adjoining properties in terms of visual and acoustic privacy.	• Refer to **Appendix B**. • Complies. The architectural plans identify 25.5% of the site as COS. • A roof terrace is proposed. No visual or acoustic privacy

SECTION	CONTROL	COMPLIANCE
		concerns are considered to arise from the terrace.
	• Each area of communal open space must have a minimum dimension of 6m and larger developments should consider greater dimensions.	• ADG states a 3m dimension. Complies.
	• Provide consolidated areas of communal open space with reasonable area, facilities and landscape for the uses it will accommodate and design to generate a variety of visible pedestrian activity.	• Complies. Refer to the landscape plan prepared by Isthmus.
	• Provide communal open space in locations that are sunny, and are adjacent to, as well as visible from, the main building lobby.	• Complies. Lift access is available to the roof terrace, which will receive solar access all day.
	• Provide windows that overlook communal open space and the approaches to the main building lobby to generate a variety of visible pedestrian activity.	• As a roof terrace, this is not required. However, Level 5 of the west building will have some passive surveillance of the terrace.
	• Screen walls surrounding any communal area are to be no higher than 1.2m, although screens with 50% transparency may be up to 1.8m high.	• Complies. Planters of a maximum 1.2m in height are proposed around the perimeter of the COS.
	• Provision of child play areas within communal open space is encouraged.	• Refer to the landscape plan prepared by Isthmus.
	• Indoor recreation areas such as gyms are encouraged and will count towards communal open space requirements. Note: In addition to the above controls, developments must demonstrate how the design criteria and design guidance of the ADG in relation to communal open space is being met	• Not proposed.
6.2.4 Layout and Orientation	• Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	• Complies. Solar access has been optimized for the development.
	• Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	• Complies. No impact on any neighbouring primary living area, POS or solar panels.
	• Coordinate design for natural ventilation with passive solar design techniques.	• Complies.
	• Site new development and private open space to avoid existing shadows cast from nearby buildings.	• Complies.
	• Site a building to take maximum benefit from cross-breezes and prevailing winds.	• Complies.
	• Do not compromise the creation of active street frontage or casual surveillance of the street, communal space and parking areas, through the required orientation.	• Complies.

SECTION	CONTROL	COMPLIANCE
6.2.5 Floor to Ceiling Height	• Refer to 4C Ceiling Heights of the ADG made under the State Environmental Planning Policy (Housing) 2021 (Chapter 4) for objectives, design criteria and design guidance in relation to minimum ceiling heights.	• Refer to **Appendix B**.
6.2.6 Setbacks	• A minimum side boundary setback of 4.5m is required in the B5 zone. The State Environmental Planning Policy (Housing) 2021 (Chapter 4) separation requirements will apply for buildings with height of four storeys and above.	• N/A. Not a B5 zone.
6.2.7 Building Depth	• The ADG sets the objectives and controls for building depth in the LGA for shop top housing to which the State Environmental Planning Policy (Housing) 2021 (Chapter 4) relates. Refer to 4B Natural Ventilation of the ADG for objectives, design criteria and design guidance.	• Refer to **Appendix B**.
6.2.8 Building Separation and Visual Privacy	• The ADG sets the objectives and controls for building separation in the LGA for shop top housing 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.	• Refer to **Part 4.1.6.(a)** of this SEE.
6.2.9 Built Form	• Provide accessible entries for all potential use such as the transporting of furniture • Face habitable rooms towards the street, private open space, communal space, internal driveway or pedestrian ways in order to promote positive social interaction and community safety. <u>Facade treatment</u> • Refer to Chapter 7 of this DCP for objectives and controls relating to facade treatment for shop top housing development	• Complies. • Complies. • Refer to Chapter 8 discussion below, the relevant section for the site and development.
6.2.10 Roof Design and Features	• Roof terraces are permitted with consent in all business zones except the B1 Zone. • A management strategy is required, and must be approved by Council as part of the application, for any proposed roof terrace. • Supplement open space on roof terraces by providing space and appropriate building systems to support the desired landscape design, incorporating shade structures and windscreens to encourage use of roof top open space. • Demonstrate that roof terrace has been designed so as to protect the privacy, solar access and amenity of adjoining buildings. Measures to minimise overlooking of adjoining properties include screening or planting between properties, and preventing rooftop users from standing at the edge of roof terraces that look into adjoining properties through planting and screens. • Allow for views and passive surveillance of streets and public open space from roof terraces.	• Complies. B2 zone. • Refer to the Plan of Management submitted under separate cover. • Complies. Landscaping is proposed. • The roof terrace trafficable area is setback from the edge of the roof and is bounded by planters. These ensure that sightlines are restricted from impacting adjoining properties. Further, the shadow diagrams illustrate the impact is minimal. • Complies, as relevant.

SECTION	CONTROL	COMPLIANCE
6.2.11 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. • The location and design of substations must be shown on the plans. • Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view. • Substations must not be located forward of the front building line. • Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations. • Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes. • Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site: (a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface-mounting them on exterior walls; and (c) Locate meters in service cabinets. • Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation. • Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Location and design of service areas should include: (a) Screening of clothes drying areas from public and semi-public places; and (b) Space for storage that is screened or integrated with the building design.	• Can be conditioned. • Complies. Refer to plans. • Complies. All services are within the building envelope and are screened. • Complies. Existing substation is to be retained. • No change to the existing substation. • Located at the rear of the secondary street frontage. • Complies. While the existing substation is in the rear setback, compliant deep soil and ample planting are achieved in the space. • Compiles. The proposed horizontal louvres to screen the hydrant boosters integrate with the architectural design and presentation of the building. • Complies. • Can be conditioned. • Complies. • Can be conditioned. • Complies.

SECTION	CONTROL	COMPLIANCE
	• Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry). • 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.	• Can be conditioned.
6.2.12 Solar Access and Overshadowing	• Daylight is to be provided to all common circulation areas (including lift wells) that are above ground. <u>Solar access to neighbouring development</u> • Proposed development must ensure a neighbouring dwelling retains 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. • If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property. • 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.	• Complies. • Complies. Shadow diagrams have been submitted and no residential property living space or POS is affected.
6.2.13 Acoustic Privacy	• Locate 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.	• Complies. • Complies.

SECTION	CONTROL	COMPLIANCE
	• Bedroom windows in new dwellings that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway. • Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp. • On land adjoining railway or busy roads, address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline' which has been published by the NSW Department of Planning. • Design the layout of lower levels facing the road or rail to: (a) The position of windows facing the noise source and ensure that total unprotected window area is minimal so as to limit the amount of airborne noise entering the built fabric; (b) Ensure that the detailing of the window types addressing the corridors are designed and constructed to attenuate excessive noise - (double and triple glazing and insulated to manufacturers standards); and (c) Ensure that balcony parapet walls are constructed of solid masonry or materials of similar sound attenuating qualities. • When designing the public spaces fronting busy roads and the rail corridor at ground level, consider the use of elements such as moving water and screens to achieve sound attenuation.	• Complies. • Complies. • N/A. Not adjoining a railway or busy road. • Complies. • N/A.
6.2.14 Parking and Access	• A development must have regard to the objectives, design criteria and design guidance of the Apartment Design Guide (ADG) under the State Environmental Planning Policy (Housing) 2021 (Chapter 4). Under the SEPP, an application cannot be refused based on car parking if the development complies with the minimum amount of car parking specified in Part 3J of the ADG. Under Part 3J of the ADG: ○ The minimum amount of car parking for residents and visitors for the shop top housing component of a development on sites that are within 800m of a railway station, is set out in the RTA Guide to Traffic Generating Developments, or the car parking requirement prescribed in Chapter 3 of this DCP, whichever is the lesser. ○ The minimum amount of car parking for residents and visitors for shop top housing component of a development on sites located further than 800m from a railway station is as per Chapter 3 of this DCP. • The minimum amount of car parking required under Part 3J is reiterated above as it was included in the ADG at the time that this DCP came into effect. Applicants are requested to review the ADG on the NSW Department of Planning's website to confirm the minimum amount of car parking required in the ADG. Applicants are also requested to refer to the RTA Guide for Traffic Generating Developments as provided on the Transport for NSW website.	• Complies. The minimum car parking has been provided under Part 3J for the residential component. The commercial car parking is proposed under the DCP discussed earlier in this table.

SECTION	CONTROL	COMPLIANCE
	• Refer to the controls in this section of the DCP for engineering and technical requirements in relation to transport and parking.	
Section 9 Livable Housing		
Development Controls	• Development must comply with the following requirements: Shop top 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% of new dwellings must achieve the Gold Standard.	• Complies. 6 Gold and 6 Silver Standard Livable units are proposed, exceeding 20% each.
CHAPTER 8 EMPLOYMENT LANDS		
Chapter 8.2 Canterbury Road Enterprise Corridor		
Section 2 Desired Character		
C2 Urban Centres (B2-Local Centre)	• Comprises lower scale buildings, ranging in height from three to five storeys, and will likely be infill sites, additions to existing or heritage buildings, or buildings in sensitive locations. Urban development will provide an active mix of retail, employment, community and residential, with major areas of activation on cross streets. Active retail is desirable at ground level with commercial and residential above. Open space takes the form of regularly shaped streets, plazas, piazzas, paths and promenades. Transit nodes may include an open space feature where it provides significant public transport connections between Canterbury Road and the cross street bus network. Small floor space showrooms may be appropriate in secondary retail frontages to the movement economy.	• The proposal is for a six storey development and provides a commercial ground floor, activating the Drummond Street frontage.
Section 3 Site Planning		
3.1 Minimum Frontage	• Where redevelopment is proposed in a B1 or B2 Zone of the LEP a minimum frontage of at least 18m shall be provided. • Where redevelopment is proposed in the B5 zone, the minimum site frontage is 30m.	• Refer to **Part 4.3.1.(a)** of this SEE. • N/A.
3.2 Isolated Sites	• Development on land within Zone B5 Business Development is not to result in a site adjoining such land having a site frontage of less than 30m for the purpose of shop top housing.	• N/A.
Section 4 Building Envelopes		
4.1 Floor to Ceiling Height	• Floor-to-ceiling heights must: (a) Provide a minimum 3.3m floor-to-ceiling height for the ground floor.	• A 3.6m floor to floor height is proposed for the commercial tenancy, consistent with ADG.

<table>
<tr><th>SECTION</th><th>CONTROL</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>(b) Provide a minimum 3m floor-to-ceiling height per storey for development in the B6 Enterprise Corridor Zone.
(c) Car parking is required to have a floor-to-ceiling height in accordance with the Australian Standard AS 2890.1.
(d) The floor-to-ceiling height may need to be increased to meet the requirements of the intended use, however, the maximum building height will still need to be complied with.</td><td>• N/A. Not in the B6 zone.
• Complies.
• Noted.</td></tr>
<tr><td>4.2 Setbacks</td><td>• Where a setback applies, buildings are to provide articulated and varied facades that do not result in a ziggurat appearance (i.e. do not have the form of a terraced structure with successive receding storeys).

<u>Front Setback</u>
• Development must comply with the minimum front setback as follows:

<table><tr><th>Location</th><th>Number of storeys at the street and setback</th><th>Upper level (podium) setback</th></tr><tr><td>B2 Zone along Canterbury Road and any secondary frontage</td><td>1–4 storeys minimum setback of 3m from street boundary

Basements to be 3m from street boundary</td><td>Above 4 storeys an additional 5m</td></tr></table>
<u>Side Setback</u>
• Except where a proposed development adjoins a residential zone boundary, setbacks are not required in the B1 or B2 zones when the desired character is for a continuous street frontage.

<u>On-Boundary with Residential Zone – Side Setback</u>
• Establish a 45 degree height plane projected at 1.5m from the residential boundary.
• Provide minimum 1.5m setback to the residential zone boundary.
• A two storey limit on the boundary with residential zone applies (refer to Figure 3a).

<u>On Boundary with Residential Zone – Rear Setback</u>
• Establish a 45 degree height plane projected at 6m from the residential zone boundary.</td><td>• Complies.

• A nil setback is proposed to Drummond Street for 3 storeys, and a 3m setback is adopted thereafter. While deviating from the DCP, the setbacks have been informed by advice from Council's Urban Designer. The outcome is as intended, to deliver an active street frontage with a street wall height of 1-4 storeys.

• Complies. The adjoining land is zoned B2 and no side setback is adopted.

• N/A.</td></tr>
</table>

SECTION	CONTROL	COMPLIANCE
	• Provide minimum 6m setback to the residential zone boundary. • A two storey limit on the boundary with residential zone applies (refer to Figure 3b). • A setback to a rear lane is not required. <u>Exceptions</u> • The following minor building elements may project into the minimum side setback area: (a) Roof eaves, awnings, pergolas and patios (b) Stair or ramp access to the ground floor; and (c) Rainwater tanks.	• N/A. Rear boundary is a B2 zone. A 6m-7.2m setback is adopted.
4.3 Building Depth	• Building depth for commercial premises must be in accordance with the following requirements: (a) minimum depth of 10m; and (b) maximum street frontage wall length of 50m. • Street frontages greater than 50m in length may be considered if a 9m x 9m landscaped deep soil indent is provided. • Courtyards may be appropriate for deep blocks or blocks where basement or semi-basement parking is possible.	• Complies. A depth of at least 12m is proposed and a street frontage wall length below 50m.
Section 5 Building Design		
5.1 Orientation and Layout	• Design and orient development to maximise solar access and natural light, without unduly increasing the building's heat load. • Design and site development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells. • Coordinate design for natural ventilation with passive solar design techniques.	• Complies. The central separation has been incorporated into the design to allow solar access, natural light and ventilation to enter the proposed units. • The southern neighbours affected by overshadowing are currently commercial developments only. • Compiles.
5.2 Ground Level Interface	<u>Building Entries</u> • Locate entries so they relate to the existing street, subdivision pattern, street tree planting and pedestrian access network and are clearly visible. • Provide entries to upper levels from the street front facade to encourage activities on the ground floor. • Provide entries for service activities to rear of the buildings • Provide an awning over the entry to contribute to the legibility of the development and the public domain.	• The commercial entry is proposed facing Drummond Street. The residential entries are positioned on Drummond Lane, with the front entry prominently visible from the corner of Drummond Street and Lane,

SECTION	CONTROL	COMPLIANCE
		balancing the land zoning requirements, need for high visibility of the commercial tenancy and visible residential entries. All entries have awnings.
	<u>Ground Level Awnings</u>	
	• The façade of the building shall be built to the front street boundary.	• Complies.
	• A cantilevered awning from the building facade shall overhang the footpath at a minimum width of 3m.	• Due to the narrow verge, the awning is 1.6m wide in its current form, ensuring adequate setback from the street to allow for street trees.
	• Cantilevered awning height is to be in the range of 3.2m–4.2m from natural ground level.	• The awning is approximately 3m-3.5m above ground level.
	• Awnings must complement the height, depth and form of the desired character or existing pattern of awnings and should match adjoining awnings so as to provide continuous pedestrian cover and eliminate gaps wherever possible.	• Complies.
	• Awnings shall provide sufficient protection from sun and rain.	• Complies.
	• Posted awnings or colonnades will not be support.	• Not proposed.
	<u>Shopfronts</u>	
	• Windows on the street frontage must not be mirrored to provide visibility between interior and exterior spaces, allow for surveillance of the street and provide interest for pedestrians.	• Complies.
	• Do not place external solid roller shutters or brick walls on shopfronts.	• Complies.
	• Transparent or open grille shutters behind the glass of shopfronts are acceptable.	• None proposed.
	• Security grilles must be discreet, have minimal visual impact, and not dominate the shopfront.	• None proposed.
	• Consideration of alternatives to security grilles must be made such as the installation of a security alarm and well-lit shopfronts.	• Subject to fit-out application.
	• Where shop use does not require a window shop display, incorporate expanding security doors or grilles behind the glass doors.	• No use sought at this time.
5.3 Façade Treatment	• Facade design: (a) New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design. (b) Avoid long spans of blank walls along street frontages and address both street frontages with facade treatment, and articulation of elevations on corner sites.	• Complies. A contemporary façade is proposed. • Complies. Aside from the required services and fire egress,

SECTION	CONTROL	COMPLIANCE
		the façade is glazed (88% of site width).
	(c) Incorporate contrasting elements in facades.	• Complies. Varying materials and finishes are used to diversify and complement the visual appearance.
	(d) Emphasise corner sites by using treatments to make the sites visually prominent. Retention of traditional facades will be given precedence over emphasising corner sites. Treatments may include: (i) wrap around balconies; (ii) vertical elements; and (iii) changes in materials or colours.	• Compiles. The proposed development has been designed with a variety of material changes, glazing and rounded corners to emphasise the corner and address both street frontages.
	(e) Use a harmonious range of high quality materials, finishes and detailing: (i) define a base, middle and top related to the overall proportion of the building; (ii) express key datum lines using cornices, change in materials or change in setback; (iii) express the variation in floor to floor height, particularly at lower levels; (iv) articulate building entries with awnings, porticos, recesses, blade walls and projecting bays; (v) use a variety of window types to create a rhythm or express building uses and use recessed balconies and deep windows to create shadows, adding visual depth to the facade; (vi) detail balustrades to reflect the type and location of the balcony and its relationship to the facade; (vii) incorporate architectural features which give human scale at street level, including entrances, awnings, colonnades, pergolas and fences; (viii) use colour, variation in the types of materials and arrangement of façade elements and materials to articulate different parts of a building – a material palette can include brickwork, rendered masonry, sheet materials, glazing, sandstone and treated metals and timbers; and (ix) incorporate horizontal and/or vertical elements, such as indentations in the facade plane, string courses and bandings, window openings and building entrances.	• Complies. The materials and finishes proposed are compatible. A clearly defined ground level / base is expressed in the building language and materials with clear residential Levels 1-5. Materials, windows and balconies express variety in the façade.
	(f) Consideration in the design of commercial premises is to be made for mechanical ventilation required by potential future food shops and restaurants. Mechanical	• Refer to plans.

SECTION	CONTROL	COMPLIANCE
	ventilation is to be located behind the building facade. Alternatively, ventilation for future uses must be considered in the façade design. (g) Design facades to reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows. (h) Modulate the wall alignment with a step in of at least 1m. (i) Refer to existing datum lines for any new developments integrated to heritage and/or existing buildings, such as eave and parapet line, as a guide to aligning the height to levels of adjoining development. (j) Use a solid to void ratio of 50%, with each facade measured independently. (k) Disharmony arises when the range of solid to void is extreme. Do not include shopfronts in the 50% solid to void ratio calculation. (l) Locate and proportion windows to minimise scale and bulk of new building.	• Complies. • No lengthy unbroken walls are proposed, except on the northern, nil setback boundary. • N/A. • A suitable balance of solid and void is proposed to suit the use and context. • Complies.
5.4 Roof Design	• Roofs must not exceed a pitch of 10 degrees. • Maintain the existing parapet line where it contributes to the early to mid-twentieth century character of the traditional main streets. • Emphasise building articulation with the shape and alignment of the roof. • Relate to the size and scale of the building, the building elevations and three dimensional building forms – including the design of any parapet or terminating elements, and the selection of roof materials. • Respond to the orientation of the site, for example, by using eaves and skillion roofs to maximise solar access. • Relate roof design to the desired built form and context. • Integrate service elements into the design of the roof, including lift over-runs, service plant, chimneys, vent stacks, telecommunication infrastructure, gutters, downpipes and signage. • The location of ventilation that may be required for potential future food shops and restaurants in commercial premises must be considered in the roof design. • Facilitate the use or future use of the roof for sustainable functions, for example: (a) provide rainwater tanks for water conservation; (b) orient and angle roof surfaces suitable for solar applications; and allow for future innovative design solutions, such as water features or green roofs.	• Complies. Flat roof proposed. • N/A. Not relevant to the site. • Complies. The roof design assists in the articulation of the development. • Complies. A contemporary flat roof design is proposed suited to the overall building design and local character. • Complies. • Complies. • Complies. • Refer to plans. • Complies. A RWT and solar panels are proposed.

SECTION	CONTROL	COMPLIANCE
	• Do not use dormer windows.	• No dormers proposed.
Section 6 Parking and Access		
6.1 Laneways	• New laneways are identified for some town centres. Refer to the relevant chapter for controls relating to specific centres. Where sites are to be redeveloped and a new lane is identified over private land, creation of the laneway is required even if the laneway cannot be immediately utilised. • Where creation of a laneway is identified an area of land 6m wide is required for the laneway. This land can be taken into account for the purposes of calculating setbacks. • Where the laneway has resulted in the severing of land, concessions will be available to compensate for offset the loss of development potential through the development process. • On sites were a laneway is identified, they are to be amalgamated and developed to create the lane to get full development potential. • Sites with no connection to the laneway system will need to provide temporary access from street 3m wide. This can be converted to a pedestrian accessway once the lane is connected to the street. • The land forming the laneway must be subdivided and dedicated to Council prior to release of any Occupation Certificate (including an interim certificate). • The developer will be responsible for either construction of the laneway to Council's specifications or paying a developer contribution for its construction. If the laneway is not immediately required then the land must be suitably paved. If not immediately required the land can also be leased from Council for a nominal amount and used for car parking or other suitable purposes.	• N/A. No laneway is identified.
6.2 Building Services	• Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping. • Facilities should not be visually obtrusive.	• Complies. The new services proposed are incorporated into the building envelope and set away from the street except for the hydrant booster, which is screened by horizontal metal louvres. It is noted that the substation is existing and required to be retained. • Complies.

SECTION	CONTROL	COMPLIANCE
	• Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired character of streetscapes. • Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site: (a) screen air conditioning units behind balcony balustrades; (b) provide screened recesses for water heaters rather than surface – mounting them on exterior walls; and (c) locate meters in service cabinets. • Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation. • Coordinate and integrate building services, such as drainage pipes, with overall façade and balcony design. • Minimise visual impact of solar hot water systems by: (a) placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) using a colour that is consistent with the colour of roof materials; (c) designing solar panels, where possible, as part of the roof; (d) setting the solar panels back from the street frontage and position below the ridgeline; and (e) separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).	• Complies. • Complies. • Can be conditioned. • Complies. • N/A. Gas instantaneous.

Appendix E Clause 4.6 to Clause 4.3 Height of Buildings

CLAUSE 4.6 VARIATION

CLAUSE 4.3 (HEIGHT OF BUILDINGS)
CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023
Date: March 2025

1. EXECUTIVE SUMMARY

This submission under Clause 4.6 seeks a variation to Clause 4.3 of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP23) pertaining to the maximum height of buildings development standard.

The variation is sought in relation to a development application for the demolition of all existing structures and construction of a six (6) storey shop top housing development comprising a commercial tenancy and 26 residential units with two (2) basement level car parking, landscaping and site works at 51 Drummond Street, Belmore.

As detailed in this written request for a variation to the height of buildings development standard under the CBLEP23, the proposed development meets the requirements prescribed under Clause 4.6 of the CBLEP23.

2. SITE DESCRIPTION

The subject site is commonly known as 51 Drummond Street, Belmore, and is legally defined as Lot 200 in Deposited Plan 1062028. The site is a corner property located on the western side of Drummond Street and the northern side of Drummond Lane.

The lot is irregular in shape and widens from front to rear. The front boundary width measures 16.14m, while the rear is 23.025m. The northern side boundary measures 55.455m and the secondary street frontage to Drummond Lane is 55.885m. The overall site area is 1,086m^2. Refer to Figure 1 Site Location Map.

Currently located on the site is a two storey brick and concrete warehouse with a front setback hardstand car park and limited vegetation. A substation is located in the street setback in the southwestern corner.

Development in the immediate vicinity is a mixture of warehouse, commercial and residential uses. The majority of development is of older stock and remains single and two storey with the contemporary development of a greater height.

The immediately adjoining properties are:

- North: A two storey brick warehouse building with front setback hardstand car parking and limited vegetation at 49 Drummond Street.
- West: A five storey residential/shop-top housing brick and white render complex with at-grade communal open space at 741 Canterbury Road.
- South: Single and two storey older stock rendered and brick commercial/industrial buildings at 691, 701 and 709 Canterbury Road.
- East: Currently vacant land at 687 Canterbury Road.

The site is zoned B2 Local Centre under the CBLEP23. Refer to Figure 2. Land further to the north transitions to low density residential scale, while land proximate to Canterbury Road is zoned for higher density development.

Figure 1: Site Location Map (Source: SIX Maps)

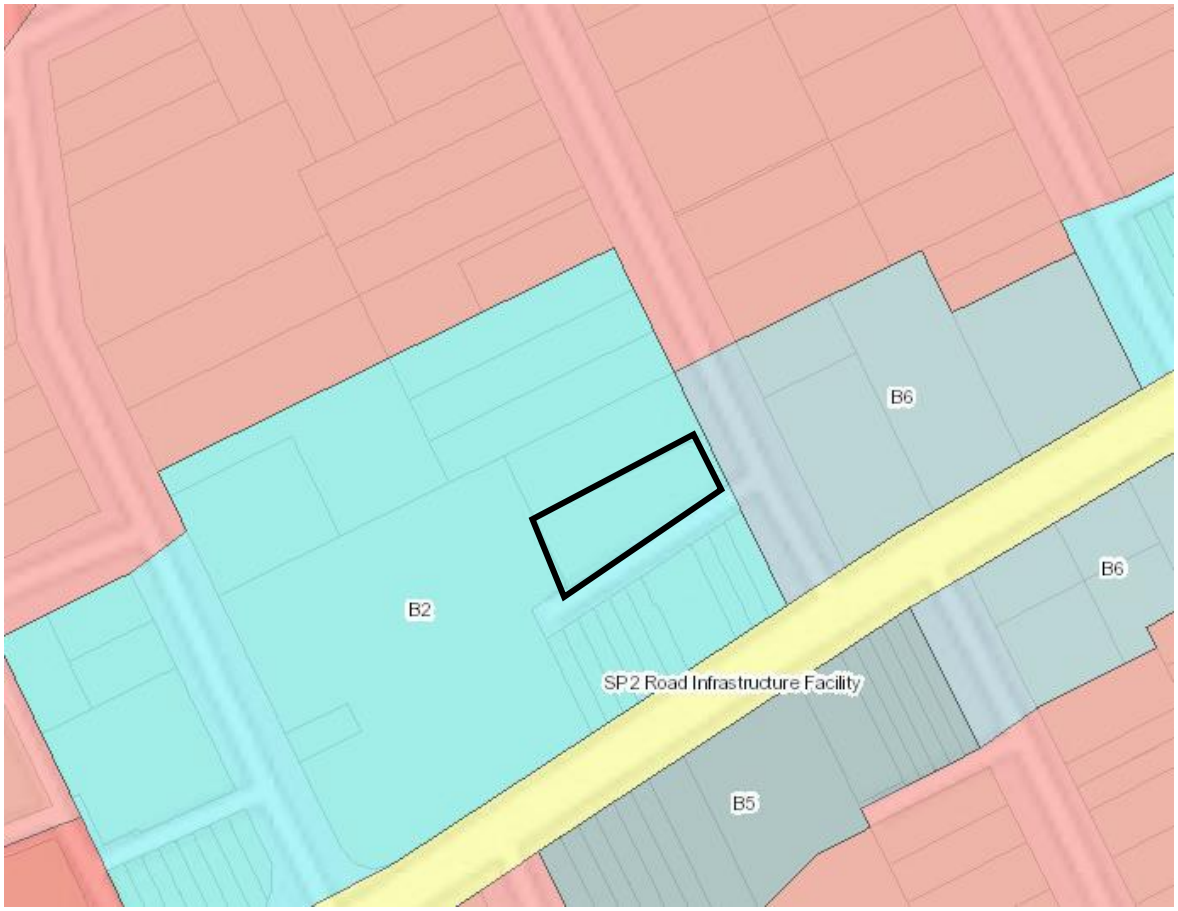

Figure 2: Land Zoning Map (Source: NSW Planning Portal Digital EPI Viewer)

3. VARIATION SOUGHT: CLAUSE 4.3 HEIGHT OF BUILDINGS

The Environmental Planning Instrument to which this variation relates is the Canterbury-Bankstown Local Environmental Plan 2023. The development standard to which this variation relates is *Clause 4.3 Height of Buildings*, which reads as follows:

> ***4.3 Height of Buildings***
> *(1) The objectives of this clause are as follows—*
> *(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,*
> *(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,*
> *(c) to provide appropriate height transitions between development, particularly at zone boundaries,*
> *(d) to minimise overshadowing to existing buildings and open space,*
> *(e) to minimise the visual impact of development on heritage items and heritage conservation areas,*
> *(f) to support building design that contributes positively to the streetscape and visual amenity of an area.*
>
> *(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
>
> *(2A) Despite subclause (2), the following maximum building heights apply—*
> *(a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as "Area 1" on the Clause Application Map,*
> *(b) 8.5m for a dwelling house in Zone R4 on land identified as "Area 2" on the Clause Application Map,*
> *(c) 11m for a building on a lot that is less than 5,000m² on land identified as "Area 1" on the Height of Buildings Map that is in Zone B6,*
>
> *(2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as "Area 1" on the Clause Application Map is 3m.*
>
> *(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 on land identified as "Area 1" on the Clause Application Map is 7m.*
>
> *(2D) In this clause—*
> *wall height means the vertical distance between the ground level (existing) and the higher of—*
> *(a) the underside of the eaves at the wall line, or*
> *(b) the top of the parapet or the flat roof.*

The site is prescribed a maximum height of buildings of 18m under the CBLEP23. Refer to the Height of Buildings Map in Figure 3.

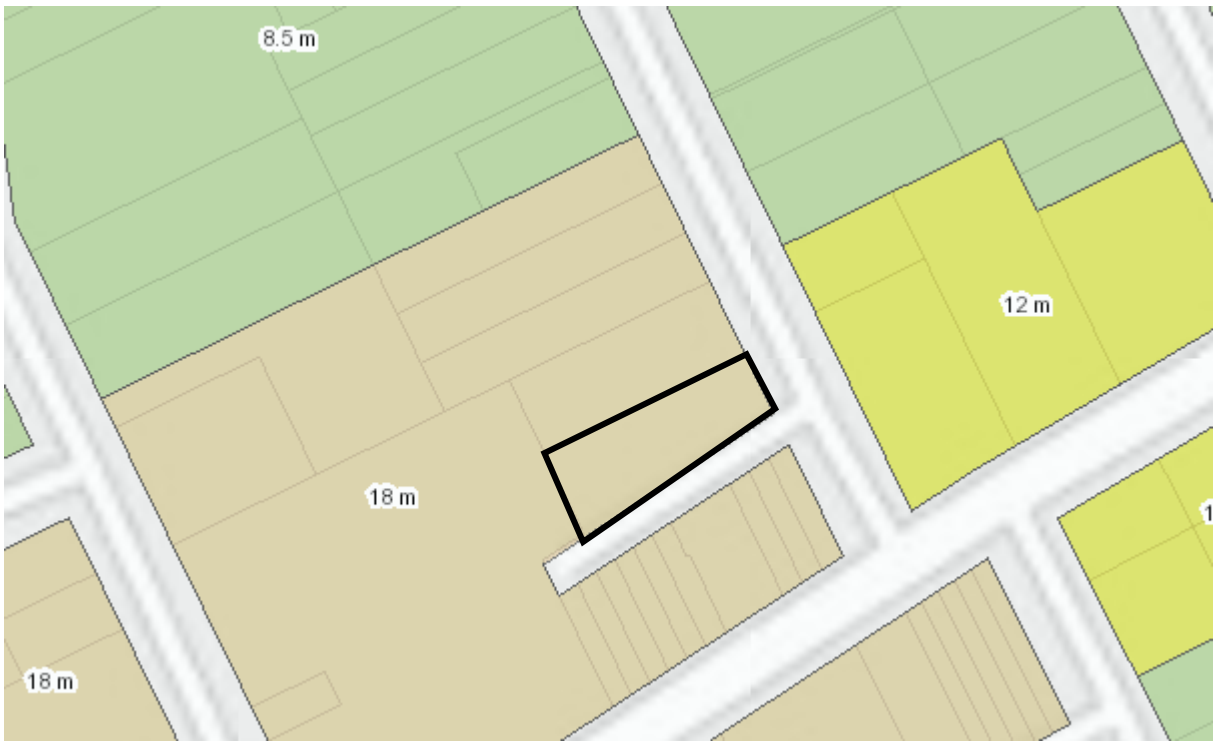

Figure 3: Height of Buildings Map (Source: NSW Planning Portal Digital EPI Viewer)

No further subclause is relevant to the subject site and the development application in defining the height of buildings prescribed to the land.

4. EXTENT OF NON-COMPLIANCE

As above, Clause 4.3 of the CBLEP23 prescribes a maximum height of buildings of 18m.

The proposed development seeks a maximum height of 18.604m. A variation of 604mm (3.6%) is sought.

The section prepared by Loucas Architects articulates the areas of variation. Refer to Figures 4 and 5 below.

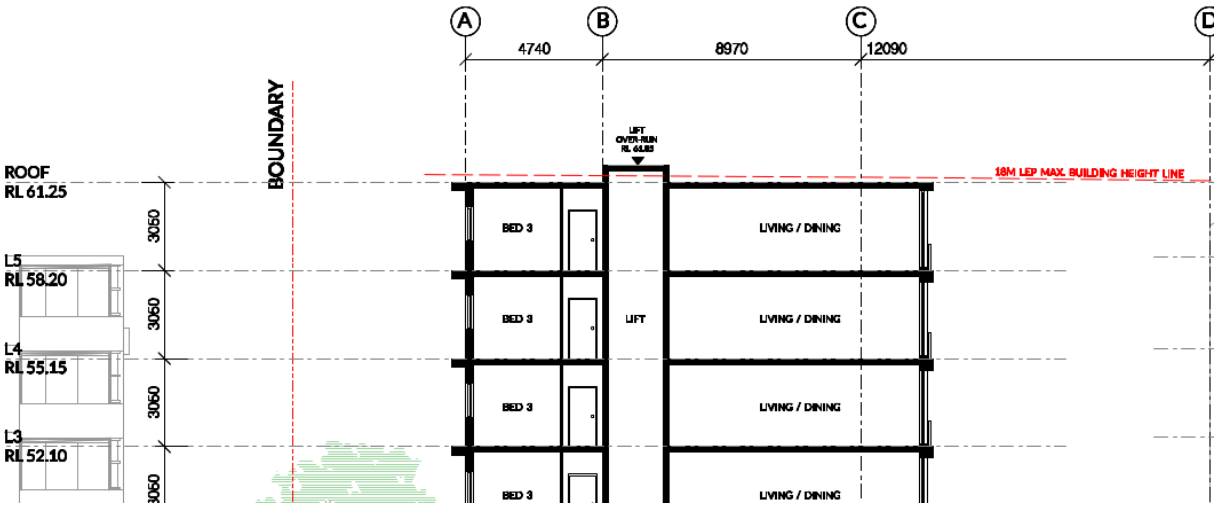

Figure 4: Extract of the west building in Section A-A (Drawing No. A-2500)

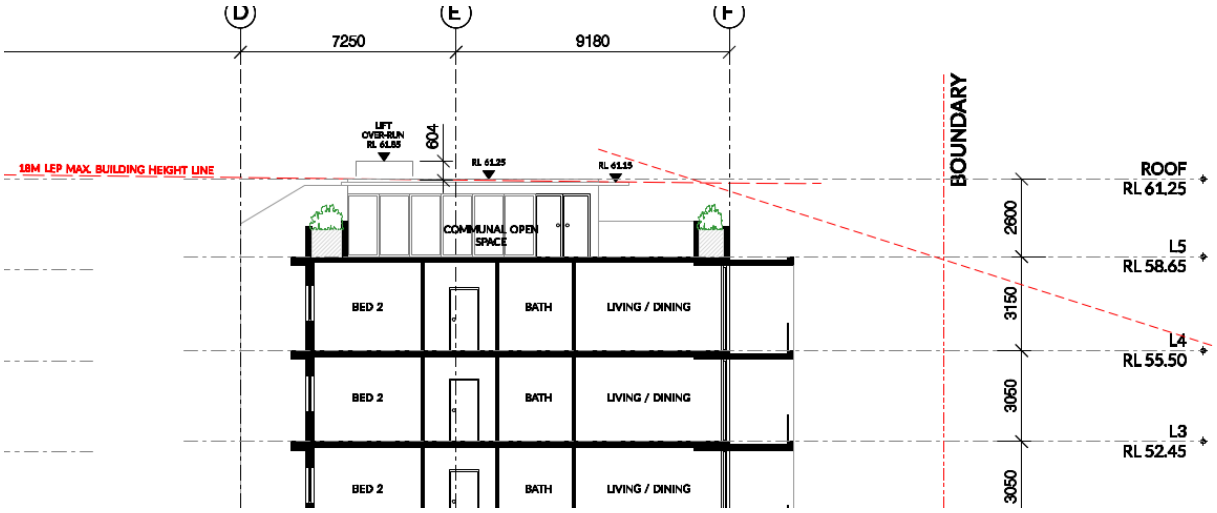

Figure 5: Extract of the east building in Section A-A (Drawing No. A-2500)

The sole elements that penetrate the height limit are the lift overruns for both lift cores. The western building exceeds 450mm, while the eastern building exceeds 604mm.

It is our submission that the breach of the maximum height of buildings standard will not impact the amenity of the development or adjoining properties, nor will the variation compromise the bulk and scale of the development. A degree of flexibility is considered reasonable in this instance as is detailed within this submission below.

5. CLAUSE 4.6

This submission is made under Clause 4.6 of the CBLEP23 *Exceptions to development standards*. Clause 4.6 states the following:

> ***4.6 Exceptions to development standards***
>
> *(1) The objectives of this clause are as follows—*
>
> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
>
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
>
> *(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
>
> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
>
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
>
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
>
> *Note—*

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(ba) clause 4.4, to the extent that it applies to land in Zone B4 that has a maximum floor space ratio of 3:1,
(c) clause 5.4,
(caa) clause 5.5,
(ca) clause 6.27.

Application of Clause 4.6

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Additionally, this submission has been prepared having regard to the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*

- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3)*
- *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118; and*
- *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*

6. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827 are considered.*

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

> *"…the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."*

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827,* Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five tests are as set out below:

TEST	*METHOD*	*APPLICABLE*
First	*The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.* *The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development offers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.*	✓
Second	*A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary*	*N/A*
Third	*A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*	*N/A*
Fourth	*A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*	*N/A*

Fifth	*A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*	*N/A*

A discussion against the 'tests' in determining whether the standard is unreasonable or unnecessary in the circumstance of the case is provided below under the applicable test/methods:

First Method: Objectives of the Development Standard

The objectives supporting the height of buildings development standard identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The objectives of Clause 4.3, with a discussion below, are as follows:

(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,

As noted earlier in the submission, the height of buildings development standard prescribed to the site is 18m. The same height is prescribed for the adjoining land to the north, west and over the laneway to the south. The proposal seeks a variation, with a maximum height of 18.604m – a 3.6% variation.

All habitable floor area is contained below the development standard. The encroachments are solely for the lift overruns, modestly sized mechanical elements that by necessity (for minimum clearance requirements) protrude above the roof slab. That the building is otherwise compliant is illustrative that the height of development remains within the anticipated character. No loss of amenity is deemed to result from the encroachments, whether visual or acoustic privacy or bulk and scale.

Canterbury-Bankstown Council has prepared a draft LEP amendment titled "*Recommended Planning Provisions – Alternative Approach to the Belmore and Lakemba TOD Controls*" in response to the gazette of the Transport Oriented Development for the Lakemba and Belmore precincts. The draft has been forwarded to the Department in December 2024 and is under assessment. The objective of these controls is to replace the TOD provisions.

The draft identifies a proposed 24m height for the site, subject to a 30m minimum lot width, representing an additional 6m height over the current controls.

While the site does not enjoy a 30m lot width, it is worth noting the height of the proposed development will not be out of character with the desired future character of development in the immediate locality. Consequently, the objective is achieved under the current and draft controls.

(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,

The site is not in zone R2. Not relevant.

(c) to provide appropriate height transitions between development, particularly at zone boundaries,

The site is set within a B2 Local Centre precinct that extends north, west and south. It does, however, transition to a B6 Enterprise Corridor zone to the east prescribed a 12m height. Consequently, the site plays a transitional role as a stepping down point from more dense development near Burwood Road to lower heights to the east.

The height variation is limited to lift overruns. For the eastern tower of the development, the overrun is located on the westernmost portion of the roof – the furthest point apart. Thus, the development will read as (and is) compliant at the Drummond Street frontage.

The overrun does not compromise the transition from an 18m to a 12m height across Drummond Street. The separation afforded by Drummond Street inherently baked into the prescribed height limits serves as adequate transition from a height of 18m to 12m. The overrun is set 14.3m from the street front. The setback is sufficient to offset the additional 604mm height across a fraction of the roof area.

Similarly, the height of the overrun on the western building is offset by being setback over 40m from Drummond Street. The western overrun will not be perceived from the B6 zone in any meaningful capacity that thwarts the transition objective of the height zones.

Lastly, the proposed building height is compatible with the adjoining five (5) storey built shop top housing/residential flat building complex to the west of the site. This is expressed in the elevations and sections, including Figure 4 above and 6 below.

Figure 6: Extract of South Elevation illustrating the relationship to adjoining development (Drawing No. A-2100)

The height transition between developments is reasonable as the proposal is compliant at the rear elevation and the overrun variation is only 450mm and setback over 11.5m from the boundary.

(d) to minimise overshadowing to existing buildings and open space,

The shadow diagrams prepared by Loucas Architects illustrate that the shadows cast by the development largely fall on Drummond Lane and the rear, service elevations of commercial properties fronting Canterbury Road. not protected by solar access controls.

As the contravention of building height relates solely to lift overruns, the additional overshadowing on these areas is negligible.

The 9am shadows do fall on the communal open space on 721 Canterbury Road. However, this impact is principally borne from a compliant development and the extent of overshadowing from a 450mm variation for a lift overrun is negligible. The application has reasonably minimised overshadowing in the context of a high density environment.

(e) to minimise the visual impact of development on heritage items and heritage conservation areas,

The site is not proximate to any heritage items, is not an item, and is not within a heritage conservation area. Not relevant.

(f) to support building design that contributes positively to the streetscape and visual amenity of an area.

The proposal is deemed to contribute positively to the streetscape and visual amenity of the area.

The lift overruns that penetrate the height limit are minimally visible from the street frontages. These elements do not diminish the streetscape presentation or stand out as excessive in height and visual bulk where they may be visible from vantage points further afield.

The specific architectural design positively responds to the locality. A nil street setback and active street frontage is proposed, which aligns with the desired future character of the zone and enhances the public domain experience in front of the site. Further, the expanse of glazing at the corner of the streets enhances the visual amenity of the ground floor.

Aboveground, the specific brick colouring incorporates the colour scheme of the existing industrial building and the established high density complex to the west. The balance of glazing to solid is appropriate for the use and relationship, avoiding privacy issues while activating and diversifying the façade. The built form enhances the site as a whole and meets the objective, notwithstanding the two modest protrusions into the height plane.

For the reasons outlined above, compliance with the height of buildings development standard is unreasonable and unnecessary for this circumstance, given that the proposal is consistent with the objectives of the development standard.

7. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS?

The assessment above and within the Statement of Environmental Effects demonstrates that the resultant environmental impacts of the proposal will be satisfactory for the circumstances of the case.

The proposal is considered to exhibit sufficient environmental planning grounds to support the contravention of the building height.

In the first instance, it should be reiterated that all habitable floor space is contained within the prescribed height. The development is not a density that outweighs the height capacity of the land.

Rather, it is the accessibility merits of the application that results in the contravention. That is to say, the lift overruns are the protruding element – an element that enables accessibility to all storeys of the building, particularly the communal roof terrace (permitted by the Canterbury-Bankstown Development Control Plan 2023 for shop top housing) and all Livable units (e.g. Unit 5.01, on the top storey of the west building). A better outcome is enabled by the lift overruns extending to the top storey.

The lift overruns have been minimised in height to eliminate visual bulk and minimise overshadowing. There are no visual or acoustic privacy impacts.

The area of the variation is limited to portions of the roof recessed from the street frontages or easy viewing from adjoining development. This ensures that there is minimal perception of the structures from the street frontages.

Enforcing strict compliance would render the top storeys of the development without lift access, reducing the accessibility and amenity of the development.

The integrity of the height development standard will not be thwarted by granting a contravention in height. This is reinforced by the draft LEP that prescribes a 24m height on the land subject to a 30m lot width. While the application itself does not meet the requisite site width to allow that height, that the potential 24m could occur on the land or those adjoining is illustrative that the proposed height is not out of character with the intended development density on the land.

The above is deemed sufficient environmental planning grounds to support a contravention of the development standard.

While there is no direct nexus between the assessment of the contravention of a development standard and the objectives of the zone, it is thought that alignment with those objectives furthers the demonstration that the contravention does not result in an unreasonable outcome. The objectives of the B2 Local Centre zone are as follows:

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

In response to the above, the following is provided:

- The proposal involves the redevelopment of the site and provides a commercial tenancy appropriately sized to facilitate a range of retail and business uses to support the local area.
- As above, a commercial tenancy is proposed under this application and will provide employment opportunities. The site is an accessible area as it is proximate to high frequency buses on Canterbury Road and within 800m of Belmore Train Station.
- The well-connected site will encourage walking, cycling and public transportation usage.

- The proposal involves residential uses above ground as permissible in the zone. The adjoining land uses are compatible with the additional residential accommodation in the locality.
- It is considered the proposed building achieves a high standard of urban design and local amenity. The architectural language, materials and finishes are of a high quality that improves the public domain experience and aligns with the emerging character as expressed through redevelopments such as those to the west of the site. Further, the proposal enhances the pedestrian experience, visually and through practical attributes such as an awning over the footpath and an active street frontage.

The height contravention has not compromised the ability of the development to achieve the zone objectives.

In this case, strict compliance with the height of buildings development standard of the CBLEP23 is unnecessary and unreasonable and there are sufficient environmental planning grounds to allow the contravention of the development standard.

8. IS THE VARIATION WELL FOUNDED?

It is considered that this has been adequately addressed within this written submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the CBLEP23 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development.
- There are sufficient environmental planning grounds to justify the departure from the standard.
- The development meets the underlying objectives of the standard to be varied (height of buildings) and objectives of the Local Centre zoning of the land.
- The breach does not raise any matter of State or Regional Significance.
- The development aligns with the desired future character of the area.

Based on the above, the variation is considered to be well founded.

9. GENERAL

Clause 4.6 also states that:

> *(4) The consent authority must keep a record of its assessment carried out under subclause (3).*
>
> *(5) (Repealed)*
>
> *(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
>
> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(ba) clause 4.4, to the extent that it applies to land in Zone B4 that has a maximum floor space ratio of 3:1,
(c) clause 5.4,
(caa) clause 5.5,,
(ca) clause 6.27.

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

The development proposed is not complying development.

A BASIX certificate is provided with the application.

The development does not rely on or conflict with any of the clauses referenced in (ba) to (ca).

10. CONCLUSION

The proposal does not strictly comply with the height of buildings development standard as prescribed by Clause 4.3 of the CBLEP23. Having evaluated the likely effects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the CBLEP23 have been met as the breach of the development standard does not create any notable environmental impacts and there are sufficient environmental planning grounds.

Consequently, strict compliance with this development standard is unreasonable and unnecessary and the use of Clause 4.6 of the CBLEP23 to vary this development standard is appropriate in this instance.

Based on the above, it is reasonable to conclude that a better outcome is achieved for this development by allowing flexibility in the application.

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