

## 2 and 4 Vimy Street

BANKSTOWN

Residential flat building

### Statement of Environmental Effects

May 2025

Prepared For JS Architects

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**Project:** Construction of a five storey residential flat building at 2 and 4 Vimy Street, Bankstown

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**Document:** Statement of Environmental Effects

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Revision:	Date:	Prepared by:	Issued to:
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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by OTM Planning to support a development application (DA) relating to 2 and 4 Vimy Street, Bankstown (Lots 49 and 50 in DP13055). The site has an area of 1,170.6m<sup>2</sup>, with a single street frontage of 25.6 metres to Vimy Street in the Canterbury-Bankstown Council (CBC) Local Government Area (LGA).

As detailed in architectural plans prepared by JS Architects, the proposed development is a residential flat building comprising 17 residential apartments (including one dedicated as affordable housing) across five storeys and 26 parking space across two basement parking levels.

Residential flat buildings are permitted with consent in Zone R4 High Density Residential applying to the site under clause 2.3 of the *Canterbury-Bankstown Local Environmental Plan 2023* (the CBLEP 2023). Other provisions applying to the site under the CBLEP 2023 include a minimum lot size of 1,500m<sup>2</sup> and minimum street frontage width of 30 metres for residential flat buildings, a maximum height of 19 metres, a maximum floor space ratio (FSR) of 1.65:1, Class 5 Acid Sulfate Soils, design excellence and a minimum 3% affordable housing contribution. The adjoining park is Heritage Item No. I245 *Bankstown Memorial Park*.

## 1.1 Supporting Documents

This SEE is to be read in conjunction with:

- Detail Survey of Lot 50 DP13055 prepared by Metropolis City Surveyors, Dwg No. 20-023, Rev. A, dated 4 March 2025;
- Geotechnical Investigation Report prepared by GCA, Ref. G25140-1-Rev A, dated 8 May 2025;
- Stormwater System Report prepared by CBC, Ref. WP-SIAONL-433/2025, dated 6 March 2025;
- Architectural Plans prepared by JS Architects, including:
  - Data Calculations Table, Ref. 030-24-25, Dwg No. A108, Iss. A, dated 19 May 2025;
  - Site Analysis, Ref. 030-24-25, Dwg No. A109, Iss. A, dated 19 May 2025;
  - Site Plan, Ref. 030-24-25, Dwg No. A110, Iss. A, dated 19 May 2025;
  - Basement 2 Floor Plan, Ref. 030-24-25, Dwg No. A111, Iss. A, dated 19 May 2025;
  - Basement Level 1, Ref. 030-24-25, Dwg No. A112, Iss. A, dated 19 May 2025;
  - Ground Floor Plan, Ref. 030-24-25, Dwg No. A113, Iss. A, dated 19 May 2025;
  - L1 Floor Plan, Ref. 030-24-25, Dwg No. A114, Iss. A, dated 19 May 2025;
  - L2 Floor Plan, Ref. 030-24-25, Dwg No. A115, Iss. A, dated 19 May 2025;
  - L3 Floor Plan, Ref. 030-24-25, Dwg No. A116, Iss. A, dated 19 May 2025;
  - L4 Floor Plan, Ref. 030-24-25, Dwg No. A117, Iss. A, dated 19 May 2025;
  - Roof Terrace Plan, Ref. 030-24-25, Dwg No. A118, Iss. A, dated 19 May 2025;
  - Roof Plan, Ref. 030-24-25, Dwg No. A119, Iss. A, dated 19 May 2025;
  - East Elevation, Ref. 030-24-25, Dwg No. A121, Iss. A, dated 19 May 2025;
  - West Elevation, Ref. 030-24-25, Dwg No. A122, Iss. A, dated 19 May 2025;
  - South Elevation, Ref. 030-24-25, Dwg No. A123, Iss. A, dated 19 May 2025;
  - North Elevation, Ref. 030-24-25, Dwg No. A124, Iss. A, dated 19 May 2025;
  - Driveway Section, Ref. 030-24-25, Dwg No. A125, Iss. A, dated 19 May 2025;
  - Section 01, Ref. 030-24-25, Dwg No. A126, Iss. A, dated 19 May 2025;
  - Section 02, Ref. 030-24-25, Dwg No. A127, Iss. A, dated 19 May 2025;
  - 19m Height Limit, Ref. 030-24-25, Dwg No. A130, Iss. A, dated 19 May 2025;
  - Shadow Diagrams, Ref. 030-24-25, Dwg Nos. 131 to 134, Iss. A, dated 19 May 2025;
  - GFA Diagrams, Ref. 030-24-25, Dwg No. A135, Iss. A, dated 19 May 2025;
  - Deep Soil Diagram, Ref. 030-24-25, Dwg No. A136, Iss. A, dated 19 May 2025;
  - Common Open Space Diagram, Ref. 030-24-25, Dwg No. A137, Iss. A, dated 19 May 2025;
  - Site Coverage Diagram, Ref. 030-24-25, Dwg No. A139, Iss. A, dated 19 May 2025;

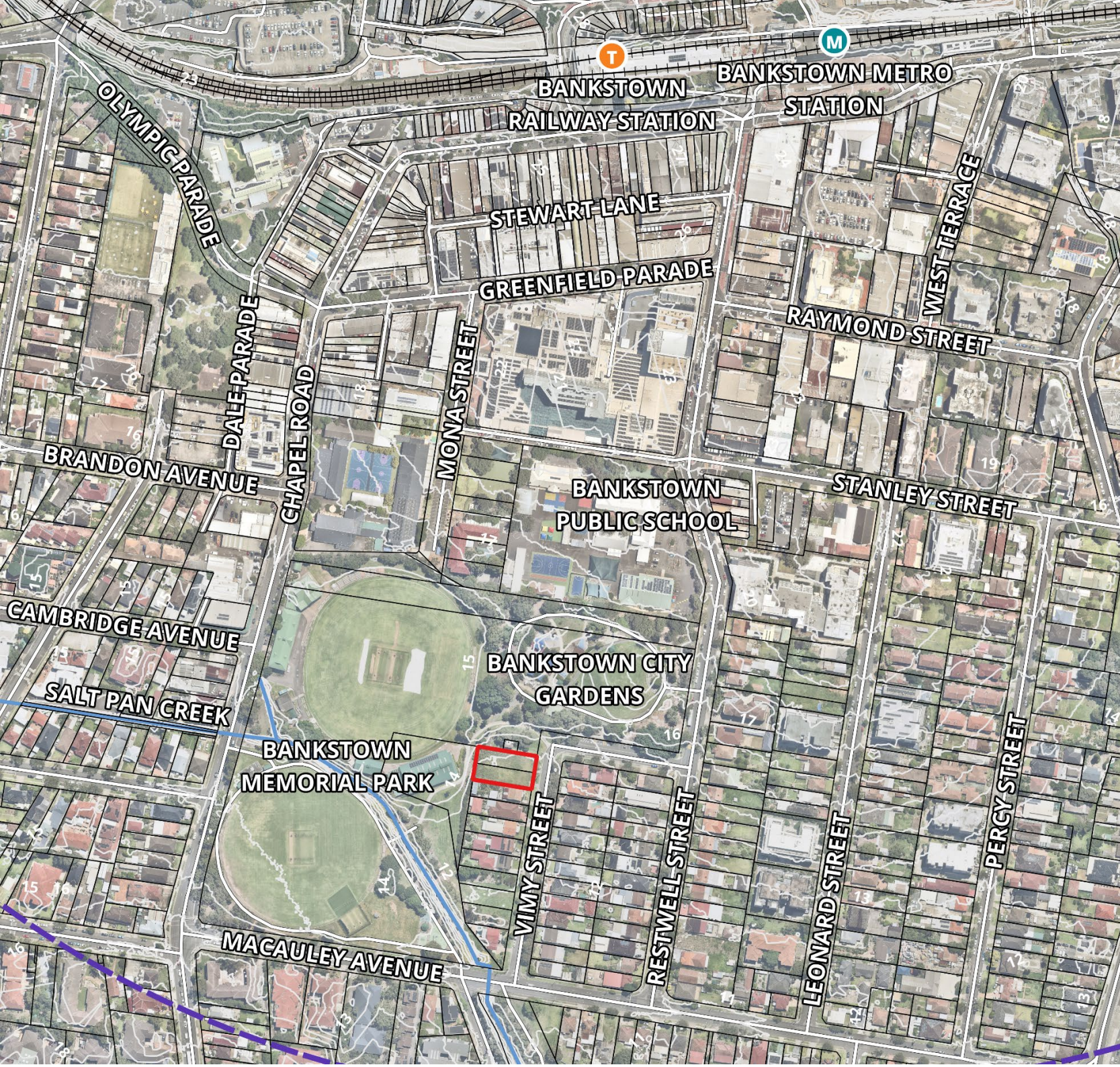
- Landscaping Diagram, Ref. 030-24-25, Dwg No. A140, Iss. A, dated 19 May 2025;
  - Cross Ventilation Diagrams, Ref. 030-24-25, Dwg Nos. AA144 to A146, Iss. A, dated 19 May 2025;
  - Solar Access Diagrams, Ref. 030-24-25, Dwg Nos. A147 to A149, Iss. A, dated 19 May 2025;
  - Storage Diagrams, Ref. 030-24-25, Dwg No. A150, Iss. A, dated 19 May 2025;
  - Materials & Finishes, Ref. 030-24-25, Dwg No. A152, Iss. A, dated 19 May 2025; and
  - Cut & Fill Diagram, Ref. 030-24-25, Dwg No. A153, Iss. A, dated 19 May 2025.
- Landscape Plan prepared by Onescape, Dwg Nos. LA-01 to LA-06, Rev. A, dated 23 April 2025;
  - Access Report prepared by Vista Access Architects, Ref. 25092, Rev. A, dated 15 May 2025;
  - National Construction Code Report prepared by Design Right Consulting, dated 9 May 2025;
  - Waste Management Plan prepared by Ecotech Environmental, dated 2 May 2025;
  - Heritage Impact Statement prepared by Edwards Heritage Consultants, Ref. EHC25/0127, Rev. D, dated 14 May 2025;
  - Acoustic Assessment prepared by National Noise & Vibration, Ref. J1109, dated 2 May 2025;
  - Stormwater Management Plan prepared by MJW, Dwg Nos. SW001, SW010, SW011, SW020 and SW021, Iss. A, dated 23<sup>rd</sup> April 2025; and
  - Traffic & Parking Assessment prepared by Transport and Traffic Planning Associates, Ref. 25079, Iss. A, dated May 2025.

## 1.2 Report Structure










This SEE has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (the E&A Regulation). It is structured as follows:

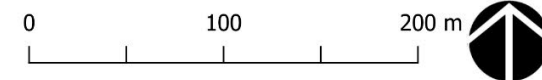
- **Section 1:** Provides the introduction to the SEE.
- **Section 2:** Provides a description of the local context and site.
- **Section 3:** Provides a description of the proposed works.
- **Section 4:** Provides an assessment of the proposed works, structured in accordance with Section 4.15(1) of the EP&A Act.
- **Section 5:** Provides a conclusion to the SEE.





## Legend

-  Site
-  Cadastre
-  Contours - 1 metre
-  Watercourses
-  Roads
-  Railway
-  Railway Station
-  Metro Station
-  Railway/Metro 800m buffer





## 2 Context

### 2.1 Local Context

As shown in **Figure 1**, the site is located adjacent to Bankstown Memorial Park and City Gardens. Whilst existing development in the locality primarily comprises one and two storey detached dwelling houses, the desired future character is for high density residential.

The desired future character for high density residential is driven by accessibility to high frequency public transport, being within 800 metres of the existing Bankstown Railway Station and future Bankstown Metro Station. The latter, currently under construction, will be open in 2026 and provide access to Central Station in 28 minutes via services departing every four minutes in the peak.

In recognition of the accessibility of the local area, several low density residential lots have been redeveloped for the purposes of residential flat buildings. These include 76 Restwell Street, 15-19, 18-20, 21-25, 35-39 and 41-43 Leonard Street and 29-31 and 33-37 Percy Street.

**Opportunity:** Provide increased density in response to the site's proximity to high frequency public transport and high quality public open space (refer to **Figure 2**).



Figure 2: Playground and amenities within 50 metres of the site

### 2.2 Site Analysis

As shown in **Figure 3**, the site comprises two lots with a combined area of 1,170.6m<sup>2</sup> and a single street frontage of 25.6 metres to Vimy Street to the east. The rear, western boundary also has a length of 25.6 metres whilst the northern and southern side boundaries both have a length of 45.72 metres.

Lots on the eastern side of Vimy Street and adjoining the southern side boundary contain one and two storey dwelling houses (refer to **Figure 4** and **Figure 5**), whilst the most of the northern and entire rear, western boundary adjoin Bankstown Memorial Park. Part of the northern boundary adjoins a substation (refer to **Figure 6**).

As shown in **Figure 7** and **Figure 8**, the site is generally level and devoid of built form and vegetation, with the exception of managed grass.

**Opportunity:** Activate the vacant site to provide development that creates opportunities for casual surveillance of the shared path that wraps around the site's rear and northern side boundary, whilst including landscaping within building setbacks so that the site may blend with established planting in the adjoining public open space.



A black car is parked on a residential street. In the background, there is a house with a brown tiled roof and a white picket fence. The scene is set in a suburban neighborhood with green lawns and trees.

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Figure 6: Open space and substation, north of the site



Figure 7: 2 and 4 Vimy Street, from Vimy Street



Figure 8: 2 and 4 Vimy Street, as seen from the shared path between John Macky Indoor Sports Centre and the site's rear boundary



### 3 Proposed Residential Flat Building

As detailed in the Architectural Plans prepared by JS Architects, the proposed development comprises two levels of basement parking and five residential storeys above.

The basement levels are to be accessible via a driveway from the southern end of the Vimy Street boundary. The basement carpark is to accommodate 26 parking spaces (including three pairs of tandem spaces, two disabled parking spaces and three electric vehicle spaces), two motorcycle spaces, seven bicycle spaces, storage, plant rooms, a cleaner's bathroom and stairs and lifts to the upper levels.

Pedestrian access is to be provided via stairs from a central point along the Vimy Street boundary and via a ramp from the northern end of the boundary. Both paths are to connect before the building entry, opening to an east-west corridors that is to provide access to waste rooms, three residential apartments (including one two-bedroom apartment and two three-bedroom apartments) and lift and stairs providing access throughout the building.

Four apartments are to be provided at the first, second and third floor, all of which are to be two bedroom apartments. A further two three-bedroom apartments are to be provided at the fourth floor. A rooftop communal open space is to be provided above for the benefit of the residents and their visitors.

Unit 1 is to be dedicated as affordable housing.



Figure 9: Proposed development (JS Architects 2025, Dwg No. A105, Iss. A)

## 4 Assessment

The following relevant provisions of the EP&A Act are addressed in this SEE:

- Subsection 4.15(1)(a)(i) Any environmental planning instrument: Refer to **Section 4.1**.
- Subsection 4.15(a)(iii) Any development control plan: Refer to **Section 4.2**.
- Subsection 4.15(b) Likely impacts of the development: Refer to **Section 4.3**.
- Subsection 4.15(c) The suitability of the site for the development: Refer to **Section 4.4**.
- Subsection 4.15(e) The public interest: Refer to **Section 4.5**.

### 4.1 Subsection 4.15(1)(a)(i) Any environmental planning instrument

Subsection 4.15(1)(a)(i) of the EP&A Act requires the consent authority to take the relevant provisions of any environmental planning instrument (EPI) into considerations in determining a DA.

**Comment:** The following relevant EPIs are addressed in this SEE:

- *Canterbury-Bankstown Local Environmental Plan 2023* (the CBLEP 2023): Refer to **Section 4.1.1**.
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity SEPP): Refer to **Section 4.1.2**.
- *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP): Refer to **Section 4.1.3**.
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Hazards SEPP): Refer to **Section 4.1.4**.
- *State Environmental Planning Policy (Sustainable Buildings) 2022* (the Sustainable Buildings SEPP): Refer to **Section 4.1.5**.

#### 4.1.1 Canterbury-Bankstown Local Environmental Plan 2023

The following provisions of the CBLEP 2023 are relevant to the site and proposed development:

- Clause 2.3 Zone Objectives and Land Use Table – Zone R4 High Density Residential: Refer to **Section 4.1.1.1**
- Clause 4.1B Minimum lot sizes and special provisions for certain dwellings: Refer to **Section 4.1.1.2**.
- Clause 4.3 Height of buildings: Refer to **Section 4.1.1.3**.
- Clause 4.4 Floor space ratio: Refer to **Section 4.1.1.4**.
- Clause 5.10 Heritage conservation: Refer to **Section 4.1.1.5**.
- Clause 5.21 Flood planning: Refer to **Section 4.1.1.6**.
- Clause 6.2 Earthworks: Refer to **Section 4.1.1.7**.
- Clause 6.3 Stormwater and water sensitive urban design: Refer to **Section 4.1.1.8**.
- Clause 6.9 Essential services: Refer to **Section 4.1.1.9**.
- Clause 6.15 Design excellence: Refer to **Section 4.1.1.10**.
- Clause 6.38 Affordable housing contributions: Refer to **Section 4.1.1.11**.

##### 4.1.1.1 Clause 2.3 Zone Objectives and Land Use Table – Zone R4 High Density Residential

Subclause 2.3(1) of the CBLEP 2023 provides that the Land Use Table of Part 2 of the CBLEP 2023 specifies the objectives for development, development that may be carried out without consent, development that may be carried out with consent and development that is prohibited for each zone. Subclause 2.3(2) requires the consent authority to have regard to the objectives for development in a zone when determining a DA in respect of land within the zone.



**Comment:** Development for the purposes of residential flat buildings is permitted with consent in Zone R4 High Density Residential applying to the site under clause 2.3 of the CBLEP 2023. The proposed development is consistent with objectives of the land use zone as demonstrated in **Table 1**.

Table 1: Zone R4 High Density Residential Objectives

Objectives:	Comment:
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high density residential environment.</li> </ul>	<p>The proposed development will provide for the housing needs of the community by providing 17 residential apartments, including one dedicated as affordable housing, within an area undergoing transition to high density residential. ✓</p>
<ul style="list-style-type: none"> <li>To provide a variety of housing types within a high density residential environment.</li> </ul>	<p>The proposed development will provide for a variety of housing types, including 13 two bedroom apartments and four three bedroom apartments, within an area undergoing transition to high density residential. ✓</p>
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	<p>The proposed development is for the purposes of a residential flat building. N/A</p>
<ul style="list-style-type: none"> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>	<p>The site adjoins Bankstown Memorial Park in Zone RE1 Public Recreation. The proposed residential flat building will have a positive impact on the use of the park as it will address and create new opportunities for casual surveillance of the park, as well as offering a high level of amenity to residents through park outlook from north and west-facing apartments. ✓</p>
<ul style="list-style-type: none"> <li>To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.</li> </ul>	<p>The site is located approximately 700 metres' walk from Bankstown Railway Station. ✓</p>
<ul style="list-style-type: none"> <li>To promote a high standard of urban design and local amenity.</li> </ul>	<p>The proposed residential flat building will achieve a high standard of urban design and local amenity, as demonstrated in <b>Section 4.1.1.10</b>. ✓</p>

#### 4.1.1.2 Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

Under subclause 4.1B(2) of the CBLEP 2023, development consent must not be granted to development on land specified in Column 1 of the table to the subclause, reproduced in **Table 2**, for a purpose specified in Column 2, unless the lot is at least the size specified in Column 3 and the width of the lot at the front building line is at least the width specified in Column 4.

Table 2: Minimum Lot Sizes for Specified Development

Column 1	Column 2	Column 3	Column 4
"Area 1" on the <a href="#">Clause Application Map</a>	Attached dwellings	750m <sup>2</sup>	20m
Zone R3 or R4	Boarding houses	1,000m <sup>2</sup>	20m
Zone R2 in "Area 1" on the <a href="#">Clause Application Map</a>	Centre-based child care facilities	—	20m
Zone R3 or R4 in "Area 1" on the <a href="#">Clause Application Map</a>	Multi dwelling housing	1,000m <sup>2</sup>	20m
Zone R2, R3 or R4 in "Area 1" on the <a href="#">Clause Application Map</a>	Places of public worship	800m <sup>2</sup>	20m
Zone R4 in "Area 1" on the <a href="#">Clause Application Map</a>	Residential flat buildings	1,500m <sup>2</sup>	30m

Column 1	Column 2	Column 3	Column 4
Zone R4 in "Area 4" on the <i>Special Provisions Map</i>	Residential flat buildings	1,700m <sup>2</sup>	40m
Zone R4 in "Area 1" on the <i>Clause Application Map</i>	Serviced apartments	1,500m <sup>2</sup>	30m
Zone E3 in "Area 1" on the <i>Clause Application Map</i>	Serviced apartments	5,000m <sup>2</sup>	—
Zone R4 in "Area 1" on the <i>Clause Application Map</i>	Shop top housing	1,500m <sup>2</sup>	30m
Area 8	Semi-detached dwellings	210m <sup>2</sup>	—
Area 8	Attached dwellings	140m <sup>2</sup>	—
Area 8	Dwelling houses—		
	(a) adjoining Ashford Avenue, Milperra	300m <sup>2</sup>	—
	(b) otherwise	245m <sup>2</sup>	—

**Comment:** The proposed development is for the purposes of a residential flat building in Zone R4 High Density Residential, in Area 1 on the Clause Application Map, requiring a minimum site area of 1,500m<sup>2</sup> and minimum width of 30 metres at the building line.

The site has an area of 1,170.6m<sup>2</sup> and a width of 25.6 metres, falling short of the minimum 1,500m<sup>2</sup> and 30 metres required by 21.96% (329.4m<sup>2</sup>) and 14.67% (4.4 metres) respectively. Flexibility in the application of the development standard is sought under clause 4.6 of the CBLEP 2023 (refer to **Appendix A**).

#### 4.1.1.3 Clause 4.3 Height of buildings

Under subclause 4.3(2) of the CBLEP 2023, 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.

**Comment:** The proposed residential flat building is to have a maximum height of 20.3 metres, exceeding the 19 metres shown on the Height of Buildings Map by 6.84% (1.3 metres). Flexibility in the application of the development standard is sought under clause 4.6 of the CBLEP 2023 (refer to **Appendix B**).

#### 4.1.1.4 Clause 4.4 Floor space ratio

Under subclause 4.4(2) of the CBLEP 2023, the FSR for a building on any land is not to exceed the FSR shown for the land on the Floor Space Ratio Map.

**Comment:** The proposed residential flat building will have an FSR of 1.64:1 based on a gross floor area (GFA) of 1,924.24m<sup>2</sup>, not exceeding the 1.65:1 shown for the site on the Floor Space Ratio Map.

#### 4.1.1.5 Clause 5.10 Heritage conservation

Subclause 5.10(2) of the CBLEP 2023 provides that development consent is required for specified works to heritage items, Aboriginal objectives, buildings, works, relics or trees within heritage conservation areas, archaeological sites and Aboriginal places of heritage significance. Where consent is required, subclauses 5.10(4) and 5.10(8) prevent the consent authority from granting development consent unless it has considered effect of the proposed development on the heritage significance of the item or area or Aboriginal places of heritage significance.

**Comment:** The site is not identified as Heritage Item, Archaeological Site, Aboriginal Heritage or as being within a Heritage Conservation Area on the Heritage Map under clause 5.10 of CBLEP 2023. However, it is in the vicinity of several heritage items. The heritage impacts of the proposed development are addressed in **Section 4.3.2**.

#### 4.1.1.6 Clause 5.21 Flood planning

Subclause 5.21(2) of the WLEP 2012 prevents the consent authority from granting development consent on land it considers to be within the flood planning area unless it is satisfied of the matters in subclause 5.21(2).



**Comment:** Based on the Stormwater System Report (Canterbury-Bankstown Council 2025, Ref. WP-SIOANL-433/2025), the site is affected in the 1% annual exceedance probability (AEP) and probable maximum flood (PMF) events. Further discussion is provided in **Section 4.4.3**.

#### 4.1.1.7 Clause 6.2 Earthworks

Under subclause 6.2(2) of the CBLEP 2023, development consent is required for earthworks unless the earthworks are exempt under an environmental planning instrument or ancillary to development for which consent has been given. Where development consent is required, the consent authority is required to consider the matters set out in subclause 6.2(3) before granting development consent.

**Comment:** Consent for proposed earthworks is required as they are neither exempt nor ancillary to development for which consent has been given. Accordingly, proposed earthworks are considered against the matters for consideration in subclause 6.2(3) in **Table 3**.

Table 3: Earthworks Considerations

Matters for Consideration:		Comment:
(a)	the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	Impacts on the drainage patterns and soil stability in the locality due to runoff from the site are to be managed in accordance with the Stormwater Management Plan (MJW 2025). ✓
(b)	the effect of the development on the likely future use or redevelopment of the land,	The proposed earthworks enable development for the purposes of a residential flat building. The redevelopment of the site for any other purpose is unlikely in the short, medium or long term. ✓
(c)	the quality of the fill or the soil to be excavated, or both,	The quality of the fill or the soil to be excavated is to comply with CBC requirements. ✓
(d)	the effect of the development on the existing and likely amenity of adjoining properties,	The proposed earthworks will not result in any amenity impacts to neighbouring properties. The amenity impacts of the development as a whole are address in <b>Section 4.3.2</b> . ✓
(e)	the source of any fill material and the destination of any excavated material,	The source of any fill material and the destination of any excavated material is to comply with CBC requirements. ✓
(f)	the likelihood of disturbing relics,	The proposed earthworks are unlikely to disturb relics due to its highly modified, urban setting. ✓
(g)	the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,	The site is not located within a mapped drinking water catchment or environmentally sensitive area. The quantity and quality of stormwater draining to watercourses is to be managed in accordance with the Stormwater Management Plan (MJW 2025). ✓
(h)	any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	No further measures to avoid, minimise or mitigate the impacts of development are considered necessary. N/A

#### 4.1.1.8 Clause 6.3 Stormwater and water sensitive urban design

Subclause 6.3(2) of the CBLEP 2023 provides that the clause applies to land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone E1 Local Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone MU1 Mixed Use, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone RE1 Public Recreation and Zone RE2 Private Recreation. Where the clause applies,

subclause 6.3(3) requires the consent authority to be satisfied of the matters in subclause 6.3(3) before granting consent.

**Comment:** The clause applies as the site is located in Zone R4 High Density Residential. Accordingly, the proposed residential flat building is considered in the context of the matters to be satisfied in subclause 6.3(3) in Table 4.

Table 4: Stormwater and WSUD Matters to be Satisfied

Matters to be Satisfied:	Comment:
(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	Refer to <b>Section 4.3.4</b> . ✓
(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and	On-site detention (OSD) tanks are to be provided in accordance with the Stormwater Management Plan (MJW 2025) for limited on-site stormwater reuse. ✓
(c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and	Refer to <b>Section 4.3.4</b> . ✓
(d) includes riparian, stormwater and flooding measures, and	Refer to <b>Section 4.3.4</b> and <b>Section 4.4.3</b> . ✓
(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,	Refer to <b>Section 4.3.4</b> . ✓
(ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,	Refer to <b>Section 4.3.4</b> . ✓
(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.	With the exception of surface drains, the stormwater management systems specified in the Stormwater Management Plan (MJW 2025) are to be located entirely underground or within the building. As such, they will not have any impact on the landscape. ✓

#### 4.1.1.9 Clause 6.9 Essential services

Clause 6.9 of the CBLEP 2023 the consent authority to be satisfied that, prior to granting development consent, the supply of water and electricity, the disposal and management of sewage and waste, stormwater drainage or on-site conservation and suitable road access are available or that adequate arrangements have been made to make them available when required.

**Comment:** The proposed residential flat building is to be connected to all essential services. Additional detail is provided in **Section 4.3.4** and **Section 4.4.5**.

#### 4.1.1.10 Clause 6.15 Design excellence

Subclause 6.15(2) of the CBLEP 2023 provides that the clause applies to development for the purposes of boarding houses (at least four storeys), multi dwelling housing (at least ten storeys), residential flat buildings (at least four storeys), education establishments (at least 2,000m<sup>2</sup> GFA), centre-based child care facilities (at least 100 children), seniors housing (at least four storeys), co-living housing (at least four storeys), commercial premises (at least 1,000m<sup>2</sup> GFA), shop top housing (at least four storeys), warehouse or distribution centres (at least 5,000m<sup>2</sup> GFA), places of public worship (at least 1,000m<sup>2</sup> GFA), registered clubs (at least 1,000m<sup>2</sup> GFA) and health services facilities (at least 2,000m<sup>2</sup> GFA).

Where the clause applies, subclause 6.15(3) requires the consent authority to be satisfied that the development exhibits design excellence. Subclause 6.15(4) sets out the matters to be considered in deciding whether a development exhibits design excellence.

**Comment:** The clause applies as the proposed residential flat building is to have a height of five storeys. Accordingly, it is considered in the context of the matters in subclause 6.15(4) in **Table 5**.

Table 5: Design Excellence Considerations

Matters for Consideration:	Comment:
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed residential flat building will achieve a high standard of architectural design, materials and detailing, as demonstrated through consistent with the desired future character (refer to <b>Section 4.3.1</b> ). ✓
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed residential flat building is to: <ul style="list-style-type: none"> <li>▪ Create opportunities for casual surveillance of the shared path that wraps around the rear and northern boundary of the site;</li> <li>▪ If required by CBC, extend the footpath along the western side of Vimy Street; and</li> <li>▪ Accommodate parking for 26 vehicles, two motorcycles and seven bicycles.</li> </ul> ✓
(c) whether the development detrimentally impacts on view corridors,	The proposed residential flat building will not impact any significant views from neighbouring properties or the public domain. ✓
(d) how the development addresses the following matters—	
(i) heritage issues,	Refer to <b>Section 4.3.3</b> . ✓
(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 proposed residential flat building is to provide building separation exceeding the minimum required under the ADG, minimising amenity impacts to existing and future development to the south whilst ensuring that it will not prevent the transition of the urban form to a high density residential environment. ✓
(iii) bulk, massing and modulation of buildings,	The proposed residential flat building will have appropriate bulk and massing, demonstrated through compliant FSR and building separation exceeding the minimum required under the ADG. Modulation is to be achieved through use windows and balconies, sun shading devices and vertical fins connecting emphasised horizontal balcony soffits and bases, softened ✓



Matters for Consideration:	Comment:
	by landscaping in accordance with the Landscape Plan (Onescape 2025).
(iv) street frontage heights,	The proposed residential flat building is to have a street frontage height of five storeys, setback six metres from the street boundary. ✓
(v) environmental impacts, including sustainable design, overshadowing, wind and reflectivity,	<p>The proposed residential flat building:</p> <ul style="list-style-type: none"> <li>▪ Achieves sustainable design through 76.47% of apartments receiving over two hours of solar access between 9am and 3pm on 21 June and 100% of apartments being naturally cross-ventilated in accordance with ADG requirements, window hoods and privacy screens for sun shading, on-site stormwater reuse and compliance with BASIX requirements; ✓</li> <li>▪ Will have acceptable overshadowing impacts (refer to <b>Section 4.3.2.1</b>); and</li> <li>▪ Will not cause wind or reflectivity impacts.</li> </ul>
(vi) the achievement of the principles of ecologically sustainable development,	<p>The proposed residential flat building will achieve the principles of ecologically sustainable development through:</p> <ul style="list-style-type: none"> <li>▪ Minimal waste impacts (refer to <b>Section 4.3.6</b>);</li> <li>▪ Proximity to high frequency public transport services (reducing reliance on private vehicles) and proximity to high quality public open space;</li> <li>▪ Provision of 17 residential apartments to meet housing needs, including one dedicated as affordable housing;</li> <li>▪ Internal apartment sizes, private open spaces and communal open space meeting or exceeding ADG requirements; ✓</li> <li>▪ 76.47% of apartments receiving over two hours of solar access between 9am and 3pm on 21 June and 100% of apartments being naturally cross-ventilated in accordance with ADG requirements;</li> <li>▪ Provision of landscaping within the building setbacks and on-structure in accordance with the Landscape Plan (Onescape 2025); and</li> <li>▪ Minimal stormwater impacts (refer to <b>Section 4.3.4</b>).</li> </ul>
(vii) pedestrian, cycle, vehicular and service access, circulation and requirements,	<p>The proposed residential flat building is to:</p> <ul style="list-style-type: none"> <li>▪ Create opportunities for casual surveillance of the shared path that wraps around the rear and northern boundary of the site; ✓</li> <li>▪ If required by CBC, extend the footpath along the western side of Vimy Street; and</li> <li>▪ Accommodate parking for 26 vehicles, two motorcycles and seven bicycles.</li> </ul>
(viii) the impact on, and any proposed improvements to, the public domain,	As above. ✓

Matters for Consideration:	Comment:
(ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design,	<p>With respect to:</p> <ul style="list-style-type: none"> <li>▪ Utilities, refer to <b>Section 4.4.5</b>;</li> <li>▪ Waste management, refer to <b>Section 4.3.6</b>; and</li> <li>▪ Building services, these are to be located underground or integrated into the building so that they will not have any impact on the streetscape, such as the substation kiosk.</li> </ul>
(x) Aboriginal cultural heritage,	<p>The Heritage Impact Statement (Edwards Heritage Consultants 2025, p. 16) provides that <i>"Based on the level of recent ground disturbance and the total demolition of the dwelling, including the removal of footings, the site has very low potential to reveal archaeological information"</i>.</p>
(xi) the protection and promotion of green infrastructure,	<p>The proposed residential flat building is to protect and promote green infrastructure through:</p> <ul style="list-style-type: none"> <li>▪ Retention of 22.58% (264.37m<sup>2</sup>) of the site area as deep soil area for on-site stormwater infiltration, compliant with the minimum 7% (81.9m<sup>2</sup>) required under Section 3E, Design Criteria 1 of the Apartment Design Guide (ADG); and</li> <li>▪ Provision of landscaping in accordance with the Landscape Plan (Onescape 2025).</li> </ul>
(e) whether the development integrates high quality landscape design in the site layout and building design,	<p>High quality landscape is to be integrated into the site layout and building design in accordance with the Landscape Plan (Onescape 2025), including:</p> <ul style="list-style-type: none"> <li>▪ Two new street trees;</li> <li>▪ 17 trees within the building setbacks; and</li> <li>▪ A variety of ground covers and shrubs within the building setbacks, at level four and at roof terrace level.</li> </ul>
(f) how the development responds to the physical and cultural connection of the local Aboriginal community to the land.	<p>Given the findings of the Heritage Impact Statement with respect to archaeological potential, the benefits to the Aboriginal community as a result of the proposed residential flat building are to be similar to that of the broader community. These include:</p> <ul style="list-style-type: none"> <li>▪ Provision of 17 residential apartments, including two adaptable dwellings and one affordable housing dwelling;</li> <li>▪ Creation of opportunities for casual surveillance of the shared path that wraps around the rear and northern boundary of the site;</li> <li>▪ If required by CBC, extend the footpath along the western side of Vimy Street; and</li> <li>▪ Provision of high quality landscaping that will blend into established planting in the adjoining open space.</li> </ul>

#### 4.1.1.11 Clause 6.38 Affordable housing contributions

Subclause 6.38(2) of the CBLEP 2023 provides that the clause applies to development, other than boarding houses, community housing, group homes, hostels or public housing, in Area A on the Affordable Housing Map that results in the erection of a building, or alterations and additions to an existing building, with or resulting in at least 200m<sup>2</sup> of additional GFA for residential accommodation. Where the clause applies:

- Subclause 6.38(4) requires the consent authority to consider the Canterbury-Bankstown Affordable Housing Principles and the impact of the development on the existing and likely future mix of residential accommodation in the LGA; and
- Subclause 6.38(6) requires that the percentage of residential GFA dedicated as affordable housing is at least the percentage shown for the land on the Affordable Housing Map.

**Comment:** The clause applies as the proposed development is for a purpose other than a boarding house, community housing, group home, hostel or public housing, that has a GFA of more than 200m<sup>2</sup> in Area A on the Affordable Housing Map. Accordingly, the proposed residential flat building:

- Is considered in the context of the Canterbury-Bankstown Affordable Housing Principles in **Table 6**;
- Will result in an improvement in the existing and likely future mix of residential accommodation in the LGA by providing 17 residential apartments, including 13 two bedroom apartments and four three bedroom apartments, on a presently vacant site; and
- Includes the dedication of 5% (Unit 1, having a GFA of 86m<sup>2</sup>) of residential GFA as affordable housing, exceeding the 3% (51.63m<sup>2</sup>) of residential GFA required.

Table 6: Affordable Housing Principles

Matters for Consideration:		
(a)	affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in Canterbury-Bankstown,	The affordable housing unit is to be managed in accordance with CBC requirements. ✓
(b)	affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,	The affordable housing unit is to be rented in accordance with CBC requirements. ✓
(c)	dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,	The affordable housing unit is to be managed in accordance with CBC requirements. ✓
(d)	the Council must use the following, received by or on behalf of the Council, to improve or replace, or provide additional, affordable housing in Canterbury-Bankstown— (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings, (ii) money from the disposal of affordable housing,	Funds generated from rent and disposal of the single affordable housing unit is to be distributed in accordance with CBC requirements. ✓
(e)	affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in	The affordable housing unit is to benefit from: ▪ Over two hours of solar access between 9am and 3pm in mid-winter in accordance with Section 4A, Design Criteria 1 of the ADG; and ✓



#### Matters for Consideration:

relation to internal fittings and finishes, solar access and privacy.

- A high level of visual privacy as it is to face open space (rather than private property), be setback 4.5 metres from the northern side boundary, set at least 0.5 metres higher than levels in the adjoining open space and screened by landscaping in the northern side boundary.

Internal fittings and finishes are to be detailed following DA approval.

## 4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

### 4.1.2.1 Chapter 2 Vegetation in non-rural areas

Subsection 2.3(1) of the Biodiversity SEPP provides that Chapter 2 relates to all land in “non-rural areas”, defined by reference to specified LGAs and/or land use zones. Where Chapter 2 applies, Section 2.6 prevents a person from clearing:

- (1) Vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by Council under that Part; and
- (2) Native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

**Comment:** Chapter 2 applies as the site is located within the CBC LGA, forming part of the “non-rural area” as defined in subsection 2.3(1). The proposed residential flat buildings includes the removal of 906.23m<sup>2</sup> of lawn. Accordingly, the requirement to obtain a permit from Council or authority conferred by approval granted by the Native Vegetation Panel is considered below.

#### 4.1.2.1.1 Clearing of vegetation to which Part 2.3 applies

Section 2.9 in Part 2.3 of the Biodiversity SEPP provides that a development control plan can declare any type of vegetation as vegetation to which Part 2.3 applies. On private land, Chapter 2.3 of the Canterbury-Bankstown Development Control Plan 2023 (the CBDCP 2023) declares the following for the purposes of the Biodiversity SEPP:

- (i) *all trees that are 5m or more in height; or*
- (ii) *all mangroves, regardless of size; or*
- (iii) *all trees, regardless of size, listed as Vulnerable or Endangered or a component of an Endangered Ecological Community listed under the Biodiversity Conservation Act 2016; or*
- (iv) *all trees, regardless of size, listed under the Environmental Protection and Biodiversity Conservation Act 1999; or*
- (v) *all trees, regardless of size, located on land included on the Biodiversity Map under the Canterbury-Bankstown Local Environmental Plan 2023; or*
- (vi) *all trees, regardless of size, located on sites listed as a heritage item in Schedule 5 of the Canterbury-Bankstown Local Environmental Plan 2023; or*
- (vii) *all trees, regardless of size, located in the foreshore area under the Canterbury-Bankstown Local Environmental Plan 2023.*

**Comment:** There are no existing trees within the site. Accordingly, a permit from CBC is not required.

#### 4.1.2.1.2 Native vegetation that exceeds the biodiversity offsets scheme threshold

Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it is development of an extent or kind declared in the *Biodiversity Conservation Regulation 2017* (the BC Regulation) as exceeding the threshold. Section 7.1 of the BC Regulation provides that development exceeds the biodiversity

offsets scheme threshold if it involves the clearing of native vegetation of an area declared in Section 7.2 (reproduced in **Table 7**) or the clearing of native vegetation on land to which the Biodiversity Values Map applies.

Table 7: Section 7.2 Thresholds

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

**Comment:** The proposed development does not exceed the biodiversity offsets scheme threshold and approval from the Native Vegetation Panel is not required as:

- The threshold of 0.25 hectares, that applies on the basis that the minimum subdivision lot size under the CBLEP 2023 is 450m<sup>2</sup>, cannot be exceeded given the site has an area of 1,170.6m<sup>2</sup>; and
- The site is not identified as Biodiversity Values on the Biodiversity Values Map.

#### 4.1.2.2 Chapter 6 Water catchments

Section 6.1 of the Biodiversity SEPP provides that Chapter 6 applies to all land within the Sydney Drinking Water, Sydney Harbour, Georges River and Hawkesbury-Nepean Catchments. Where development is located within one of the catchments, the consent authority is required to consider the provisions applying in Part 6.2 for the catchments generally, in Part 6.3 for the Foreshore and Waterways Area, Part 6.4 for heritage items in Sydney Harbour and Part 6.5 for the Sydney Drinking Water Catchment.

The general provisions under Part 6.2 include:

- General provisions that relate to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management in Division 2;
- Provisions for land within 100 metres of a natural waterbody in Section 6.11, within the Riverine Scenic Area in Section 6.12, within the Hawkesbury-Nepean conservation area sub-catchments in Section 6.13 and temporary use of land in the Sydney Harbour Catchment in Section 6.14; and
- Provisions for specific purposes including aquaculture, artificial waterbodies, heavy and hazardous industries, marinas, moorings, on-site domestic sewerage systems, stormwater management, waste or resource management facilities and demolition on certain land in Division 4.

**Comment:** Chapter 6 applies as the site is located within the Georges River Catchment. The site is not identified as being within the Foreshore and Waterways Area, Sydney Drinking Water Catchment, the Riverine Scenic Area, the Hawkesbury-Nepean conservation area sub-catchments, nor is the site a heritage item within the Sydney Harbour Catchment, nor is the proposed development for any of the purposes specified above. Accordingly, the proposed development is considered in the context of the provisions that apply generally below.

##### 4.1.2.2.1 Division 2 Controls on development generally

Sections 6.6, 6.7, 6.8, 6.9 and 6.10 require the consent authority to consider the likely impacts of the development on water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management.

**Comment:** CBC may be satisfied of the matters that apply generally as the proposed residential flat building will not have any stormwater quality or quantity impacts (refer to **Section 4.3.4**) and the site is suitable in terms of flooding (refer to **Section 4.4.3**). Stormwater will drain directly to Georges River, without passing through another LGA. With respect to recreation and public access, the proposed residential flat building will not impact access to natural waterbodies.

#### 4.1.2.2.2 Section 6.11 Land within 100 metres of a natural waterbody

Where a site is located within 100 metres of a natural waterbody in a regulated catchment, Section 6.11 requires the consent authority consider whether the land use proposed for land abutting the natural waterbody are water-dependent and whether conflicts between land uses are minimised.

**Comment:** The site is located within 100 metres of Salt Pan Creek. CBC may be satisfied of the matters in Section 6.11 as the proposed residential flat building will not depend on water from the creek and will not result in any stormwater quantity or quality impacts to downstream water-dependent uses (refer to **Section 4.3.4**).

### 4.1.3 State Environmental Planning Policy (Housing) 2021

Section 144 of the Housing SEPP provides that Chapter 4 applies to development for the purposes of residential flat buildings, shop top housing and mixed used development with a residential accommodation component that does not include a boarding house or co-living housing (unless an LEP states that mixed use development including a boarding house or co-living housing is residential apartment development), providing the buildings is at least three storeys (not including underground car parking storeys) and contains at least four dwellings. The development may consist of the erection of a new building, substantial redevelopment or refurbishment of an existing building or the conversion of an existing building.

Subsection 147(1) requires the consent authority to consider the following matters before granting consent to, or modifying a consent for, development to which the Chapter applies.

- The quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 of the SEPP;
- The ADG; and
- Any advice received from a design review panel within 14 days after the consent authority referred the application to the panel.

**Comment:** Chapter 4 applies as the proposed development is for the purposes of a residential flat building with a height of five storeys, containing 17 dwellings. Accordingly:

- The proposed residential flat building is considered in the context of:
  - The design principles in Schedule 9 of the SEPP in the Design Verification Statement (JS Architects 2025); and
  - The ADG in **Appendix C** and is found to be compliant with all design criteria, with the exception of ground floor balcony depth. Justification for the non-compliance is provided below.
- The applicant would be pleased to address any advice received from the design review panel.

The ground floor balconies are to have a minimum depth of 2.3 metres, falling short of the minimum three metres required under Section 4E, Design Criteria 2 of the ADG. The non-compliance is acceptable as:

- The balconies will offer a high level of amenity derived from the building's landscaped setting and outlook towards adjoining public open space;
- The overall area of the ground floor balconies will comply with or exceed the minimum required under Section 4E, Design Criteria; and
- The balcony depths are sufficient for alfresco dining, recognising that future residents will also have access to rooftop communal open space and adjoining public open space.

### 4.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.4 of the Hazards SEPP provides that Chapter 4 of the SEPP applies to the State. Subsection 4.6(1) of the SEPP prevents the consent authority granting consent unless it has considered whether the land is contaminated and, if contaminated, whether the land is suitable in its contaminated or will be suitable after



remediation for the purpose for which the development is proposed to be carried out. If the land is contaminated, the consent authority is prevented from granting consent unless it is satisfied that the land will be remediated before the land is used for the purpose of the development.

**Comment:** Chapter 4 applies as the site is located within the State. Accordingly, contamination is considered in Section 4.4.1.

#### **4.1.5 State Environmental Planning Policy (Sustainable Buildings) 2022**

Section 2.1 of the Sustainable Buildings SEPP provides that, with the exception of BASIX excluded development (garage, storeroom, carport, gazebo, verandah, awning, alteration of a building listed on the State Heritage Register and spaces that cannot be fully enclosed):

- The erection, but not relocation, of a BASIX building (a building that contains at least one dwelling but does not include hotel or motel accommodation or a boarding house, hostel or co-living housing that accommodates more than 12 residents or has a gross floor area exceeding 300m<sup>2</sup>) and change of building use by which a building becomes a BASIX building are to comply with the standards set out in Schedule 1 of the SEPP; and
- Alteration of a BASIX building (refer above) with an estimated development cost of \$50,000 or more and development for the purposes of a swimming pool or spa (or a combination of both) that services only one dwelling and has a capacity (or combined capacity) of 40,000 litres or more is to comply with the standards set out in Schedule 2 of the SEPP.

Section 27 of the EP&A Regulation provides that a DA for BASIX development must be accompanied by a BASIX certificate issued no earlier than three months before the day on which the DA is submitted.

**Comment:** The proposed development is for the purposes of a residential flat building which is a BASIX building. Accordingly, it is required to comply with the requirements set out in Schedule 2 of the SEPP and the DA is required to be accompanied by a BASIX certificate issued no earlier than three months before the day on which the DA is submitted.

## **4.2 Subsection 4.15(a)(iii) Any development control plan**

Subsection 4.15(1)(a)(iii) of the EP&A Act 1979 requires the consent authority to take the relevant provisions of any development control plan (DCP) into considerations in determining a DA.

Subsection 4.15(3A) of the EP&A Act 1979 provides that if a development does not comply with provisions in a development control plan that set standards with respect to an aspect of that development, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

**Comment:** As demonstrated in the assessment provided in **Appendix C**, the proposed residential flat building is compliant with all relevant development controls under the CBDP 2023, Chapter 5.1, Section 8, with the exception of Control 8.9 and Control 8.11. The former requires a minimum 4.5 metre building setback to the side boundaries, whilst the latter requires a minimum two metre basement setback to the side boundaries.

Flexibility in the application of the standard is sought on the basis that alternative solutions, being two metre setback for the waste storage, 3.6 metre setback for the Unit 3 balcony, two metre setback for the Unit 1 and 2 balconies and substation kiosk and less than two metre setback for a bump-out at Basement Level 2 and stairway at Basement Level 1, is reasonable and achieves the objects of those standards (refer to **Table 8**).

Table 8: Residential Flat Building Objectives

Objectives:	Comment:
O1 To ensure the building form, building design, setbacks and landscape of residential flat buildings and shop top housing are compatible with the suburban character of the high density residential areas.	Notwithstanding non-compliant building setbacks, the proposed residential flat building will be consistent with the desired future character of the area (refer to <b>Section 4.3.1</b> ). ✓
O2 To ensure the building form, building design, room sizes and internal layout of residential flat buildings and shop top housing provide appropriate amenity to residents in terms of access to sunlight, privacy and useability.	The non-compliant portion of the proposed residential flat building will not compromise amenity to future residents. The non-compliant portion of the ground floor balconies enables the provision of private open space in accordance with ADG requirements. ✓
O3 To ensure the building form and building design of residential flat buildings and shop top housing do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.	The non-compliant portion of the: <ul style="list-style-type: none"> <li>Residential flat building is to be located at the ground floor and have width not exceeding five metres, ensuring they will not cause visual bulk or overshadowing impacts to neighbouring properties;</li> <li>Unit 1 and 2 balconies will not cause any visual privacy impacts as they are to face public open space; and</li> <li>Unit 3 balcony will not cause any visual privacy impacts due to being screened by landscaping in accordance with the Landscape Plan (Onescape 2025).</li> </ul> ✓
O4 To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.	The non-compliant portion of the ground floor balconies enables the provision of private open space in accordance with ADG requirements. ✓
O5 To ensure the landscape design contributes to a high quality streetscape and amenity.	The non-compliant portions of the proposed residential flat building, all of which are to be located at ground floor,
O6 To provide deep soil zones to allow for and support healthy plant and tree growth.	Notwithstanding non-compliant building and basement setbacks, 22.58% (264.37m <sup>2</sup> ) of the site area is to be provided as deep soil area, compliant with the minimum 7% (81.9m <sup>2</sup> ) required under Section 3E, Design Criteria 1 of the ADG. ✓
O7 To minimise the visual impact of off-street parking on the streetscape.	Notwithstanding non-compliant basement setbacks, the basement will not have any visual impact on the street as it is to be located entirely underground. ✓
O8 To ensure basements are well-designed and integrate into the overall design of the development.	As above. ✓
O9 To minimise the effect of blank walls.	The non-compliant building setbacks will not cause blank walls. ✓
O10 To ensure the building design and materials reduce the opportunities for vandalism and graffiti.	The non-compliant building setbacks will not create opportunities for vandalism and graffiti due to the provision of landscaped, tiered building setbacks to all boundaries. ✓
O11 To ensure that land adjoining a development site is not left sterilised or isolated so that it is incapable of being developed for the purpose	The non-compliant building setbacks will not cause sterilisation or isolation of neighbouring properties. ✓

Objectives:	Comment:
of multi dwelling housing under the applicable controls.	

## 4.3 Subsection 4.15(b) Likely impacts of the development

Subsection 4.15(1)(b) of the EP&A Act 1979 requires the consent authority to take into consideration the relevant likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts on the locality, in determining a DA.

**Comment:** The impacts of the proposed residential flat building on the desired future character, amenity of neighbouring properties, heritage, stormwater, traffic and waste are considered in the following sections.

### 4.3.1 Desired Future Character

The proposed residential flat building is consistent with the desired future character for the site, derived from local context and site analysis in **Section 2**. It will activate the vacant site to provide 17 residential apartments (including one dedicated to affordable housing) within walking distance of high frequency public transport services and adjacent to high quality public open space. In doing so, it will create opportunities for casual surveillance of the public open space, particularly the shared path that wraps around the site's rear boundary and northern side boundary. Landscaping within the building setbacks will soften the appearance of the residential flat building from the street, whilst allowing the building to blend with established planting in the adjoining public open space.

### 4.3.2 Amenity

#### 4.3.2.1 Overshadowing

The proposed residential flat building will result in overshadowing on 21<sup>st</sup> June to:

- 6 Vimy Street: Private open space and all north-facing windows between 9am and 3pm.
- 8 Vimy Street: Private open space and all north-facing windows between 10am and 2pm.
- 10 Vimy Street: Private open space between 9am and 10am.
- Lots on the eastern side of Vimy Street: West-facing windows between 2pm and 3pm.

The impacts to:

- 6, 8 and 10 Vimy Street are acceptable as over three hours of solar access to more than 50% of the rear private open space is to be retained;
- 10 Vimy Street and lots on the eastern side of Vimy Street are acceptable as there will not be any impact to north-facing windows and there will not be any impact to rear private open space associated with lots on the eastern side of Vimy Street; and
- All properties are acceptable as:
  - The proposed residential flat building is compliant with all development standards under the CBLEP 2023 and design criteria under ADG, with the exception of part of the lift overrun and part of a ground floor balcony, neither of which will exacerbate the overshadowing impact; and
  - Given that the local context is undergoing built form transition, it is reasonable to expect that overshadowed properties (including 10 Vimy Street, through adaptive reuse) will be redeveloped for high density residential uses in future. These would include apartments that achieve solar access requirements in accordance with the ADG.



#### 4.3.2.2 Visual and Acoustic Privacy

The proposed residential flat building will result in 31 new windows, seven balconies and a rooftop communal open space facing properties to the south. The impacts will be acceptable as, as shown in **Figure 10**:

- Of the 31 windows, 12 (38.7%) are to be associated with non-habitable spaces (e.g. bathrooms or circulation) and the remainder are to be associated with bedrooms which would be predominantly used at night, with the blinds, curtains or shutters drawn or closed;
- Balconies are to present their narrow edge to the south, screened by privacy screens to prevent overlooking of neighbouring properties;
- The deep planter along the edges of the rooftop communal open space, detailed in the Landscape Plan (Onescape 2025), will prevent overlooking of neighbouring properties; and
- The building separation complies with Section 3F, Design Criteria 1 of the ADG.

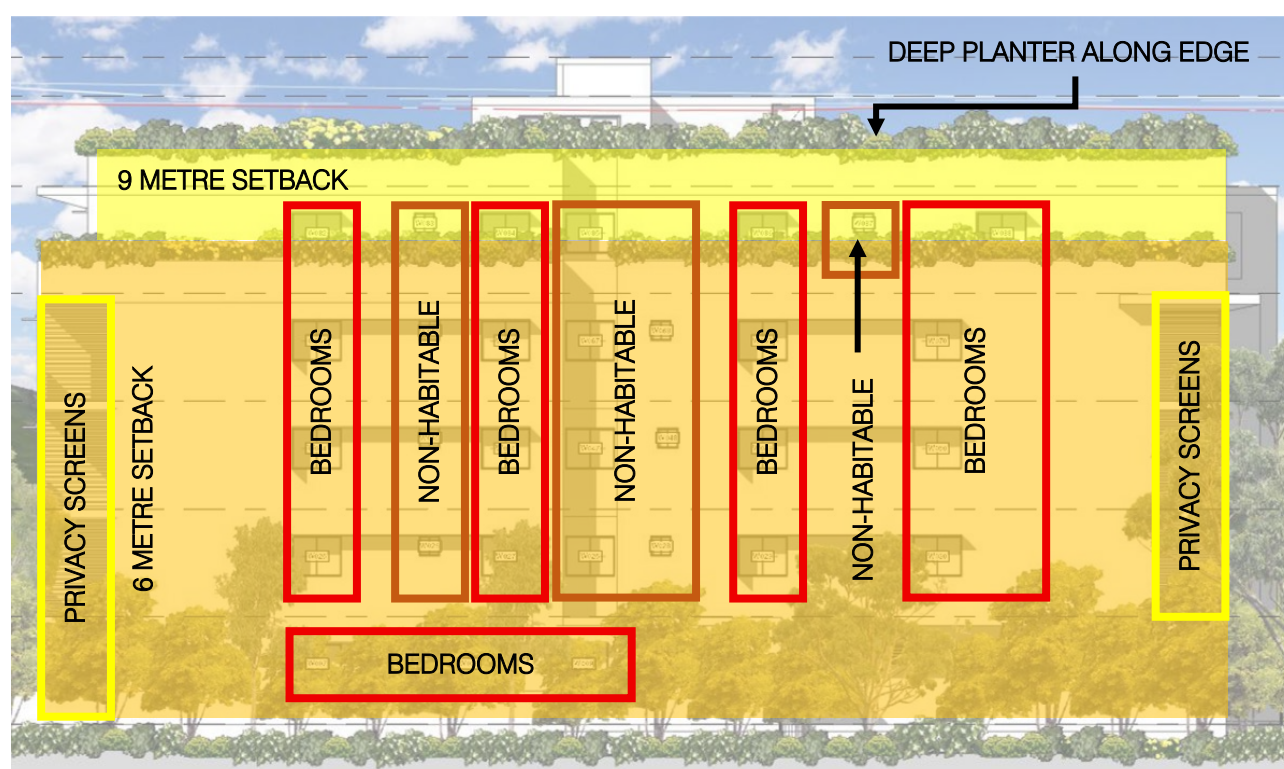


Figure 10: South elevation (JS Architects 2025, Dwg No. A123, Iss. A) with privacy analysis superimposed

#### 4.3.3 Heritage

The site is not identified as Heritage Item, Archaeological Site, Aboriginal Heritage or as being within a Heritage Conservation Area on the Heritage Map under clause 5.10 of CBLEP 2023. However, it adjoins Heritage Item I245 *Bankstown Memorial Park* at 195 Chapel Road and is approximately 26 metres from Heritage Item I23 *WSHC House, "Weymouth"* at 10 Vimy Street and 110 metres from Heritage Item I24 *WSHC House "The Nest"* at 22 Vimy Street.

The Heritage Impact Statement (Edwards Heritage Consultants 2025, p. 27) concludes that the proposed residential flat building will have a *"low negative but acceptable impact"*, subject to the implementation of the following recommendation:

*Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease and the Consent Authority and Heritage NSW notified.*

*Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.*

#### **4.3.4 Stormwater**

The proposed residential flat building will not have any stormwater quantity impacts as it is to be serviced by reticulated water, will retain of 22.58% (264.37m<sup>2</sup>) of the site area as deep soil area for on-site stormwater infiltration (compliant with the minimum 7% (81.9m<sup>2</sup>) required under Section 3E, Design Criteria 1 of the ADG) and provision of OSD tanks in accordance with the Stormwater Management Plan (MJW 2025). The OSD will allow for for limited on-site stormwater reuse, such as for landscape maintenance and other appropriate activities to minimise dependence on potable water.

Any stormwater that isn't otherwise detained on-site is to drain to CBC's stormwater infrastructure in Vimy Street in accordance with the Stormwater Management Plan. Treatment of stormwater prior to discharge to CBC's stormwater infrastructure, in accordance with the Stormwater Management Plan, will ensure that the proposed residential flat building will not have any stormwater quality impacts.

#### **4.3.5 Traffic**

The Traffic & Parking Assessment (Transport and Traffic Planning Associates 2025) notes that the site has a high level of accessibility to public transport services including bus services along Restwell Street and Macauley Avenue, rail services from Bankstown Railway Station and, from 2026, metro services from Bankstown Metro Station.

It concludes that, based on traffic generation rates for medium density residential with high public transport accessibility under the Guide to Transport Impact Assessment (Transport for NSW 2025), the four morning and four afternoon peak trips generated by the proposed residential flat building will not have a discernible impact on the surrounding road network. Accordingly, mitigation measures are not required.

With respect to parking, the Traffic & Parking Assessment concludes that the 26 parking spaces to be provided fall short of the minimum 32 required under the CBDP 2023. However, they exceed the minimum specified under the Guide to Transport Impact Assessment, called up by Section 3J, Design Criteria 1 of the ADG, for medium density residential in close proximity to frequent and high-capacity public transport.

With respect to access and internal circulation, the Traffic & Parking Assessment concludes that the design is compliant with relevant national standards.

#### **4.3.6 Waste**

The Waste Management Plan (Ecotech Environmental 2025) concludes that the proposed residential flat building will cause minimal waste impacts in the demolition phase due to the lack of existing buildings, in the construction phase due to the recycling of 99.8% (2,366.3m<sup>3</sup>) of waste generated (2,371.5m<sup>3</sup>) and in the operational phase due to the recycling of 68% (5,426.4m<sup>3</sup>) of waste generated per week (7,980m<sup>3</sup>).

In the operational phase, standard waste is to be transferred from residential apartments by residents to 240 litre bins in the waste rooms, to be provided at each level. The bins would then be transferred to larger bins in the main waste room by a building manager or caretaker. Prior to scheduled service days, the building manager or caretaker will transfer the bins via a roller door from the waste room and ramp to the kerbside for collection by CBC waste vehicles.

A bulky waste storage is to be provided at Basement 1, the contents of which is to be transported by the building manager or caretaker to the kerb prior to quarterly bulky waste collection days.

## 4.4 Subsection 4.15(c) The suitability of the site for the development

Subsection 4.15(1)(b) of the EP&A Act 1979 requires the consent authority to take into consideration the suitability of the site for the development in determining a DA.

**Comment:** The suitability of the site for the proposed residential flat building, in terms of ground conditions, heritage, water, biodiversity, amenity, essential services and technical hazards, is considered in the following sections.

### 4.4.1 Ground Conditions

The site is not identified as Acid Sulfate Soils on the Acid Sulfate Soils Map under clause 6.1 of the CBLEP 2023. The Geotechnical Investigation Report (Geotechnical Consultants Australia 2025, p. 38) provides that the site has suitable geotechnical conditions for the proposed residential flat buildings, subject to the implementation of construction recommendations outlined in that report.

The site is unlikely to contain contaminated soils as:

- It is located approximately five kilometres east of the single recorded site in Bankstown on the NSW EPA Record of Notices (searched 23 May 2025) and List of Notified Sites (searched 23 May 2025, last updated 8 May 2025), being the 7-Eleven Service Station at 689 Henry Lawson Drive; and
- Based on historical aerial imagery, there has not been any land use change since at least 1943, with the site and surrounding properties being used for residential purposes and adjoining land to the west and north being used for open space.

### 4.4.2 Heritage

The site is not identified as Heritage Item, Archaeological Site, Aboriginal Heritage or as being within a Heritage Conservation Area on the Heritage Map under clause 5.10 of CBLEP 2023. The Heritage Impact Statement (Edwards Heritage Consultants 2025, p. 16) provides that *"Based on the level of recent ground disturbance and the total demolition of the dwelling, including the removal of footings, the site has very low potential to reveal archaeological information"*.

### 4.4.3 Water

The site does not contain any mapped watercourses, nor does it form part of a foreshore area. This is reflected in the Riparian Lands and Watercourses Map under clause 6.5 and Foreshore Building Line Map under clause 6.6 of the CBLEP 2023, on which the site is not identified as Watercourse, Foreshore Area or Foreshore Building Line.

However, based on the Stormwater System Report (Canterbury-Bankstown Council 2025, Ref. WP-SIOANL-433/2025), the site is affected in the 1% annual exceedance probability (AEP) and probable maximum flood (PMF) events. Nevertheless, the site is suitable for the proposed residential flat building as the likelihood of flood ingress to:

- Basement levels will be mitigated through a driveway crest height of RL 12.93 metres (0.23 metres higher than the minimum 1% AEP specified in the Stormwater System Report); and
- The lowest residential level (ground floor) will be mitigated through a finished floor level of RL 13.5 metres (0.8 metres higher than the minimum 1% AEP and 0.5 metres higher than the maximum 1% AEP specified in the Stormwater System Report).



#### 4.4.4 Biodiversity

Existing vegetation within the site is limited to managed lawn. This is reflected in Biodiversity Map under clause 6.4 and Riparian Lands and Watercourses Map under clause 6.5 of the CBLEP 2023, on which the site is not identified as Biodiversity or as Riparian Land. Further, the site is not identified as Biodiversity Values on the Biodiversity Values Map under the BC Act or as Bush Fire Prone Land on the Bush Fire Prone Land Map under the *Rural Fires Act 1997*.

#### 4.4.5 Amenity

Site inspection on 24 May 2025 did not identify any significant views across the site from the public domain. No significant views are known to be obtained across the site from neighbouring properties.

The site is not within an Australian Noise Exposure Forecast (ANEF) contour of 20 or greater, nor is it in proximity to major roads or railway corridors. This is reflected in the Acoustic Assessment (National Noise & Vibration 2025), under which existing ambient noise levels are below thresholds. Accordingly, recommendations in the Acoustic Assessment primarily mitigate noise between apartments and from waste and plant rooms.

#### 4.4.6 Essential Services

The site has existing connections to all essential services or is capable of being connected to all essential services. There is sufficient capacity in the connections to accommodate the increase in demand generated by the proposed residential flat building, subject to any upgrades required by CBC.

#### 4.4.7 Urban Hazards

The site is not within land identified as Area 1 or Area 2 on the Activity Hazard Map under clause 6.30 of the CBLEP 2023.

### 4.5 Subsection 4.15(e) The public interest

Subsection 4.15(1)(b) of the EP&A Act 1979 requires the consent authority to take into consideration the public interest in determining a DA.

**Comment:** The proposed residential flat building is in the public interest as it is consistent with the environmental planning framework, including relevant SEPPs, the CBLEP 2023 and the CBDP 2023. With respect to the Housing SEPP, it is consistent with all design criteria under the ADG, with the exception of the depth of ground floor balconies. With respect to the CBLEP 2023, it is permitted with consent in and consistent with the objectives of the zone, as well as compliant with all applicable development standards, with the exception of the minimum lot size and maximum height of buildings. With respect to the CBDP 2023, it is compliant with all development controls, with the exception of the basement and building setbacks. The non-compliances with the ADG and CBDP 2023 are acceptable as they are reasonable and are consistent with the objectives of the control. The non-compliances with the CBLEP 2023 are justified by way of clause 4.6 of the CBLEP 2023.

The proposed residential flat building is in the public interest as it will be consistent with the desired future character of the area, will have acceptable amenity and heritage impacts and minimal or no stormwater, traffic and waste impacts. Importantly, it will provide 17 residential apartments (including one dedicated affordable housing) within walking distance of high frequency public transport and high quality public open space.

## 5 Conclusion

This SEE has been prepared on behalf of the landowner to support a DA seeking consent for the construction of a five storey residential flat building at 2 and 4 Vimy Street, Bankstown.

The SEE has been prepared in accordance with the framework provided by Section 4.15(1) of the EP&A Act. In summary, the proposed residential flat building is firstly consistent with environmental planning instruments, including:

- The CBLEP 2023, under which it is permitted with consent in and consistent with the objectives of the zone and compliant with all applicable development standards, with the exception of the minimum lot size and maximum height of buildings. The non-compliances are justified by way of clause 4.6 of the CBLEP 2023.
- The relevant SEPPs, including all design criteria under the ADG that is called up under the Housing SEPP, with the exception of the depth of ground floor balconies. The non-compliance is acceptable due to future residents' accessibility to communal and public open space.

Secondly, the proposed residential flat building is compliant with all relevant controls in the CBDCP 2023, with the exception of controls relating to basement and building setbacks. The non-compliances are acceptable as they are reasonable and are consistent with the objectives of the control.

Thirdly, the proposed residential flat building will have, at most, minimal impacts. It will be consistent with the desired future character of the area, will have acceptable amenity and heritage impacts and minimal or no stormwater, traffic and waste impacts.

Fourthly, the site is suitable for the proposed residential flat building as:

- It is unlikely to be contaminated, it is not identified as Acid Sulfate Soils on the Acid Sulfate Soils Map and the Geotechnical Investigation Report (GCA 2025, p. 38) provides that geotechnical conditions are suitable, subject to the implementation of construction recommendations outlined in that report;
- It is not identified as a Heritage Item, Archaeological Site, Aboriginal Heritage or as being within a Heritage Conservation Area on the Heritage Map and the Heritage Impact Statement (Edwards Heritage Consultants 2025, p. 16) provides that the site has very low archaeological potential;
- It is not identified as Watercourse, Foreshore Area or Foreshore Building Line on the Riparian Lands and Watercourses Map and flooding can be mitigated through construction of the driveway and internal finished floor levels above the 1% AEP;
- It is not identified as Biodiversity, Riparian Land, Biodiversity Values or Bush Fire Prone Land on the Biodiversity Map, Riparian Lands and Watercourses Map, Biodiversity Values Map or Bush Fire Prone Land Map;
- No significant views are known to be obtained across the site from neighbouring properties or the public domain and the Acoustic Assessment (National Noise and Vibration 2025) provides that existing ambient noise levels are below thresholds;
- It has existing connections to essential services or capable of being connected to all essential services and there is adequate capacity in these connections to accommodate the increase in demand, subject to any upgrades required by CBC; and
- The site is not within Area 1 or Area 2 on the Activity Hazard Map.

Finally, the proposed residential flat building is in the public interest as it is consistent with the environmental planning framework and will have minimal impacts, as described above. Importantly, it will provide 17 residential apartments (including one dedicated affordable housing) within walking distance of high frequency public transport and high quality public open space.

For the reasons outlined above, the proposed development is recommended for approval subject to CBC's standard conditions of consent. Any submissions received during the public notification of the proposed development in accordance with subsection 4.15(1)(d) of the EP&A Act 1979 can be addressed by the applicant post-notification.



## **Appendix A    Clause 4.6 Application – Site Area and Width**

## **Appendix B    Clause 4.6 Application – Height of Buildings**

## Appendix C Apartment Design Guide

Objectives:	Design Criteria:	Comment:
Part 3 Siting the development		
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		<p>The proposed residential flat building is to respond to:</p> <ul style="list-style-type: none"> <li>▪ Opportunities identified in <b>Section 2</b> by activating the vacant site to provide 17 residential apartments within walking distance of high frequency public transport services, whilst benefitting from accessibility to, and creating opportunities for casual surveillance of, the adjoining open space; and</li> <li>▪ Site constraints, limited to flooding, through a driveway crest height of RL 12.93 metres (0.23 metres higher than the minimum 1% AEP specified in the Stormwater System Report) and a finished floor level of RL 13.5 metres (0.8 metres higher than the minimum 1% AEP and 0.5 metres higher than the maximum 1% AEP specified in the Stormwater System Report) at the lowest residential level (ground floor).</li> </ul>
3B Orientation		
3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development		The proposed residential flat building is to be orientated towards the street and adjoining open space. The lack of built form to the north ensures a high level of solar access to residential apartments.
3B-2 Overshadowing of neighbouring properties is minimised during mid winter		Refer to <b>Section 4.3.2.1</b> .
3C Public domain interface		
3C-1 Transition between private and public domain is achieved without compromising safety and security		The proposed residential flat building is to achieve transition between the public and private domain through landscaped, tiered setbacks from all boundaries. Fences along each of the boundaries are to prevent access to the site other than from the two pedestrian entries and single vehicular access from Vimy Street.



Objectives:	Design Criteria:	Comment:	
3C-2 Amenity of the public domain is retained and enhanced		<p>The proposed residential flat building will enhance the public domain through:</p> <ul style="list-style-type: none"> <li>Creation of opportunities for casual surveillance of the shared path that wraps around the rear and northern boundary of the site;</li> <li>If required by CBC, extension of the footpath along the western side of Vimy Street; and</li> <li>Provision of high quality landscaping that will blend into established planting in the adjoining open space.</li> </ul>	✓
<b>3D Communal and public open space</b>			
3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	The proposed residential flat building includes 58.52% (685m <sup>2</sup> ) of site area as communal open space, compliant with the minimum 25% (292.65m <sup>2</sup> ) required.	✓
	2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	The principal usable part of the communal open space, being the rooftop terrace, is to receive uninterrupted solar access due to the lack of built form to the north.	✓
3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting		The communal open space, made attractive and inviting by landscaping in accordance with the Landscape Plan (Onescape 2025) and outlook to the adjoining public open space, is to allow for appropriate activities such as quiet enjoyment by residents and their visitors. In recognition of site conditions, a broader range of activities can be conducted in the adjoining public open space.	✓
3D-3 Communal open space is designed to maximise safety		The communal open space is to ensure safety to its users through the raised planters along the building edges.	✓
3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood		The proposed residential flat building does not include public open space. However, it will benefit from accessibility to adjoining public open space.	N/A
<b>3E Deep soil zones</b>			

Objectives:	Design Criteria:	Comment:												
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	<div>1. Deep soil zones are to meet the following minimum requirements:</div> <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m<sup>2</sup></td><td>-</td><td rowspan="3">7%</td></tr><tr><td>650m<sup>2</sup> – 1,500m<sup>2</sup></td><td>3m</td></tr><tr><td>greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	<div>The proposed residential flat building includes 22.58% (264.37m<sup>2</sup>) of deep soil area with a minimum dimension of three metres, compliant with the minimum 7% (81.9m<sup>2</sup>) required.</div> <div>✓</div>		
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m <sup>2</sup>	-	7%												
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m													
greater than 1,500m <sup>2</sup> with significant existing tree cover	6m													
3F Visual privacy														
3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	<div>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</div> <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>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<div>The site adjoins public land on all boundaries except the southern side boundary. Habitable rooms and balconies in the proposed residential flat building are to be setback from the southern side boundary:</div> <div><ul style="list-style-type: none"><li>Six metres for the first four storeys, with the exception of a portion of the Unit 3 balcony which is to be setback 3.6 metres from the southern side boundary; and</li><li>Nine metres for the fifth storey.</li></ul></div> <div>Notwithstanding 3.6 metre separation of the Unit 3 balcony, compliant building separation can be achieved through at least 2.4 metre setback as part of any future redevelopment of neighbouring properties to the south.</div> <div>✓</div>
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

Objectives:	Design Criteria:	Comment:
	<p>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</p>	
<p>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</p>		<p>Refer to <b>Section 4.3.2.2</b>. The visual privacy mitigation measures specified in that section will not compromise access to light, air or outlooks to views.</p> <p style="text-align: right;">✓</p>
<b>3G Pedestrian access and entries</b>		
<p>3G-1 Building entries and pedestrian access connects to and addresses the public domain</p>		<p>The building entry is to be directly visible from Vimy Street, accessible from Vimy Street via a ramp and stairs.</p> <p style="text-align: right;">✓</p>
<p>3G-2 Access, entries and pathways are accessible and easy to identify</p>		<p>As above. Pedestrians are to be directed to the ramp and stairs via gates in the fence along Vimy Street.</p> <p style="text-align: right;">✓</p>
<p>3G-3 Large sites provide pedestrian links for access to streets and connection to destinations</p>		<p>The site area does not warrant the provision of pedestrian links.</p> <p style="text-align: right;">N/A</p>
<b>3H Vehicle access</b>		
<p>3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles</p>		<p>The vehicular entry will not have any:</p> <ul style="list-style-type: none"> <li>Streetscape impacts as its alignment is to allow for landscaping on either side and the garage door is to be entirely below the existing ground level; and</li> </ul> <p style="text-align: right;">✓</p>



Objectives:	Design Criteria:	Comment:	
and create high quality streetscapes		<ul style="list-style-type: none"> <li>Safety impacts as a traffic light is to be provided at the top of the driveway and the landscaping is to be bevelled at the property boundary to allow for sightlines along Vimy Street and into the driveway.</li> </ul>	
<b>3J Bicycle and car parking</b>			
3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	<p>1. For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street</p>	<p>The Guide to Traffic Generating Development (Roads and Traffic Authority 2002) has been replaced by the Guide to Transport Impact Assessment (Transport for NSW 2024). Table 8.3 of the Transport Impact Assessment applies on the basis that the proposed residential flat building is to accommodate 17 residential apartments, being more than two but less than 20 apartments. On the basis that the site is within a mapped Category 1 area, the proposed residential flat building is required to provide 18.6 (rounded up to 19) spaces under Table 8.3, comprising:</p> <ul style="list-style-type: none"> <li>10.4 parking spaces for the 13 two-bedroom dwellings proposed, calculated a rate of 0.8 spaces per two bedroom-dwelling;</li> <li>4.8 parking spaces for the four three-bedroom dwellings, calculated a rate of 1.2 spaces per three bedroom dwelling; and</li> <li>3.4 visitor parking spaces, calculated a rate of 1 per five dwellings.</li> </ul> <p>The proposed residential flat building is to include 26 parking spaces, compliant with the minimum 19 required.</p>	✓
3J-2 Parking and facilities are provided for other modes of transport		The proposed residential flat building includes two motorcycle spaces and seven motorcycle spaces.	✓
3J-3 Car park design and access is safe and secure		The basement car park is to be accessible to residents with keycard access and to visitors via an intercom.	✓
3J-4 Visual and environmental impacts of underground car parking are minimised		The basement car park will not have any visual or environmental impacts as is it be entirely underground. Notwithstanding the provision of basement parking, 22.58% (264.37m <sup>2</sup> ) of the site area is to be provided as deep soil area, compliant with the minimum 7% (81.9m <sup>2</sup> ) required under Section 3F, Design Criteria 1.	✓

Objectives:	Design Criteria:	Comment:	
3J-5 Visual and environmental impacts of on-grade car parking are minimised		The proposed residential flat building does not include on-grade car parking.	N/A
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised		The proposed residential flat building does not include above ground enclosed car parking.	N/A
<b>Part 4 Designing the building</b>			
<b>4A Solar and daylight access</b>			
4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	1. 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	76.47% (13 apartments) are to receive at least two hours of solar access to living rooms and private open space between 9am and 3pm on 21 June, compliant with the minimum 70% (12 apartments) required.	✓
	2. 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	The site is located within the Sydney Metropolitan Area.	N/A
	3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	All apartments receive direct sunlight between 9am and 3pm at mid-winter.	✓
4A-2 Daylight access is maximised where sunlight is limited		Sunlight is not limited due to the lack of built form to the north of the site.	N/A
4A-3 Design incorporates shading and glare control, particularly for warmer months		Sun shading and glare control is to be provided through window hoods, privacy screens along balcony edges and landscaping within the building setbacks and on structure. Further opportunities for shading and glare control are to be considered following DA approval, such as provision of blinds, curtains or shutters.	✓
<b>4B Natural ventilation</b>			

Objectives:		Design Criteria:		Comment:	
4B-1	All habitable rooms are naturally ventilated			All habitable rooms within the proposed residential flat building are to be naturally ventilated.	✓
4B-2	The layout and design of single aspect apartments maximises natural ventilation			The proposed residential flat building does not include any single aspect apartments.	N/A
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	1.	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	100% (17 apartments) of apartments are to be naturally cross ventilated, compliant with the minimum 60% (11 apartments) required.	✓
		2.	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The proposed residential flat building does not include cross-over or cross-through apartments.	N/A
4C Ceiling heights					
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access	1.	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	All apartments are to have floor to ceiling heights of over 2.7 metres for both habitable and non-habitable rooms.	✓
		Minimum ceiling height for apartment and mixed use buildings			
		Habitable rooms	2.7m		
		Non-habitable	2.4m		
		For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		



Objectives:		Design Criteria:		Comment:										
		Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope											
		If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use											
		These minimums do not preclude higher ceilings if desired												
4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms			Ceiling heights are to exceed the minimum required, particularly in non-habitable rooms, to maximise the sense of space. ✓										
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building			As above. ✓										
4D Apartment size and layout														
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	1.	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>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></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	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	The proposed residential flat buildings includes: <ul style="list-style-type: none"><li>13 two-bedroom, two-bathroom apartments (Units 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15) with area ranging between 86 and 102m<sup>2</sup>, compliant with the minimum 75m<sup>2</sup> required; and</li><li>Four three-bedroom, two-bathroom apartments (Units 2, 3, 16 and 17) with area ranging between 95 and 145m<sup>2</sup>, compliant with the minimum 95m<sup>2</sup> required.</li></ul> ✓
Apartment type	Minimum internal area													
Studio	35m <sup>2</sup>													
1 bedroom	50m <sup>2</sup>													
2 bedroom	70m <sup>2</sup>													
3 bedroom	90m <sup>2</sup>													

Objectives:		Design Criteria:	Comment:	
		2. 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	Every habitable room in the proposed residential flat building is to have a window with a glass area of not less than 10% of the floor area of the room.	✓
4D-2	Environmental performance of the apartment is maximised	1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height	All habitable rooms are not to exceed 2.5 times the floor to ceiling height.	✓
		2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Habitable room depth is not to exceed eight metres from a window in all open plan layouts.	✓
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs	1. Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	Master bedrooms are to have a minimum area of 10m <sup>2</sup> , whilst all other bedrooms are to have a minimum area of 9m <sup>2</sup> . All measurements exclude wardrobe space.	✓
		2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms are to have a minimum dimension of three metres.	✓
		3. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>3.6m for studio and 1 bedroom apartments</li> <li>4m for 2 and 3 bedroom apartments</li> </ul>	All combined living and dining rooms are to have a minimum width of four metres.	✓
		4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The proposed residential flat building does not include cross-over or cross-through apartments.	N/A
<b>4E Private open space and balconies</b>				
4E-1	Apartments provide appropriately sized private	1. All apartments are required to have primary balconies as follows:	The proposed residential flat building includes:	✓

Objectives:		Design Criteria:			Comment:		
	open space and balconies to enhance residential amenity	Dwelling type	Minimum area	Minimum depth	<ul style="list-style-type: none"><li>13 two-bedroom apartments with balconies with area ranging between 10m<sup>2</sup> and 15.33m<sup>2</sup> and a minimum dimension of two metres, compliant with the minimum 10m<sup>2</sup> and two metre-depth required; and</li><li>Four three-bedroom apartments with balconies with area ranging between 12 and 27m<sup>2</sup> and a minimum dimension of 2.4 metres, compliant with the minimum 12m<sup>2</sup> and 2.4 metre-depth required.</li></ul>		
		Studio	4m <sup>2</sup>	-			
		1 bedroom	8m <sup>2</sup>	2m			
		2 bedroom	10m <sup>2</sup>	2m			
		3 bedroom	12m <sup>-2</sup>	2.4m			
		The minimum balcony depth to be counted as contributing to the balcony area is 1m					
		2.	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			Ground floor apartments are to have balconies with an area of between 15.33 and 27m <sup>2</sup> and a minimum depth of 2.3 metres, compliant with the minimum 15m <sup>2</sup> required but falling short of the minimum three metre-depth required. Justification for the non-compliance is provided in <b>Section 4.1.3</b> .	Acceptable on merit
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building				The balconies are to be integrated into the design of the proposed residential flat building, contributing to its visual interest when viewed from the street, neighbouring properties and adjoining public open space.	✓	
4E-4	Private open space and balcony design maximises safety				The safety of the balconies is to be ensured through fences along the property boundaries, landscaped, tiered building setbacks and balustrades along balcony edges.	✓	
4F Common circulation and spaces							
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments	1.	The maximum number of apartments off a circulation core on a single level is eight			A maximum of four apartments are to be accessible from the circulation core.	✓
		2.	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			The proposed residential flat building is to have a height of five storeys.	N/A
4F-2	Common circulation spaces promote safety and provide for social				Common circulation spaces are to be limited in length and are not to have any blind corners, ensuring they will not compromise safety. A rooftop communal open space is to be provided to enable social interaction between residents.	✓	

Objectives:	Design Criteria:	Comment:										
interaction between residents												
4G Storage												
4G-1 Adequate, well designed storage is provided in each apartment	<div>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table> <div>At least 50% of the required storage is to be located within the apartment</div>	Dwelling type	Storage size volume	Studio	4m³	1 bedroom	6m³	2 bedroom	8m³	3 bedroom	10m³	<div>The proposed residential flat building is to include 13 two-bedroom apartments which are to have at least 8m³ of storage and four three-bedroom apartments which are to have at least 10m³ of storage, including at least 50% within each apartment.</div> <div>✓</div>
Dwelling type	Storage size volume											
Studio	4m³											
1 bedroom	6m³											
2 bedroom	8m³											
3 bedroom	10m³											
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments		<div>Storage is to be conveniently located within apartments and within basement storage cages.</div> <div>✓</div>										
4H Acoustic Privacy												
4H-1 Noise transfer is minimised through the siting of buildings and building layout		<div>Noise transfer from the proposed residential flat building to existing and future development in neighbouring properties is to be minimised through compliance with building separation requirements, with the exception of a minor part of the Unit 3 balcony which is unlikely to cause noise impacts to neighbouring properties.</div> <div>✓</div>										
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments		<div>Noise impacts are to be mitigated between apartments through all apartments being separated by circulation, where possible. Where there are to be common walls to between apartments, the use of the adjoining rooms is to be reflected (e.g. kitchen and kitchen or bedroom and bedroom).</div> <div>✓</div>										
4J Noise and pollution												
4J-1 In noisy or hostile environments the impacts of external noise and		<div>The site is not located within a noisy or hostile environment.</div> <div>N/A</div>										



Objectives:	Design Criteria:	Comment:
	pollution are minimised through the careful siting and layout of buildings	
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Refer to <b>Section 4.4.5</b> .  ✓
<b>4K Apartment mix</b>		
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future	The proposed residential flat building includes 13 two-bedroom and four three-bedroom apartments to accommodate small and large families in proximity to public open space and public transport links.  ✓
4K-2	The apartment mix is distributed to suitable locations within the building	Three bedroom apartments are to be located at the ground and fourth floor. The ground floor three-bedroom apartments will allow easy access for larger families that require it, whilst the fourth floor three-bedroom apartments will enable expansive district views.  ✓
<b>4L Ground floor apartments</b>		
4L-1	Street frontage activity is maximised where ground floor apartments are located	The proposed residential flat building includes one ground floor apartment with a balcony that will face the street to contribute to street frontage activity.  ✓
4L-2	Design of ground floor apartments delivers amenity and safety for residents	The ground floor apartments will achieve a high level of amenity through: <ul style="list-style-type: none"> <li>▪ Outlook to landscaping within the building setbacks with public open space beyond;</li> <li>▪ Over two hours of solar access between 9am and 3pm on 21 June, with the exception of Unit 3;</li> <li>▪ Natural cross-ventilation; and</li> <li>▪ Internal area and private open space meeting or exceeding the minimum requirements under the ADG.</li> </ul> ✓
<b>4M Facades</b>		

Objectives:	Design Criteria:	Comment:	
4M-1	Building facades provide visual interest along the street while respecting the character of the local area	The street-facing façade of the proposed residential flat building are to provide visual interest along the street through: <ul style="list-style-type: none"> <li>Strong vertical and horizontal elements, these include extension of the Unit 13 and 16 balcony soffits and the awning over the building entry base of the Unit 5 balcony, connected by vertical fins; and</li> <li>Privacy screens along balcony edges and window hoods on street-facing windows.</li> </ul>	✓
4M-2	Building functions are expressed by the facade	The design of the proposed residential flat building is to express its residential use through residential apartment windows and balconies in all facades.	✓
<b>4N Roof design</b>			
4N-1	Roof treatments are integrated into the building design and positively respond to the street	The proposed residential flat building is to have a flat roof with planter boxes along the edges in accordance with the Landscape Plan (Onescape 2025).	✓
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised	The proposed residential flat building includes a rooftop communal open space.	✓
4N-3	Roof design incorporates sustainability features	The proposed residential flat building includes rooftop landscaping in accordance with the Landscape Plan (Onescape 2025).	✓
<b>4O Landscape design</b>			
4O-1	Landscape design is viable and sustainable	The landscaping specified in the Landscape Plan (Onescape 2025) primarily comprises native species that are viable and sustainable in the local climate.	✓
4O-2	Landscape design contributes to the streetscape and amenity	The proposed residential flat building includes landscaping within all building setbacks and on-structure to contribute to the streetscape and the amenity of future residents, as well as blend the site with established planting in the adjoining public open space.	✓
<b>4P Planting on structures</b>			
4P-1	Appropriate soil profiles are provided	Soil profiles are to be provided in accordance with the Landscape Plan (Onescape 2025).	✓

Objectives:	Design Criteria:	Comment:	
4P-2	Plant growth is optimised with appropriate selection and maintenance	The landscaping specified in the Landscape Plan (Onescape 2025) primarily comprises native species that are viable and sustainable in the local climate.	✓
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposed residential flat building includes on-structure planting to contribute to the quality and amenity of the rooftop communal open space and, through landscaping within the building setbacks, the adjoining public open space.	✓
<b>4Q Universal design</b>			
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members	The proposed residential flat building include six silver units and four gold units.	✓
4Q-2	A variety of apartments with adaptable designs are provided	Unit 5 and 9 are to be adaptable.	✓
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs	The proposed residential flat building includes 13 two-bedroom and four three-bedroom apartments to accommodate small and large families.	✓
<b>4R Adaptive reuse</b>			
		There are no existing buildings within the site.	N/A
<b>4S Mixed use</b>			
		The proposed residential flat building is to contain residential uses only.	N/A
<b>4T Awnings and signage</b>			
4T-1	Awnings are well located and complement and integrate with the building design	The proposed residential flat building includes a small awning at the building entry to provide protection from the elements.	✓
4T-2	Signage responds to the context and desired streetscape character	Signage is not proposed.	N/A
<b>4U Energy efficiency</b>			

Objectives:	Design Criteria:	Comment:	
4U-1	Development incorporates passive environmental design	The proposed residential flat building complies with BASIX requirements (refer to <b>Section 4.1.5</b> ).	✓
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	As above.	✓
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation	100% (17 apartments) of apartments are to be naturally cross ventilated, compliant with the minimum 60% (11 apartments) required under Section 4B, Design Criteria 1.	✓
<b>4V Water management and conservation</b>			
4V-1	Potable water use is minimised	The proposed residential flat building includes OSD for on-site re-use for landscape maintenance and other appropriate activities to minimise dependence on potable water.	✓
4V-2	Urban stormwater is treated on site before being discharged to receiving waters	Stormwater is to be treated and discharged from the site in accordance with the Stormwater Management Plan (MJW 2025).	✓
4V-3	Flood management systems are integrated into site design	The proposed residential flat building has been designed to respond to flooding through a driveway crest height of RL 12.93 metres (0.23 metres higher than the minimum 1% AEP specified in the Stormwater System Report) and a finished floor level of RL 13.5 metres (0.8 metres higher than the minimum 1% AEP and 0.5 metres higher than the maximum 1% AEP specified in the Stormwater System Report) at the lowest residential level (ground floor).	✓
<b>4W Waste management</b>			
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape,	The waste storage rooms are to be integrated into the design of the proposed residential flat building so that they will not have any impact on the streetscape.	✓



Objectives:	Design Criteria:	Comment:
	building entry and amenity of residents	
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling	Refer to <b>Section 4.3.5.</b> ✓
<b>4X Building maintenance</b>		
4X-1	Building design detail provides protection from weathering	Material and finishes selection and application is to comply with CBC and national requirements. ✓
4X-2	Systems and access enable ease of maintenance	The proposed residential flat building is to be setback from all boundaries to allow for ease of access for maintenance. ✓
4X-3	Material selection reduces ongoing maintenance costs	Material and finishes selection and application is to comply with CBC and national requirements. ✓

## Appendix D Canterbury-Bankstown Development Control Plan 2023, Chapter 5.1 Residential Accommodation – Former Bankstown LGA, Section 8 Residential flat buildings and shop top housing in residential zones

Controls:		Comment:										
Isolation of sites												
8.1	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.	6 and 8 Vimy Street can be amalgamated for a combined area of approximately 1,200m <sup>2</sup> and a width of approximately 26 metres to accommodate a residential flat building similar to that proposed for the site subject of this DA.										
Storey limit (not including basements)												
8.2	Development must comply with the storey limit that corresponds with the maximum building height shown for the site on the Height of Building Map as follows:	The proposed residential flat building is to have a height of five storeys, compliant with the maximum six allowed given a height of buildings of 19 metres shown on the Height of Buildings Map.										
	<table><tr><th>Maximum building height as shown on the Height of Buildings Map (Canterbury-Bankstown LEP 2023)</th><th>Storey limit (not including basements)</th></tr><tr><td>13m</td><td>4 storeys (no attic)</td></tr><tr><td>16m</td><td>5 storeys (no attic)</td></tr><tr><td>19m</td><td>6 storeys (no attic)</td></tr><tr><td>25m</td><td>8 storeys (no attic)</td></tr></table>	Maximum building height as shown on the Height of Buildings Map (Canterbury-Bankstown LEP 2023)	Storey limit (not including basements)	13m	4 storeys (no attic)	16m	5 storeys (no attic)	19m	6 storeys (no attic)	25m	8 storeys (no attic)	
Maximum building height as shown on the Height of Buildings Map (Canterbury-Bankstown LEP 2023)	Storey limit (not including basements)											
13m	4 storeys (no attic)											
16m	5 storeys (no attic)											
19m	6 storeys (no attic)											
25m	8 storeys (no attic)											
8.3	The siting of residential flat buildings, shop top housing and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The site is generally level. Elevation of the proposed residential flat building is necessary to respond to flooding.										
Fill												
8.4	Any reconstituted ground level on the site within the ground floor perimeter of residential flat buildings and shop top housing must not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.	Ground levels are to be generally retained at the property boundaries.										
8.5	Any reconstituted ground level on the site outside of the ground floor perimeter of residential flat buildings and shop top housing must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.	As above.										
Street setbacks												

Controls:		Comment:
8.6	The minimum setback for a building wall to the primary street frontage is:	
	(a) 3m for the sites at 1–9 Leonard Street and 74–80 Restwell Street in Bankstown; and	The site does not have frontage to Leonard or Restwell Streets. N/A
	(b) 6m for all other sites.	The proposed residential flat building is to be setback six metres from the street boundary. ✓
8.7	The minimum setback for a building wall to the secondary street frontage is 6m.	The site has a single street frontage. N/A
<b>Side and rear setbacks</b>		
8.8	For a single or two storey building, the minimum setback to the side and rear boundaries of the site is 0.6 multiplied by the wall height.	The proposed residential flat building is to have a height of five storeys. N/A
8.9	For a building with three or more storeys, the minimum setback to the side and rear boundaries of the site is 4.5m provided the average setback is 0.6 multiplied by the wall height.	<p>The proposed residential flat building is to be setback:</p> <ul style="list-style-type: none"> <li>4.5 metres from the rear boundary; and</li> <li>Six metres from the side boundaries, with the exception of: <ul style="list-style-type: none"> <li>Part of the waste storage room and part of the Unit 3 balcony which are to be, respectively, setback two and 3.6 metres from the southern side boundary; and</li> <li>Part of the Unit 1 and 2 balconies and substation kiosk which are to be setback two metres from the northern side boundary.</li> </ul> </li> </ul> <p>Justification for the non-compliance is provided in <b>Section 4.2</b>.</p>
8.10	Residential flat buildings and shop top housing (including basements) must provide a minimum 5m setback to Ruse Park for the purposes of deep soil landscaping.	The site does not have frontage to Ruse Park. N/A
8.11	The minimum setback for a basement level to the side and rear boundaries of the site is 2m.	The basement parking levels are to be setback over two metres to the side and rear boundaries, with the exception of a minor bump-out at Basement Level 2 and a stairway at Basement Level 1. Justification for the non-compliance is provided in <b>Section 4.2</b> . Acceptable on merit
8.12	The minimum setback for a driveway to the side and rear boundaries of the site is 1m.	The driveway is to be setback two metres from the southern side boundary. ✓
<b>Private open space</b>		
8.13	Development must locate the private open space behind the front building line. This clause does not apply to any balconies where	Balconies are to provide articulation of the street-facing façade. ✓

Controls:		Comment:
	it is used to provide articulation to the street facade.	
<b>Building design</b>		
8.14	Council applies the State Environment Planning Policy (Housing) 2021 (Chapter 4) and the Apartment Design Guide to residential flat buildings and shop top housing. This includes buildings that are two storeys or less, or contain less than four dwellings.	Refer to <b>Section 4.1.3</b> and <b>Appendix C</b> .  ✓
8.15	Development for the purpose of residential flat buildings and shop top housing must demolish all existing dwellings (not including any heritage items) on the site.	All existing dwellings have been demolished.  ✓
8.16	The maximum roof pitch for residential flat buildings and shop top housing is 35 degrees.	The proposed residential flat building is to have a flat roof.  ✓
8.17	Council may allow residential flat buildings (up to three storeys) and shop top housing (up to three storeys) to have an attic provided the attic design: (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and (b) ensures the attic does not give the external appearance of a storey.	As above.        N/A
8.18	The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2m; and (d) the number of dormers must not dominate the roof plane.	As above.        N/A
8.19	Council does not allow residential flat buildings and shop top housing with four or more storeys to have attics.	As above.  ✓
8.20	Council does not allow residential flat buildings and shop top housing to have rooftop balconies and the like.	The proposed residential flat building does not include rooftop balconies.  ✓
8.21	The siting of a plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must: (a) integrate with the architectural features of the building to which it is attached; or (b) be sufficiently screened when viewed from the street and neighbouring sites.	All plant is to be located underground or integrated into the building so that they will not have any impact on the streetscape, such as the substation kiosk.  ✓
<b>Building design (car parking)</b>		
8.22	Development must locate the car parking spaces behind the front building line.	Car parking is to be provided behind the building line, within two basement levels.  ✓
<b>Landscape</b>		



Controls:	Comment:
8.23 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the residential flat building and shop top housing.	There are no existing trees within the site. Significant trees in the adjoining public open space are to be protected in accordance with CBC requirements. ✓
8.24 Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species):	
(a) a minimum 45% of the area between the building and the primary street frontage; and	Over 45% of the front setback is to be landscaped. ✓
(b) a minimum 45% of the area between the building and the secondary street frontage; and	The site has a single street frontage. N/A
(c) plant more than one 75 litre tree between the building and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury-Bankstown); or	The Landscape Plan (Onescape 2025) includes four 75L trees within the front setback. ✓
(i) if the site adjoins the Hume Highway and the minimum setback to the Hume Highway is less than 20m, the development must plant a row of 75 litre trees at 5m intervals along the length of the Hume Highway boundary and must select the trees from the Landscape Guide; or	The site does not have frontage to the Hume Highway. N/A
(ii) if the site adjoins the Hume Highway and the minimum setback to the Hume Highway is 20m, the development must plant two rows of 75 litre trees at 5m intervals along the length of the Hume Highway boundary and must select the trees from the Landscape Guide.	As above. N/A
<b>Security</b>	
8.25 Where the site shares a boundary with a railway corridor or an open stormwater drain, any building, solid fence or car park on the site should, wherever practical, be setback a minimum 1.5m from that boundary. The setback distance must be: (a) treated with hedging or climbing vines to screen the building, solid fence, or car park when viewed from the railway corridor or open stormwater drain; and (b) the hedging or climbing vines must be planted prior to the completion of the	The site does not adjoin a railway corridor or open stormwater drain. N/A

Controls:	Comment:
<p>development using a minimum 300mm pot size; and</p> <p>(c) the planter bed area must incorporate a commercial grade, sub-surface, automatic, self-timed irrigation system; and</p> <p>(d) the site must be fenced along the boundary using a minimum 2m high chainwire fence; and</p> <p>(e) the fence provides an appropriate access point to maintain the landscaping within the setback area; and</p> <p>(f) where a car park adjoins the boundary, hedging or climbing vines must also be planted along the sides of any building or solid fence on the site that face the railway corridor or open stormwater drain.</p> <p>If a setback for landscaping under this clause is not practical, other means to avoid graffiti must be employed that satisfies Council's graffiti minimisation strategy.</p>	
<p><b>Shop top housing (ground floor retail premises and business premises)</b></p> <p>8.26 The sum of the gross floor area of all the ground floor retail premises and business premises must not exceed 100m<sup>2</sup>.</p> <p>8.27 Development must provide an active street frontage and may include large, transparent windows on the street elevation that enable the perception of indoor activity to be obtained from the public domain. Council does not permit solid roller doors and shutters.</p> <p>8.28 Council may limit the hours of operation of the ground floor retail premises and business premises from 6.30am to 6.00pm seven days a week.</p> <p>8.29 Council must consider the following matters to ensure development for the purposes of the ground floor retail premises and business premises has a minimal impact on the amenity of adjoining dwellings and neighbouring sites:</p> <p>(a) the likely number of vehicle, delivery and visitor movements;</p> <p>(b) the size of delivery vehicles associated with the proposed development;</p> <p>(c) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from dwellings;</p>	<p>The proposed residential flat building is to contain residential uses only.</p> <p>N/A</p>

Controls:	Comment:
<p>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised; and</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, vibration, fumes, gases, smoke, dust or odours, or the like.</p> <p>8.30 All loading and unloading is to be undertaken on-site. The loading and unloading areas should locate behind the front building line.</p> <p>8.31 Development must provide waste storage areas inside every food premises and inside any shop that is capable of accommodating a food premises.</p>	
<p><b>Blank walls</b></p> <p>8.32 Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.</p> <p>8.33 Blank walls are not permitted where facing the public domain.</p> <p>8.34 The maximum length of any blank wall must not exceed 5m.</p> <p>8.35 The maximum height of a blank wall must not exceed 3m.</p> <p>8.36 Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals.</p>	<p>The proposed residential flat building does not include blank walls.</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p>