

<b>ITEM</b>	<b>18 – 22 Stanley Street, BANKSTOWN NSW 2200</b>
	<b>Construction of a six storey (6) residential flat building containing fifty-three (53) residential apartments and basement carparking under State Environmental Planning Policy (Affordable Rental Housing) 2009</b>
<b>FILE</b>	<b>DA-466/2015 - East Ward</b>
<b>ZONING</b>	<b>R4 High Density Residential</b>
<b>DATE OF LODGEMENT</b>	<b>8 May 2015</b>
<b>APPLICANT</b>	<b>Green Square Design P/L</b>
<b>OWNERS</b>	<b>Shu Yu Yun</b>
<b>ESTIMATED COST</b>	<b>\$15,058,169.00</b>
<b>CIV</b>	<b>\$13,689,244.00</b>
<b>AUTHOR</b>	<b>Development Services (Juliette Kavanagh)</b>

### **SUMMARY REPORT**

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated Capital Investment Value (CIV) of \$13,689,244.00 and exceeds the capital investment threshold for 'private infrastructure and community facilities'.

Development Application No. DA-466/2015 proposes the construction of a six (6) storey residential flat building containing fifty-three (53) residential apartments and basement carparking.

The Development Application has been assessed in accordance with the provisions contained in of Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, assessment against the relevant specific environmental planning instruments, including *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*. The development has been found to have generally complied with the relevant provisions.

The application was advertised and notified upon lodgement for a period of twenty-one (21) days from 20 May 2015 to 09 June 2015. Three (3) objections were received during this period. The objections made against the proposed development raised concerns relating to noise and air pollution during construction, the location of the garbage room, traffic and parking impacts, rubbish dumping, noise and vandalism. The issues raised do not warrant refusal of the development application, and the proposed development is considered to be suitable for the site and the locality with respect to these matters.

### **POLICY IMPACT**

This matter has no direct policy implications.

### **FINANCIAL IMPACT**

This matter has no direct financial implications.

### **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions of consent.

### **ATTACHMENTS**

- A - Section 79C Assessment Report
- B - Conditions of Consent
- C – Notification Plan
- D - Objectors Map
- E - Site Plan
- F - Elevations

## **DA-466/2015 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 18 – 22 Stanley Street, Bankstown, is located on the southern side of Stanley Street and is zoned R4 High Density Residential. The consolidated development site has an area of 2,086.65sqm, and a frontage of approximately 45.72 metres to Stanley Street.

The site comprises three (3) allotments with each containing a single storey dwelling and several trees and shrubs which are of no significance to the site. There are two (2) *Lophostemon confertus* (Bottlebrush) street trees located along the Stanley Street frontage. The site is relatively level with a 1.23 metre slope from the north-west corner to the south-east corner.

The existing development along the northern side of Stanley Street largely consists of 3-7 storey residential flat buildings and mixed – use developments. Development to the east of the site consists of a two storey attached dual occupancy development; and three strata subdivided, two storey row houses. The row houses are located on the north-eastern corner of Stanley Street and Percy Street.

Development to the south – east and south-west of the site predominantly consists of single and two storey detached dwelling houses. Three (3) additional strata subdivided, two storey row houses are located to the west of the site. These are also positioned on the street corner, where Stanley Street meets Leonard Street.

The site locality is illustrated in the aerial photo below.



## **PROPOSED DEVELOPMENT**

The Development Application proposes the following works:

- Demolition of existing structures and tree removal;
- Consolidation of sites and construction of a six (6) storey residential flat building consisting of fifty-three (53) units and basement carparking.
- 53 residential units, consisting of 11 x 1-bed and 36 x 2-bed units and 6 x 3-bed units.
- 29 of the 53 units (54.95% of the total GFA) are to be Affordable Rental Housing.
- Two-level basement carpark, providing parking for 79 vehicles (13 visitor, 2 disabled, and 64 residential spaces).
- New vehicular access from Stanley Street at the North Eastern corner of the site.
- Communal open space and landscaping, and external garbage room.

## **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

### **Environmental planning instruments [section 79C(1)(a)(i)]**

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

Under the provisions of Clause 7 of SEPP No. 55, a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The development site has a history of use for low density residential purposes and the subject application proposes to continue the use of the site for residential purposes. There is no evidence to suggest that the sites have been subject to any contaminating land uses.

The subject sites are considered suitable for the proposed residential use and therefore, satisfy the provisions of SEPP 55.

**State Environmental Planning Policy – Affordable Rental Housing) 2009 (ARHSEPP)**

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) aims to *'facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards'*. Division 1 (Clauses 10 to 17 inclusive) of the ARHSEPP applies to development for the purposes of a residential flat building. An assessment of the proposal against the applicable Clauses of Division 1 is provided below.

Clause	Requirement	Proposal	Complies
10 - Development to which Division applies	(1)(a) the development concerned is permitted with consent under another environmental planning instrument, and	The proposal is defined as 'Residential Flat Building' which is permitted with Council consent under the BLEP 2015 in the R4 High Density Residential Zone.	Yes
	(1)(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u> .	The site does not contain a heritage item nor is it in the vicinity of a heritage item.	Yes
	(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.	The site is located within 260 metres of the Restwell Street bus stop, and within 650 metres walking distance of Bankstown Station which satisfies 'accessibility' requirements under the ARHSEPP.	Yes
	(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed	The site is located within 260 metres of the Restwell Street bus stop, and within 650 metres walking distance of Bankstown Station which satisfies 'accessibility' requirements under the AHRSEPP.	Yes

	Use, or within a land use zone that is equivalent to any of those zones.		
11, 12 (Repealed)	-	-	-
13 Floor space ratios	(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	<p>More than 20% of the gross floor area is to be used for the purpose of affordable housing.</p> <p>The units that have been identified to be used as affordable units are as follows:</p> <p>Ground floor: 01, 02, 03, 04, 05, 06, 07, 08, 09</p> <p>Level 1: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19</p> <p>Level 2: 20, 21, 22, 23, 24, 25, 26, 27, 28, 29</p>	Yes
	<p>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur,</p> <p>plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p>	54.95% of the gross floor area is to be used for affordable rental housing. Accordingly, the maximum permitted FSR for this site is 2.25:1. The proposed floor space ratio is a compliant 2.25:1.	Yes

	<p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p><math>Y = AH \div 100</math></p>		
<p>14 Standards that cannot be used to refuse consent</p> <p>Site and solar access requirements</p>	<b>(a) Repealed</b>	-	-
	<p>(b) Site Area</p> <p>Minimum 450sqm</p>	2086.65m <sup>2</sup>	Yes
	<p>(c) Landscaped Area</p> <p>at least 30 per cent of the site area is to be landscaped</p>	<p>Requires 625.995m<sup>2</sup> of landscape area</p> <p>Proposed 669.712m<sup>2</sup> of landscape area.</p>	Yes
	<p>(d) Deep Soil Zone</p> <p>15% of total site area and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area</p>	<p>130.425m<sup>2</sup> of deep soil zone required</p> <p>41.024m<sup>2</sup> of deep soil provided within the eastern side setback (dimension of 3m achieved)</p> <p>200.765m<sup>2</sup> of deep soil provided within the rear/southern setback (dimension of 3m achieved)</p> <p>115.23m<sup>2</sup> of deep soil provided in the front setback (dimension of 3m achieved)</p> <p>Total Deep soil on site – 357.019m<sup>2</sup></p> <p>It is considered that the site provides sufficient deep soil</p>	Yes

		zone.	
	<p>(e) Solar Access</p> <p>Min 70% of dwellings to receive min 3hrs solar access between 9am and 3pm in mid-winter</p>	<p>The proposal achieves 3 hours of sunlight to 36 units (68%) between 9am -3pm.</p>	<p>No, however solar access complies with the requirements of the RFDC and is considered satisfactory on that basis.</p> <p>Further discussion of this matter is provided below.</p>
<b>(2) General</b>	<p>(a) parking</p> <p>at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,</p>	<ul style="list-style-type: none"> <li>• 1 bed x 11 (0.5 spaces each unit) = 5.5 spaces</li> <li>• 2 bed x 36 (1 space each unit) = 36 spaces</li> <li>• 3 bed x 6 (1.5 spaces each unit) = 9 spaces</li> </ul> <p>Total spaces required = 50.5 (51)</p> <p>Total spaces provided = 79 (including 13 visitor spaces)</p>	Yes
	<p>(b) dwelling size</p> <ul style="list-style-type: none"> <li>• 50 square metres in the case of a dwelling having 1 bedroom, or</li> <li>• 70 square metres in the case of a dwelling having 2 bedrooms, or</li> <li>• 95 square metres in the case of a dwelling having 3 or more bedrooms.</li> </ul>	<p>All units meet the minimum requirements</p>	Yes
15 Design Requirements	Consideration of Seniors Living Policy: Urban Design Guidelines for Infill Development	The Seniors Living Policy is not applicable as State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies	N/A



16A Character of Area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the area.	<p>The site is zoned R4 – High Density in which residential flat buildings are permitted. The development complies with the maximum 19m Height of Buildings limit specified in the Bankstown local Environmental Plan 2015.</p> <p>The building is considered to be compatible with the existing character of the locality and reflective of the desired future character given the R4 High Density Residential zoning and 19m Height of Buildings set under the BLEP 2015.</p> <p>The proposal is considered to be sympathetic to existing development and compatible with the future desired character of the area.</p>	Yes
17 Must be used as affordable housing for 10 years	The dwellings are to be used for the purposes of affordable housing and managed by a registered community housing provider	<p>St George Community Housing has provided consent to manage the community housing component of the development for the required time period.</p> <p>A condition of consent will be imposed to ensure compliance with this clause.</p>	Yes
18 Subdivision	Land on which development has been carried out may be subdivided with consent of the consent authority	Subdivision is not sought as part of this DA	N/A

As demonstrated above, the proposal complies with the majority of the standards contained within Division 1 (Clauses 10 to 17 inclusive) State Environmental Planning Policy (Affordable Rental Housing) 2009. Further discussion is provided below on a number of specific aspects of the development.

### Floor Space Ratios

Clause 13 of ARHSEPP permits a floor space ratio (FSR) bonus for infill affordable housing development which varies according to the proportion of the proposed development to be used for affordable housing purposes. The applicant has nominated 29 of the proposed 53 units, or 54.95% of the gross floor area of the development to be used for this purpose. A condition of development consent will be imposed to ensure this provision of affordable rental housing floor space.

In accordance with Clause 4.4 of the BLEP 2015, the site would normally be subject to a maximum FSR of 1.75:1. Under the provisions of Clause 13 of the ARHSEPP, the proposal is subject a maximum FSR of 2.25:1.

The application proposes a total FSR of 2.25:1, which complies with the applicable floor space ratio.

### Solar Access

Clause 14(e) of the ARHSEPP requires that 70% of dwellings receive a minimum of 3 hours of solar access between 9:00am and 3:00pm in mid-winter. 36 out of the 53 units (68%) achieve the minimum requirement, resulting in a minor non-compliance with Clause 14(e) of the ARHSEPP.

It is considered that the orientation and configuration of the site makes achieving 3 hours of solar access between the hours of 9am and 3pm along the eastern elevation difficult. True north is orientated at the front of the site which creates a situation where direct solar access to the eastern elevation is only available for 2.25 hours between the hours of 9-12am. Additionally, the site is square in format, with its width being equal to its length. The applicant has argued that once applying the required building setback separations required under the RFDC and considering the efficiency of apartment layout, the only resultant floor plan for the site is one which is square in format, and yields an equal number of units along the western elevations as it does on the eastern elevation. Therefore it is impractical to reorient any additional units, to meet the minimum solar access requirement, without severely compromising apartment amenities, as it would result in a clustering of units along the north and west elevation.

When the proposed development is considered under BDCP 2015 with the requirements for solar access, 92% of units achieve at least 3 hours of solar access between 8am - 4pm and compliance is achieved. As such, the shortfall in the number of apartments having access to direct solar access between 9am-3pm due to site constraints is considered to be minor and is acceptable in this instance. In this regard, although the proposal does not meet the numerical 'rule of thumb' of the RFDC for solar access, it does meet the objective of providing "adequate ambient lighting and minimise the need for artificial lighting during the day".

This has been achieved through the following measures by the applicant:

- The open plan design of the living areas are square and unobstructed, having direct access and sight lines to the window/sliding doors.

- All apartments achieve the maximum recommended 8 metre apartment depth and ceiling height of 2.7 metres.
- Living area are provided with large sliding doors, and in many circumstances where the living areas are bounded by two perpendicular external walls, windows/glazed doors are located on both wall to further enhance the daylight access.

### **Deemed State Environmental Planning Policy (SEPP) – Georges River Catchment**

The subject site is located within the Georges River Catchment and accordingly GMREP No. 2 applies. The proposed works are consistent with the relevant planning principles outlined in the GMREP No. 2, and the proposal does not include any of the specific development types listed under the 'planning control table'.

### **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

SEPP No. 65 applies to residential flat buildings having 4 or more units and 3 or more storeys. Accordingly the SEPP applies to the proposed development, and an assessment against the Design Quality Principles and Residential Flat Design Code (RFDC) has been undertaken.

The proposed development is consistent with the Design Quality Principles and responds appropriately to the site's context, as detailed below:

#### 1. Context

The site is located within the R4 – High Density Residential Zone, the objectives of which seek:

- *To provide for the housing needs of the community within a high density residential environment;*
- *To provide a variety of housing types within a high density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The immediate surrounding area is characterised by a mixture of residential development types, ranging from single dwelling development to 3-7 storey residential flat developments immediately to the north of the site. In this regard, the proposal is considered to be compatible with the existing and likely future character of the area.

#### 2. Scale

The proposed development is compliant with the applicable floor space ratio and consistent with the applicable height standard, with the building sitting below the 19 metre height limit. It is considered that the scale of the development is consistent with that envisaged by the planning controls.

3. **Built form**  
As stated above the proposed development is considered to be consistent with the desired future character for the area in terms of its bulk and scale. The design of the development is appropriate for the site and the proportions of the buildings and its overall design and treatment is considered acceptable.
4. **Density**  
The proposed development has a total FSR of 2.25:1 which complies with the maximum permitted 2.25:1 floor space ratio.
5. **Resources**  
The development is subject to State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and requires the submission of a valid BASIX Certificate. The development is accompanied by a Multi Dwelling BASIX Certificate No. 618917M\_03 which accompanied the application, which achieve satisfactory performance with respect to energy efficiency, water conservation and thermal comfort.  
  
The development makes adequate provision for open space, as discussed previously in this report. It also satisfies natural ventilation requirements and is considered acceptable with regard to solar access. The proposal also provides a mix of housing choice, including one, two and three bedroom units, including two adaptable units (5 and 8), contributing to the range of housing affordability.
6. **Landscaping**  
The development provides a total of 357.019m<sup>2</sup> of landscaping and open space on the ground level which is accessible at the Ground Floor of the development.
7. **Amenity**  
The development satisfies natural ventilation requirements and as is considered acceptable with regard to solar access. It also provides a suitable mix of unit types.  
  
Building separation within the development is acceptable and the proposal achieves suitable cross ventilation. The proposal provides for a sustainable building, reducing overall energy requirements and improving residential amenity.
8. **Safety and security**  
Physical and visual barriers provide separation between public and private spheres. Residential dwellings which address Stanley Road, as well as provision of intercom and security systems will allow for surveillance to be achieved.
9. **Social dimensions**  
The site is located within the R4 – High Density Residential zone and the proposal provides an appropriate mix of unit sizes and types.

## 10. Aesthetics

The overall appearance of the proposal is considered appropriate.

In addition to the above 'Design Quality Principles', the application generally conforms to the key 'rules of thumb' contained in the Residential Flat Design Code, as outlined in the table below.

[illegible]

<p>25sqm of private open space shall be provided to ground floor units with a minimum dimension of 4 metres in one direction.</p>	<p>The private open spaces of each of the ground floor units is 25sqm. All maintain a minimum dimension of 4 metres in one direction.</p>	<p>taken into account. The development site is located within 280m of Stevens Reserve, which is located to the east of the site. Additionally, Bankstown Memorial Park is located 300m west of the site.</p> <p>Yes.</p>
<p><b>Apartment layout</b> Single aspect units should be limited to a depth of 8m from a window.</p> <p>The back of the kitchen should be no more than 8 metres from a window.</p> <p>The width of cross-over and cross-through units over 15 metres deep should be 4 metres or greater.</p> <p>Buildings not meeting the minimum standards listed above must demonstrate how satisfactory daylight and natural ventilation can be achieved.</p>	<p>18 out of 30 of the single aspect apartments have a depth of more than 8m from a window.</p> <p>The back of the kitchen of approximately 9.4% of the units (5) is located more than 8m from a window.</p> <p>The development does not contain any cross-over units. All cross-through units are less than 14 metres or less in depth.</p>	<p>No. However, the maximum depth of a single aspect unit is 13m, however this is limited to 1 of the units that fail this requirement. The majority of non-compliant units exceed the 'rule of thumb' by up to 2 metres only and all habitable rooms are positioned within 8m of a window.</p> <p>No. However, the maximum distance of the back of the kitchen from a window is 11.5m, the non-compliant units are dual aspect and exceed the 'rule of thumb' by up to 3 metres only.</p> <p>Yes.</p> <p>In general, the development demonstrates satisfactory daylight and natural ventilation outcomes.</p>

<b>Apartment size</b> 1 bed – min. 50m <sup>2</sup> 2 bed – min. 70m <sup>2</sup> 3 bed – min. 95m <sup>2</sup>	1 bed – 56m <sup>2</sup> to 63m <sup>2</sup> 2 bed – 70m <sup>2</sup> to 99m <sup>2</sup> 3 bed – 100m <sup>2</sup> to 133m <sup>2</sup>	Yes
<b>Balcony depth</b> Min. 2m depth to primary balconies.	The minimum balcony depth ranges from 1.7m to 4.3.	No. A small portion of balconies contain areas that are less than 2m in depth, however these areas are not the primary usable space of those balconies. All balconies are assessed to be practical and functional, and are considered to satisfactorily achieve the intent of this 'rule of thumb'.
<b>Floor to ceiling heights</b> Min. 3.3m for the ground floor and 2.7m for all other floors.  If a variation is sought then satisfactory daylight access must be demonstrated.	All storeys of the development propose a minimum floor to floor height of 3.0m, which equates to a floor to ceiling height of approximately 2.7m with a 300mm slab.	No. While the proposed development complies for all upper floors, the floor to ceiling height on the ground floor is less than 3.3m. Despite this non-compliance, a satisfactory level of solar access is achieved to the majority of ground floor units, and given the site orientation and layout, an increase to the ground floor ceiling height would not significantly benefit solar access. Accordingly, the proposed development is considered to achieve the intent of this 'rule of thumb'.
<b>Ground floor apartments</b> Optimise the number of ground floor units with separate entries and provide ground floor units with access to private open space.	All ground floor units fronting are provided with separate street entrances via the private open space. All other ground floor units benefit from access to the communal open space via the private open space.	Yes.

<b>Internal circulation</b> Max. 8 units accessed from a single corridor.	8 units or less are accessed from a single corridor.	Yes
<b>Storage</b> 1 bed – min. 6m <sup>3</sup> 2 bed – min. 8m <sup>3</sup> 3 bed – min. 10m <sup>3</sup>	The application proposes approximately 254.5m <sup>3</sup> of storage area in the basement which is allocated to individual units. In addition, the application proposes 505.2m <sup>3</sup> of storage area within the units. The total amount of storage area proposed equates to 759.7m <sup>3</sup> , i.e. an average of 14.3m <sup>3</sup> per unit.	Yes.
<b>Solar access</b> 70% of units should receive 3 hours solar access between 9am and 3pm at the midwinter solstice.	<p>36 out of 53 units, i.e. 67.9%, achieve 3 hours of solar access between 9am and 3pm at the midwinter solstice. An additional 8 units (15%) achieve 2.25 hours of solar access within the same time frame.</p> <p>Further, between the hours of 8am and 4pm, 49 out of 53 units (92%) receive more than 3 hours of solar access.</p>	No. The RFDC permits 2 hours of solar access in dense urban areas, and the Bankstown Development Control Plan 2015 allows for consideration of solar access between 8am and 4pm. In this instance it is therefore considered reasonable allow leniency to the controls, as the proposed development achieves the intent of the solar access 'rule of thumb'.
<b>Natural ventilation</b> Building depths should typically range from 10 to 18 metres.  60% of units should be naturally cross ventilated.  25% of kitchens should have access to natural ventilation.  Developments which seek to vary the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved.	<p>The depth of the building exceeds 18m in certain locations, however the applicant has demonstrated that 60% of units achieve natural cross ventilation. This figure is achieved through a combination of dual aspect units and single aspect units designed to induce air flow through the location of windows.</p> <p>Approximately 35% of kitchens are naturally ventilated as they are located immediately adjacent to a window, or are positioned in a well-ventilated location within the unit.</p>	Yes.



## **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development.

BASIX Certificate No. 618917M\_03, dated 18 November 2015, was submitted with the development application and demonstrates that the proposal achieves compliance with the BASIX thermal, energy and water efficiency targets.

## **Bankstown Local Environmental Plan 2015**

The following clauses of the Bankstown Local Environmental Plan (BLEP) 2015 are relevant to the proposed development and were taken into consideration:

- Clause 1.2 – Aims of Plan;
- Clause 1.3 – Land to which Plan applies;
- Clause 2.1 – Land Use zones;
- Clause 2.2 – Zoning of land to which Plan applies;
- Clause 2.3 – Zone objectives and Land Use Table;
- Clause 2.7 - Demolition requires Development Consent
- Clause 4.1B – Minimum lot sizes and special provisions for certain dwellings;
- Clause 4.3 – Height of buildings;
- Clause 4.4 – Floor space ratio;
- Clause 4.5 – Calculation of floor space ratio and site area;
- Clause 5.9 – Preservation of trees or vegetation;
- Clause 6.1 – Acid sulfate soils;
- Clause 6.2 – Earthworks.

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of the BLEP 2015.

### **Clause 5.9 – Preservation of trees or vegetation**

The application was referred to Council's Tree Management Officer for comment with regard to the removal of the existing vegetation on the site. It was noted that there are no objections to any tree removal subject to replacement tree plantings in accordance with the proposed Landscape Design, Drawing No. 1510, dated 27/3/2015.

Furthermore, it was also noted that there were a number of Australian White Ibis (*Threskiornis moluccus*) nesting in the *Lophostemon confertus* (Brushbox) which is located in the front yard of No. 18 Stanley Street, and that the removal of this tree for the development could cause harm to these birds. As the Australian White Ibis is a protected species under the *National Parks and Wildlife Service Act 1974*, a condition of consent requiring that the applicant obtains consent under the Act <http://www.environment.nsw.gov.au/contact/wildlifelicensingunit.htm>, or use a licensed wildlife carer, to relocate the birds prior to removal of the tree has been imposed.

### **Development control plans [section 79C(1)(a)(iii)]**

The development has been assessed against the following parts of the Bankstown Development Control Plan (BDCP) 2015:

- Part B1 - Residential Development;
- Part B5 - Parking; and
- Development Engineering Standards.

The following table provides a detailed assessment of the proposal against the key development standards contained in Part B1 and Part B5 of the BDCP 2015.

DCP CONTROL	PROPOSAL	COMPLIANCE
<b>Isolation of allotment</b> The proposed development must not have the effect of isolating land with an area of less than 1,200m <sup>2</sup> and a width of less than 20m at the front building line.	<p>There are no allotments to the south of the site that could be isolated as a result of the proposed development.</p> <p>The sites to the east of the development on Stanley Street, which comprise of Nos. 16, 16A and 14, when combined could accommodate a residential flat buildings. It is noted that both sites have been developed for a dual occupancy and three strata subdivided row houses.</p> <p>Additionally, site to the west on the corner of Stanley and Restwell Streets known as No.'s 24 &amp; 24A Stanley Street (approx. 900m<sup>2</sup> and 18.2m frontage), could be developed in the future. This site has also been developed for three strata subdivided row houses.</p>	<p>No. Despite the minor non-compliance at No. 24 Stanley Street the following have been noted:</p> <ul style="list-style-type: none"><li>- An intensification of the site has recently occurred, with the site being redeveloped for three, two storey rowhouses.</li><li>- No.'s 24 &amp; 24A Stanley Street are strata subdivided and in separate ownership.</li><li>- No.'s 24 &amp; 24A are not considered to be isolated given that the site is a corner allotment with dual frontages to Stanley and Restwell Streets;</li><li>- Amenity has been achieved, in terms of solar access, privacy and natural ventilation.</li><li>- The site may be independently developed, to a reasonable extent, having regard to the current planning controls that apply.</li><li>- The residents of No. 24 Stanley Street provided a submission to the proposed development and advised that their main concerns were in relation to waste management and car parking.</li></ul>
<b>Storey limit (not including basements)</b> The subject site benefits from a maximum building height of 25m, which allows a maximum of 8 storeys (no attic).	The proposed development is 6 storeys to Stanley Street. The proposed development complies with the maximum building height of 25m.	Yes.

<b>Setbacks to the primary and secondary frontages</b> Minimum 6 metres	The building wall and balconies are setback a minimum of 6.0m from the street frontage.	Yes.
<b>Setbacks to the side and rear boundaries</b> Min. 4.5m provided the average setback is 0.6 multiplied by the wall height.	<p>The maximum wall height of the proposed development is 18.8m, therefore a minimum setback of 4.5m is required to the side boundaries with an average setback of 11.28m.</p> <p>The application proposes a setback ranging from approximately 6.0m to 11.0m to the western (side) boundary and a setback ranging from approximately 7.5m to 14.4m to the eastern (side) boundary.</p>	<p>Compliance with this control is difficult to assess, given the varying setbacks of the building to the eastern, southern and western site boundaries. However, it is considered that the proposed development generally achieves the intent of the control.</p> <p>Furthermore, the proximity of the building to the side boundaries of the site has been assessed in detail above under the building separation control contained in the RFDC, and is considered to be satisfactory.</p>
<b>Basement setback</b> Min. 2m to side and rear boundaries.	The basement is setback a minimum of 2m to all boundaries. However, the ramp leading into Basement Level 1 has a 1m setback to the eastern side boundary for a length of 15.5 metres (33% of the boundary)	<p>No. This is considered to be a minor non-compliance as the ramp is a continuation of the proposed driveway, which is permitted to be a minimum of 1m from a side boundary. The location of the ramp allows for vehicle movement into and out of the site simultaneously without any impact on the adjoining property.</p> <p>Further, the non-compliance is limited to the basement and does not encroach upon the side setback in any other aspect of the development.</p>
<b>Driveway setback</b> Min. 1m.	The driveway is setback a minimum of 1m to the eastern boundary.	Yes.
<b>Private open space</b> Located behind front building line, with the exclusion of balconies used to articulate the façade.	The private open space is located behind the front building line.	Yes
<b>Demolition</b> Demolition of all existing dwellings on the allotment requires	The proposed development includes the demolition of all structures on the site.	Yes
<b>Adaptable housing</b> Min. 1 adaptable dwelling plus an adaptable dwelling for every 50 dwellings.	The application proposes 2 adaptable dwellings, i.e. both nominated units are on the Ground Floor.	Yes.
<b>Roof pitch</b> Max. 35 degrees.	The application proposes a flat roof.	Yes.
<b>Waste storage areas</b> May be located forward of the front building line provided it is setback a minimum of 1.5m from the primary frontage.	The application proposes a waste storage area at the north western corner of the site and forward of the front building line. It is setback 1.5m from the Stanley Street.	Yes.

<b>Car parking</b> Min. 63 spaces (1 space / 1 bed, 1.2 spaces / 2 bed, 1.5 / 3 bed plus 1 visitor / 5 units)	The application proposes 79 parking spaces – 66 resident spaces and 13 visitor spaces.	Yes.
<b>Parking requirements for people with disabilities</b> Min. 1 spaces (1 disabled space / 100 spaces).	The application proposes 2 disabled resident spaces and a shared car parking space.	Yes.

### **Planning agreements [section 79C(1)(a)(iiia)]**

There are no planning agreements applicable to the proposed development.

### **The regulations [section 79C(1)(a)(iv)]**

The proposed development is consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

### **The likely impacts of the development [section 79C(1)(b)]**

As discussed in this report, the proposed development is acceptable with regard to its likely environmental, social and economic impacts on the locality.

### **Suitability of the site [section 79C(1)(c)]**

The proposed development is permitted with consent on the subject site, and represents a built form that is compatible with the existing and desired future character of the locality. Environmental matters have been appropriately addressed, with the proposed tree removal and stormwater design having been examined by Council officers and supported. The site is therefore considered to be suitable for the proposed development.

### **Submissions [section 79C(d)]**

The application was advertised and notified upon lodgement for a period of twenty-one (21) days from 20 May 2015 to 9 June 2015. Three (3) objections were received during this period. The objections made against the proposed development raise concerns relating to noise and air pollution during construction, waste management, traffic and parking impacts, & noise, vandalism and rubbish dumping.

These issues are discussed in further detail below.

#### **Noise and air pollution**

- *Noise and air pollution during construction works.*

#### **Comments**

Council's standard condition of consent relating to the hours permitted for site and construction works will be imposed on the development consent. There may be a

certain level of dust and noise pollution associated with the excavation and construction process, however these impacts are manageable and will be temporary only.

#### Waste management

- *The garbage bin location will be a source of smell and pests that will have a direct impact on our residential environment.*

#### Comments

The application proposes waste collection from a waste storage area at the northern-western corner of the site fronting Stanley Street. The proposed development has been reviewed by Council's Resource Recovery Officer and is considered to be acceptable, subject to the imposition of conditions of consent, as the area is enclosed and has been sufficiently setback from the western site boundary.

#### Traffic and parking impacts

- *Increased traffic to the area and congestion*
- *Loss of on-street parking*

#### Comments

The proposed development provides for 79 parking spaces, i.e. 66 residential spaces and 13 visitor spaces, exceeding the minimum car parking requirements contained in the BDCP 2015 by 16 spaces. The car parking requirement is based on the total number of units proposed and the number of bedrooms within each unit. As such, any potential impact on the availability of on-street car parking within the locality is considered reasonable and does not warrant refusal of the development application. Further, the proposed amalgamation of sites will result in the reinstatement of two vehicle footway crossings, allowing for two additional on-street car parking spaces.

In accordance with the BLEP 2015, Stanley Street is zoned R4 High Density Residential, which allows higher density development largely due to the proximity of this area to the Bankstown CBD and the availability of public transport. The proposed development is not considered to be unreasonable with respect to any likely impact on traffic congestion within the locality, as a certain level of impact is expected in association with the desired future density and character of the area.

The proposed driveway adjacent to the north-eastern boundary of the site on Stanley Street which allows access to the basement is clear of visual obstructions and is not considered likely to result in traffic safety issues or unreasonable noise impacts. Further, the application has been reviewed by Council's Traffic Engineer, and is considered to be acceptable.

## Noise, Vandalism & Rubbish Dumping

- *Acoustic impacts from gatherings, balconies and outdoor areas are a disruption.*
- *The vandalism of common areas and walkways are a regular occurrence.*
- *Rubbish dumping is a blight and an issue.*

## Comments

The proposed development incorporates balconies and windows that face the neighbouring residential properties on the eastern, southern and western elevations.

Any acoustic impacts from balconies and outdoor areas are not likely to be constant in terms of impact, and are considered reasonable within the locality which is zoned to accommodate high density residential development.

The application also proposes waste collection from a waste storage area at the northern-western end of the site fronting Stanley Street. The proposed development has been reviewed by Council's Resource Recovery Officer and is considered to be capable of supporting the waste generated from the occupants of the proposed residential flat building.

## **The public interest [section 79C(1)(e)]**

The proposed development would not contravene the public interest. The proposed development responds appropriately to the requirements of the *SEPP 65 Residential Flat Design Code*, as well as the relevant standards and controls contained in the *Bankstown Local Environmental Plan 2015* and the *Bankstown Development Control Plan 2015*. Matters raised in the public submissions have been satisfactorily addressed, and it is considered that there will be no unreasonable impacts on the locality.

## **CONCLUSION**

The Development Application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979* and the relevant specific environmental planning instruments, including *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*

The proposed development represents an appropriate built form for the site and the relevant planning controls have been appropriately responded to. No significant or unresolved matters have been raised in public submissions, and the proposal is not considered to have any unacceptable or unreasonable impacts on the surrounding locality.

## **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions of consent.

Juliette Kavanagh  
**Development Assessment Officer**

Recommendation Endorsed

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Ian Woodward  
**Manager Development Services**