

statement of  
environmental effects



39 - 41 chertsey avenue  
bankstown

statement of  
environmental effects



39 - 41 chertsey avenue  
bankstown

demolition of existing structures and construction four  
storey residential flat building under the ARH SEPP

prepared for  
JPH Group

prepared by

**willana**  
a s s o c i a t e s

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# 1 introduction

## 1.1 The Client

This Statement of Environmental Effects (SEE) has been prepared for 'JPH Urban Property Pty Ltd' to accompany a Development Application (DA) to Bankstown City Council, for 39-41 Chertsey Avenue, Bankstown.

## 1.2 The Proposal

The proposal will involve the demolition of the existing structures at 39-41 Chertsey Avenue, Bankstown, lot consolidation and the construction of a four (4) storey residential flat building (RFB) as an affordable rental housing development in accordance with SEPP (Affordable Rental Housing) 2009. The proposed development will comprise of:

- 38 dwelling units
- Basement level car park with 36 car parking spaces including 2 accessible car parking spaces.

A more detailed description of the proposed development is provided in Section 4 of this SEE.

## 1.3 This Report

This report addresses Schedule 1 (2) (4) of the *Environmental Planning & Assessment Regulation 2000* (the Regulations) and therefore includes only what a 'Statement of Environmental Effects' accompanying a DA needs to include (in the case of development other than designated development or State significant development).

Schedule 1 (2) (4) of the Regulations states that:

*A statement of environmental effects must indicate the following matters:*

- (a) *the environmental impacts of the development,*
- (b) *how the environmental impacts of the development have been identified,*
- (c) *the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- (d) *any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause.*

This SEE is divided into the following sections that address matters (a) to (d) above.

**Section 1** - This introduction.

**Section 2** - A description of the site and its surrounds.

**Section 3** - A list of the applicable environmental planning instruments (including any drafts), development control plans, codes and policies.

**Section 4** - A description of the proposal in detail.

**Section 5** - An assessment of the proposal in accordance with the relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended).

**Section 6** - The conclusion to the assessment.

## 2 the site and locality

### 2.1 Description of the Site

#### *Area / Shape / Dimensions*

The subject site, Lot 145 in DP 5675 and Lot 144 in DP 663211, known as 39-41 Chertsey Avenue, Bankstown (the Site). The Site is regular in shape and has a primary frontage to Chertsey Avenue is 40.241m, its northern (rear) boundary is 40.241m and the eastern and western (side) boundaries are 47.241m. The total site area is 1901.4m<sup>2</sup>.

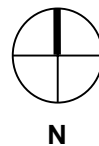
**Figure 2.1 | The Site**



Source: <https://maps.six.nsw.gov.au/>



The Site: 39-41 Chertsey Avenue, Bankstown



### ***Use / Buildings / Structures***

The Site (39-41 Chertsey Avenue) is currently used for residential purposes. It contains two (2) single storey dwellings with pitched roofs with detached garages. The remainder of the Site consists of soft and hard landscaping, with ancillary structures in the form of sheds, within the rear setback, which have vehicular access from Chertsey Avenue.

### ***Site Considerations***

The Site is currently zoned High Density Residential (R4) in accordance with the Bankstown Local Environmental Plan 2015 (BLEP 2015). The Site is not adjoining any significant Heritage sites, or located within a Heritage Conservation Area. There are no significant natural or social hazards which apply to the Site and the proposal is subsequently appropriate for re-development.

## **2.2 The Locality**

The Bankstown Central Business District (CBD) is a Major Centre in the West Central Subregion of the Sydney Metropolitan Area, and the heart of the City of Bankstown. This locality is highly urbanised with civic, retail and commercial activities generally focused around the railway station. The locality is also densely populated with some 16,000 residents living in the residential areas to the north and south.

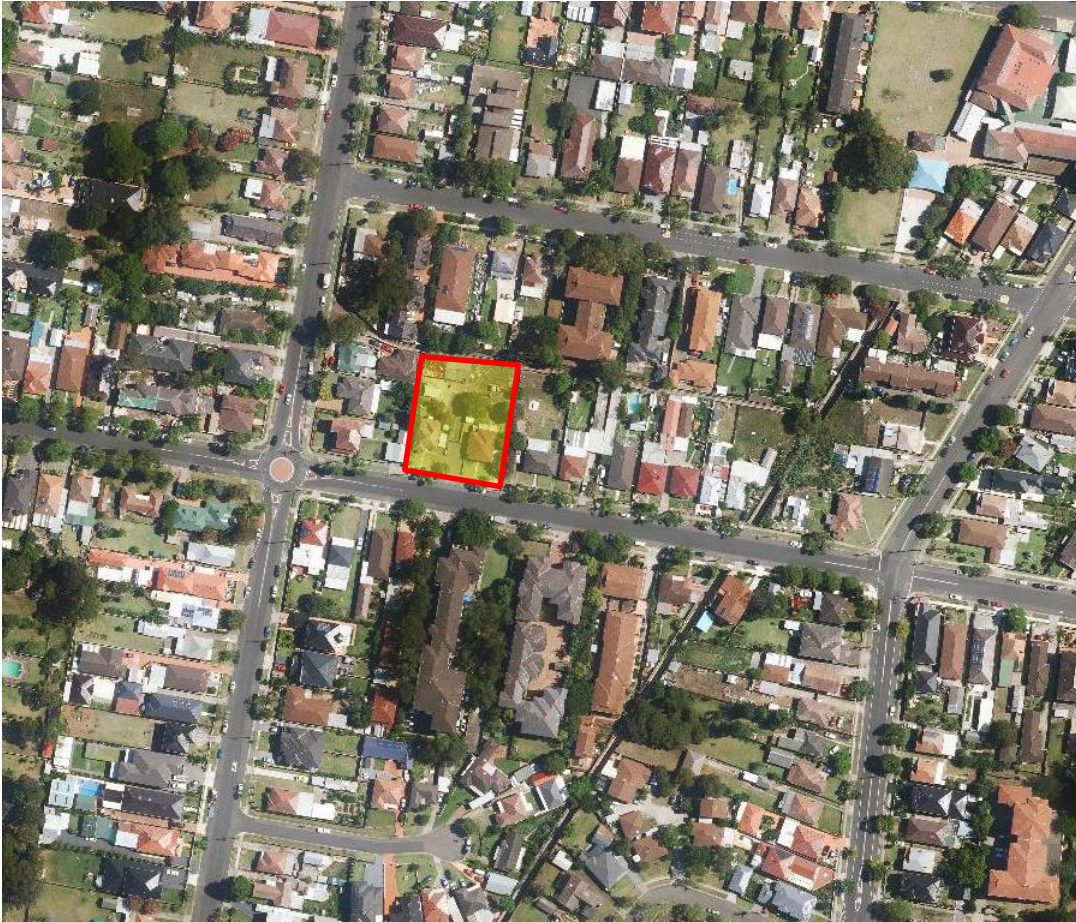
In 2011, Council adopted the Bankstown CBD Local Area Plan (the Local Area Plan) to set out the vision and specify the best ways to accommodate residential and employment growth in and around the CBD.

By 2031, the Bankstown CBD is expected to grow by 3,800 dwellings and 4,000 new jobs. The urban structure and actions contained in the Local Area Plan are based on substantially on principles derived from State Government and Local Council policies: *to have around 80% of the 3,800 dwelling target concentrated within the walking catchment of this Major Centre (i.e. a 1km radius measured from the railway station); to have 4,000 new jobs concentrated in the CBD Core, which is a location that most residents in the subregion can comfortably travel to within 30 minutes by public transport to have neighbourhood parks within easy walking distance (around 400 metres) of the residential growth areas; and to have sustainable transport promoted by increasing the share of work journeys by public transport and cycling* (Bankstown Council data).

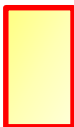
The area is immediately surrounding the Site lays on the edge of the Bankstown CBD and is earmarked for medium to high density residential development. Currently, the built form is characterised with a variety of scales ranging from one (1) and two (2) storey developments, to residential flat buildings.



**Figure 2.2 | Locality aerial view**



Source: <http://imagery.maps.nsw.gov.au>



Aerial of the Site: 41 Chertsey Avenue, Bankstown



### ***Adjoining Sites to the North***

40, 42, 44 Chelmsford Avenue

Directly to the north of the Site, the built form along Chelmsford Avenue is characterised by a mixture of one (1) and two (2) storey residential dwellings. RFBs are located further north-east of the Site. The properties are predominately turfed with limited landscaping. Vehicular and pedestrian access is provided off Chelmsford Avenue.

### ***Adjoining Sites to the West***

34, 34A, 36, 38 Oxford Avenue

The properties directly to the west of the Site are characterised by single and double storey detached residential dwelling houses. No. 34 and 34A is a battleaxe lot. No. 34, 34A and 36 have sealed driveways, which provide vehicular access from Oxford Avenue. No. 38 has a double detached garage to the rear of the



property, with access from Chertsey Avenue and is directly adjoining the Site to the west. The all have soft and hard landscaping with the front and rear setbacks.

#### ***Sites to the South***

##### **52 Chertsey Avenue**

A residential dwelling is located directly to the south of the Site. It comprises a two (2) storey masonry dwelling with vehicular and pedestrian access off Chertsey Avenue.

##### **46 - 50 Chertsey Avenue**

The property on the southern side of Chertsey Avenue contains a four (4) storey RFB. The property contains ground level parking with a sealed driveway for vehicular access from Chertsey Avenue to the rear of the property. The remainder of the property is landscaped with large amounts of open space.

##### **40-44 Chertsey Avenue**

The property to the south-east of the Site contains a three (3) storey RFB with basement car parking. Vehicular and pedestrian access are off Chertsey Avenue.

#### ***Adjoining Sites to the East***

##### **37 Chertsey Avenue**

The property directly to the east of the Site is currently used for residential purposes. This property contains a single storey, brick dwelling house with vehicular access adjoining the dwelling house along the western wall, with access from Chertsey Avenue. The remainder of the property consists of soft and hard landscaping, with ancillary structures within the rear setback.

**Site and locality photos – August 2015**



**Photo 1: The Site, 39 and 41 Chertsey Avenue, Bankstown.**



**Photo 2: Looking south towards 46-50 Chertsey Avenue.**

# 3 the statutory framework

The environmental planning instruments, (including draft instruments), applicable to the subject DA are identified below.

## 3.1 Relevant Acts

- Section 79C (1) of the Environmental Planning and Assessment Act, 1979 (EP& A Act)
- Environmental Planning and Assessment Regulation 2000.

## 3.2 State Environmental Planning Policies (SEPPs)

- SEPP 55 – Remediation of Land
- SEPP 65 – Design and Quality Residential Flat Buildings
- SEPP (Affordable Rental Housing) 2009 (SEPP ARH)
- SEPP (Building Sustainability Index: BASIX) 2004

## 3.3 Local Environmental Plans (LEPs)

- Bankstown LEP 2015

## 3.4 Development Control Plans (DCPs)

- Bankstown DCP 2015

# 4 the proposal

## 4.1 General Description

The proposal is for the demolition of the existing structures on the Site and the construction of a four (4) storey residential flat building with basement parking. The proposal will include:

- Demolition of the existing structures on the Site.
- Land consolidation.
- Construction of a four (4) storey residential flat building consisting of thirty-eight (38) dwelling units across three building modules connected by common corridors.
- One basement level containing thirty-six (36) car parking spaces, including two (2) adaptable parking spaces.
- External works and landscaped areas.
- Strata title on completion of project.

SEPP 65 and the 'Apartment Design Guide' place significant emphasis on detailed and rigorous analysis of Site context, opportunities and constraints to inform the design process and ultimately improve the design quality of residential flat buildings. The proposal is consistent with the objectives of SEPP 65; the design quality therein and the relevant requirements of the 'Apartment Design Guide'.

## 4.2 Building Components

The main components of each level of the proposed residential flat building are listed in Table 4.1. Reference can be made to the architectural plans, which accompany this DA, for a detailed description of the scheme. A mix of one (1), two (2) and three (3) bedroom units will be provided across the development. The numerical details of the development, calculated by Ghazi Al Ali Architects, are provided in the accompanying Architectural Plans.

**Table 4.1 | The Proposed Building**

Level	Inclusions
<b>Basement</b>	36 car parking spaces, including 2 adaptable spaces  Lift well and stair access  Storage
<b>Ground Floor</b>	3 x studio units  1 x 1 bedroom unit

	5 x 2 bedroom units Pedestrian access from Chertsey Avenue Common Open Space Landscaping Bin storage Lift well and stair access
<b>First Floor</b>	2 x studio units 7 x 2 bedroom units 2 x 2 bedroom units + study Lift well and stair access
<b>Second Floor</b>	1 x studio units 1 x 1 bedroom unit 5 x 2 bedroom units 2 x 2 bedroom units + study Upper floors of Units 106 and 108 Lift and stair access
<b>Third Floor</b>	5 x 2 bedroom units 2 x 2 bedroom units + study 2 x 3 bedroom units Lift and stair access

**Table 4.2 | Unit Configuration**

Unit Number	Bedrooms	Unit Floor Area	Terrace / Balcony Area
G01*	2 bed	71.43m <sup>2</sup>	14m <sup>2</sup>
G02	2 bed	78.18m <sup>2</sup>	20.07m <sup>2</sup>
G03*	1 bed	71.22m <sup>2</sup>	15.32m <sup>2</sup>
G04*	Studio	42.26m <sup>2</sup>	10.30m <sup>2</sup>
G05	Studio	51.30m <sup>2</sup>	10.81m <sup>2</sup>
G06	Studio	51.30m <sup>2</sup>	11.54m <sup>2</sup>



Unit Number	Bedrooms	Unit Floor Area	Terrace / Balcony Area
G07	2 bed	70.19m <sup>2</sup>	12m <sup>2</sup>
G08	2 bed	76.54m <sup>2</sup>	20m <sup>2</sup>
G09	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>
101	2 bed	71.47m <sup>2</sup>	14m <sup>2</sup>
102	2 bed + study	79.42m <sup>2</sup>	19.29m <sup>2</sup>
103	2 bed + study	81.41m <sup>2</sup>	19.19m <sup>2</sup>
104	2 bed	71.41m <sup>2</sup>	14m <sup>2</sup>
105	Studio	50.60m <sup>2</sup>	10.63m <sup>2</sup>
106	2 bed	46.84m <sup>2</sup> + 41.34m <sup>2</sup>	17.62m <sup>2</sup> + 17.62m <sup>2</sup>
107	Studio	51.30m <sup>2</sup>	10.81m <sup>2</sup>
108	2 bed	47.55m <sup>2</sup> + 42.03m <sup>2</sup>	17.46m <sup>2</sup> + 17.47m <sup>2</sup>
109	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>
110	2 bed	76.54m <sup>2</sup>	20m <sup>2</sup>
111	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>
201	2 bed	71.47m <sup>2</sup>	14m <sup>2</sup>
202	2 bed + study	79.42m <sup>2</sup>	19.29m <sup>2</sup>
203	2 bed + study	81.41m <sup>2</sup>	19.19m <sup>2</sup>
204	2 bed	71.41m <sup>2</sup>	14m <sup>2</sup>
205	1 bed	50.59m <sup>2</sup>	10.63m <sup>2</sup>
206	Studio	41.34m <sup>2</sup>	17.62m <sup>2</sup>
207	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>
208	2 bed	76.54m <sup>2</sup>	20m <sup>2</sup>
209	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>
301	2 bed	71.47m <sup>2</sup>	14m <sup>2</sup>
302	2 bed + study	79.42m <sup>2</sup>	19.29m <sup>2</sup>
303	2 bed + study	81.41m <sup>2</sup>	19.19m <sup>2</sup>
304	2 bed	71.41m <sup>2</sup>	14m <sup>2</sup>
305	3 bed	98.69m <sup>2</sup>	28.83m <sup>2</sup>

Unit Number	Bedrooms	Unit Floor Area	Terrace / Balcony Area
306	3 bed	100.26m <sup>2</sup>	28.85m <sup>2</sup>
307	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>
308	2 bed	76.54m <sup>2</sup>	20m <sup>2</sup>
309	2 bed	70.20m <sup>2</sup>	12m <sup>2</sup>

*\*Accessible/adaptable units*

*Note: numerical calculations provided by Ghazi Al Ali Architects*

### **4.3 Landscaping**

The DA is accompanied by a Landscape Plan, prepared by Conzept Landscape Architects, that has been prepared in co-ordination between the architect and landscape architect. The proposed total landscape area is 598.89m<sup>2</sup>. This consists of soft and hard landscaping. Of the total landscaped area 405.64m<sup>2</sup> (21%) is dedicated to deep soil landscaping.

Ample landscaping with sufficient deep soil area has been introduced along the rear boundary of the property to enhance the amenity of the current and future developments. The communal open space has also been landscaped to provide for better amenity of the future residents and also the neighbouring properties.

Each of the dwelling units will have a private open space in the form of a balcony, as indicated on the architectural plans, prepared by Ghazi Al Ali Architects.

### **4.4 Stormwater Drainage**

A stormwater drainage plan has been submitted with the subject DA.

### **4.5 Waste Management Plan**

A waste management plan has been submitted with the subject DA.

### **4.6 Building Design**

The submitted 3D modelling and external schedule of colours, finishes, textures and materials, that accompany the subject DA, are indicative of the finished appearance of the proposed development. In general, the colours have been chosen to complement the architectural style of the proposed development.

An architectural statement accompanies the application responding to SEPP 65 issues and the various design principles.

# 5 environmental assessment

## 5.1 Environmental Planning & Assessment Regulation 2000

This report considers the environmental consequences of the development as required under Schedule 1 (2) (4) of the Environmental Planning & Assessment Regulation 2000 (the Regulations).

Any environmental impacts of the development have been identified through a review of applicable planning instruments as outlined below; review of the site and review of other related documents. Our assessment of the proposal, against the planning instruments guiding development, concludes that environmental impacts, as a result of the development, are satisfactory.

## 5.2 SEPP Provisions

### 5.2.1 State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

In relation to Development Applications, in summary, SEPP 55 requires the consent authority to consider whether the land is contaminated. The Site is not within an investigation area and has not contained land uses referred in Table 1 of the contaminated land planning guidelines. Accordingly, the proposal appears suitable for the proposed use.

### 5.2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)

SEPP 65 was introduced to improve the design of Residential Flat Buildings (RFBs). It contains design quality principles, which must be incorporated into new or substantially altered existing RFBs.

The proposal is consistent with the objectives of SEPP 65; the design quality principles therein and with the relevant requirements of the Apartment Design Guide (ADG). The scheme has been designed by Ghazi Al Ali Architect.

The development is well-designed; will provide excellent amenity for future residents and will not diminish, to any unreasonable extent, the amenity to adjoining properties. The design quality principles of SEPP 65 and the ADG have been important guiding documents for the proposed development. Consistency with SEPP 65 and the ADG ensures that a high quality urban design outcome will be achieved.

### 5.2.3 State Environmental Planning Policy (Affordable Housing) 2009

The proposal will comprise in-fill affordable housing within the meaning of the ARH SEPP.

#### Clause 4 – Objectives

Clause 4 sets out the objectives of the ARH SEPP, which include the following:

*“(b) 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.*

*(f) to support local business centres by providing affordable rental housing for workers close to places of work”.*

The proposal satisfies the above objectives for the following reasons:

- The proposal will provide affordable new dwellings as required by the ARH SEPP. 20 units will be dedicated to affordable rental housing.
- The Site is within close proximity to a major retail precinct and numerous other significant infrastructure items. The Site is therefore ideally placed to provide local affordable housing for workers in the surrounding area.
- The Site is located close to public transport and will thus increase the accessibility of the occupants to employment and other local amenities.
- The Site is located within an “accessible area” within the meaning of the ARH SEPP.
- Bus Route 925 operated between Lidcombe and East Hills from Monday to Friday and runs at least every 60 minutes between 6.00am and 9.00pm and at least every 30 minutes during peak periods. On Saturday and Sundays Route 925 runs approximately every 60 minutes between 8.00am and 6.00pm.

#### Clause 13 – Floor Space Ratio

In accordance with the ARH SEPP, 20 of the proposed 38 units will be dedicated to affordable rental housing. The proposed gross floor area of the development to be used for affordable rental housing is 1380.22m<sup>2</sup>.

Clause 13 states:

*(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, plus:*

*(a) If the existing maximum floor space ratio is 2.5:1 or less:*

*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*

*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:*

*AH is the percentage of the gross floor area of the development that is used for affordable housing.*

$$Y = AH / 100$$

The FSR bonus will be based on the percentage of gross floor area dedicated to affordable rental housing.

Accordingly the following calculations are provided:

The proposal will have a total floor area space ratio of 1.5:1 and a total GFA of 2838.85m<sup>2</sup>. The proposal satisfies Clause 13 of the ARH SEPP.

#### Clause 14 – Standards that cannot be used to refuse consent

Clause 14 includes a number of standards that if achieved, cannot be used by a consent authority to refuse consent. Where the standards are not achieved, the proposal is assessed on its merits. Table 5.1 provides an assessment of the proposal against Clause 14 standards of the ARH SEPP.

<b>Design Element</b>	<b>Control</b>	<b>Proposed</b>	<b>Compliance</b>
Site Area	450m <sup>2</sup>	1901.04m <sup>2</sup>	Yes
Landscape Area	30% site area to be landscaped	598.89m <sup>2</sup> (31.5%)	Yes
Deep Soil Zones	15% site area – minimum dimension of 3m	405.64m <sup>2</sup> (21%)	Yes
Solar access to living rooms and private open spaces	> 3hrs between 9am and 3pm 22 June > 70% dwellings	In the case of the proposal, adequate access to sunlight is achieved by orientating living rooms towards north where practicable, maximising north facing windows without unreasonable privacy impacts.  26 units achieve the required 3 hours direct	Yes



		sunlight to living rooms and private open space in mid-winter. This equates to 79% of the development achieving minimum solar access.	
Parking	0.5 space per 1 bedroom dwelling 1 space per 2 bedroom dwelling 1.5 spaces per 3 bedroom dwelling	The proposal includes a total of 36 car parking spaces, including 2 accessible car parking spaces.	Yes
Dwelling Size	35sqm – bedsitter or studio  50sqm – 1 bedroom  70sqm – 2 bedroom  95sqm – 3 bedroom	Studio: 41.34m <sup>2</sup> – 51.30m <sup>2</sup>  1 bedroom: 50.59m <sup>2</sup> – 71.22m <sup>2</sup>  2 bedroom and 2 bedroom + studio: 70.20m <sup>2</sup> – 88.99m <sup>2</sup>  3 bedroom: 98.69m <sup>2</sup> – 100.26m <sup>2</sup>	Yes

#### Clause 16 – Continued Application of SEPP 65

Consideration has been given to the relevant provisions of SEPP 65 and the Apartment Design Guide. Both have been considered in the accompanying information provided by Ghazi Al Ali Architects.

#### Clause 16A – Character of Local Area

Clause 16A of the ARH SEPP states:

*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 local area.*

The development will be compatible with the character of the local area for the following reasons:

- The construction of the residential flat building is permissible within the R4 High Density Residential Zone and it is adjacent to a residential area earmarked for a similar density.
- The proposal is of an appropriate scale, height, bulk and massing which responds to the surrounding residential context.
- The proposal is located within an area well-served by public transport as well as private vehicular access and is a land use that is consistent with the surrounding neighbourhood.

The Site is zoned R4 High Density Residential under the BLEP 2015. Residential Flat Buildings are permissible with consent under the current zoning. The maximum building height under the BLEP 2015 for the Site is 13m. The proposal has a marginal variance to the maximum height limit of 0.29m. A Clause 4.6 Exception to Development Standards is contained within this report (refer to Section 5.3.2). The proposal is generally consistent with the existing and desired future character of the area, as represented in the prescribed zone objectives and the surrounding development.

The planning principle in *Project Venture Development Pty Ltd v Pittwater Council* can be used as a reference in determining the compatibility of the proposal against the character of the local area. Compatibility between the building and its surrounds is desirable. The planning principle states:

*There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing in harmony. Compatibility is this different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*

*Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The words in Project Venture about compatible developments being “capable of existing together in harmony” and “generally accepted that buildings could exist together in harmony without having the same density, scale or appearance” are important considerations in assessing the character of the local area.

Furthermore, the findings in *Northcote Trust v Hornsby Shire Council* states:

*On the important question of whether the design of the proposed development is compatible with the character of the local area, it must be accepted that development lodged under the ARH SEPP should not slavishly follow the form of development anticipated for Residential A (Low Density) Zone. The test in cl 16A is compatibility and not replication. SEPP ARH is a statewide planning policy and clearly allows for a form of development that may not necessarily reflect the exact form anticipated by local planning controls. This is highlighted by cl. 8 that gives primacy to the SEPP ARH over any environmental planning instrument (but only so far as any development is compatible with the character of [the] local area).*

The building forms and character of the development is compatible with the form of development permissible under R4 High Density Residential Zones, which includes RFBs. In the Project Venture case, it was accepted that buildings can exist together in harmony without having the same density, scale and appearance. Surrounding the Site, the locality is generally zoned R4 High Density Residential. This area is likely to incorporate much more substantial built forms in the near future. Giving the zoning context the proposal is considered compatible with the likely emerging character of the area, with higher densities expected within the vicinity of the Site.

The proposed built form is compatible with the existing RFB's surrounding the Site at 46-50 Chertsey Avenue (to the south of the Site), 40-44 Chertsey Avenue (to the south-east of the Site), and 38 Chertsey Avenue (to the south-east of the Site), as well as 36-38 Chelmsford Avenue, 34 Chelmsford Avenue, and 28-30 Chelmsford Avenue, located to the north of the Site. The surrounding RFB built forms have site coverage, landscape area, bulk and scale, and streetscape presentation comparable with the development proposal.

The R3 – Medium Density Residential zoning for sites west of 39-41 Chertsey Avenue under the BLEP 2015 permits residential development with a maximum height limit of 10m. Development within the R3 zone will potentially be redeveloped with 3 storey built forms that could include residential flat buildings.

The proposal will mitigate amenity impacts to adjoining properties in terms of privacy, overshadowing and view loss. The proposed four storey building incorporating thirty-eight (38) dwelling units is compatible with the design and development in the locality, including anticipated future built forms.

The modern design will positively contribute to the streetscape and architectural styles anticipated for the area. Given that the Site is within close proximity to major arterial routes and has a number of regular bus services, the proposal is also consistent with the objective of the ARH SEPP to locate infill affordable housing development proximate to public transport opportunities.

Accordingly, the proposal meets the character test required under Clause 16A of SEPP – Affordable Rental Housing.

#### Clause 17 – Must be used for affordable housing for 10 years

The requirement for 50% of the dwellings to be affordable housing for 10 years can be achieved by a restriction on the title of each dwelling through an 88B instrument, ensured by a condition of Council consent.

#### Clause 18 – Subdivision

Land on which development has been carried out under the Division may be subdivided with the consent of the consent authority. Subdivision is not proposed as part of this application.

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

SEPP (Building Sustainability Index: BASIX) 2004 relates to the BASIX Scheme, which encourages sustainable residential development via the achievement of energy and water saving targets. The BASIX Scheme aims to:

- Reduce consumption of mains-supplied potable water and reduce emissions of greenhouse gases, in the use of a building or in the use of the land on which the building is situated.
- Improve the thermal performance of the building.

The proposed development is within the category of dwellings affected by the BASIX SEPP. Accordingly, the subject DA is accompanied by a BASIX Certificate. The submitted plans indicate commitments proposed in the BASIX Certificate.

### **5.3 LEP Provisions**

#### **5.3.1 Bankstown Local Environmental Plan 2015 (BLEP 2015)**

The Site is located in the R4 High Density Residential Zone, which permits residential flat buildings with consent. Table 5.2 outlines the proposed development in relation to the relevant development standards contained within the BLEP 2015.

**Table 5.2 | BLEP 2015 Compliance Table**

<b>LEP Standard</b>	<b>Control</b>	<b>Proposal</b>	<b>Complies</b>
Clause 4.3 Height of Buildings	13m	13.29m	No – refer to Clause 4.6
Clause 4.4 Floor Space Ratio	1.0:1	1.5:1	Yes – complies in accordance with the ARH SEPP FSR bonus.

*Note: Numerical calculation provided by Ghazi Al Ali Architect*

#### Clause 1.4 – Definitions

The proposed development is a residential flat building, in accordance with the BLEP 2015 definition of 'residential flat building' which means 'building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing'.

#### Clause 2.3 – Zoning

The Site is located within the 'R4 High Density Residential' zone according to the BLEP 2015. The relevant Objectives of the R4 zone include:

- *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 proposal is consistent with the above Objectives of the Zone.

It will provide additional housing in an existing residential area, earmarked for medium to high density residential development, as specified by Council planning controls, addressing the desirable elements of the existing streetscape.

The proposal will accommodate the demand for housing identified for the area and provide a mix of housing types and layouts. As indicated in the assessment below there will be no significant amenity impacts on surrounding properties. The on-site amenity will offer suitable living environments to meet the needs of occupants.

#### Clause 2.7 – Demolition requires consent requirements

Demolition of the existing buildings is proposed as part of this DA.

#### Clause 4.3 – Height of Buildings

The Objectives of this Clause are as follows:

- *To ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located.*
- *To maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential.*
- *To provide appropriate height transitions between development, particularly at zone boundaries.*
- *To define focal points by way of nominating greater building heights in certain locations.*

The BLEP 2015 maximum height control that applies to the Site is 13m. The DA proposed a maximum height of 13.29m. Notwithstanding, the proposed building height will remain consistent with the desired future character of the area. The



merits of the proposal are addressed in the Clause 4.6 request contained within this report at Section 5.3.2.

#### Clause 4.4 – Floor Space Ratio

The Objectives of this Clause are as follows:

- *To establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site.*
- *To ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone.*
- *To encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.*

The maximum floor space ration (FSR) permissible on the Site is 1.0:1, as indicated on the BLEP 2015 'Floor Space Ratio' Map. The proposed development will achieve a gross floor area of 2871.5m<sup>2</sup> over a site area of 1901.04m<sup>2</sup>. The ARH SEPP allows an FSR bonus of 0.5, on the basis that at least 50% of the gross floor area is used for affordable housing, resulting in a maximum permissible FSR of 1.5:1. The development achieves an FSR of 1.5:1, compliant with the maximum permissible FSR.

The building bulk and density is consistent with the surrounding area in order to comply with the desired future character of the area and therefore is satisfactory.

The proposed development will minimise adverse environmental impacts on the adjoining properties as it will remain consistent with the surrounding properties and will not affect the streetscape or the adjoining heritage items.

#### Clause 6.1 – Acid Sulfate Soils

The Site is not identified as land affected by acid sulfate soils according to the BELP 2015 and associated Acid Sulfate Soils map.

#### Clause 6.2 – Earthworks

Any earthworks will be minor and mainly relate to the provision of underground parking and services on the allotment and levelling of the Site. They will be satisfactory with respect to the matters listed under Clause 6.2, in particular the following should be noted:

- Trees adjacent to the Site will be adequately protected, where necessary.
- Appropriate soil erosion control measures will be provided as indicated on the sediment control plan. All devices will be established prior to the commencement of works and maintained until the completion of all works. Periodic maintenance of the measures will be undertaken to ensure the measures are effective.
- An appropriate stormwater drainage system will be provided. Refer to accompanying Stormwater System Report.

- Any excavated soils will be used as backfill. Any excess will be appropriately classified and sent to a Waste Management Centre.

### 6.3 – Flood Planning

Part of the Site is effected by Flood Prone Land and therefore a Flood Study accompanies this Development Application.

The change to the building height is a result of the raising of the building base, at ground level. This is necessary to adequately address the flood levels of the Site, as advised by the applicant's consultant engineer. The amended development will marginally increase the overall building to a maximum RL of 31.71 and a building height of 13.29m. The resulting non-compliance with the building height development standard is considered to be minimal and of no significant consequence to the amenity impacts. In particular it will maintain an adequate transition between the built form and adjoining residential dwellings to the north. No undue overshadowing will result.

#### **5.3.2 Clause 4.6 Variation – Building Height**

It is requested that Council grants a variation under Clause 4.6 of HLEP 2012 to the development standard within Clause 4.3 of HLEP 2012, which relates to height for the subject application.

Clause 4.3 of the HLEP 2012 states *"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."*

The subject site is identified as having a maximum permissible building height of 13m according to the *Height of Buildings Map*.

An exception is sought under Clause 4.6 of the HLEP for the variation indicated in the table below. **Table 5.3 | BLEP 2015 Variation**

Clause	Control	Proposed development	Variation
<b>4.3 Building Height</b>	13m	13.29m	0.29m

#### *Is Compliance Unreasonable and Unnecessary*

The majority of the building is within the 13m height limit. There is a minor non-compliance in the roof form towards the front half of the Site. In this instance, the strict application of the development standard for building height is unreasonable and unnecessary.

As demonstrated below, the proposal will satisfy the objectives of the development standard, despite the numerical non-compliance, as well as the objectives of the R4 zone in which the land is located.

The proposed development complies with the ARH SEPP floor space ratio control. The proposal will also comply with the deep soil and landscaping controls of the ARH SEPP.

The height non-compliance will not have an adverse impact on the streetscape. The non-compliance is minor and occurs as a consequence of raising the building base to mitigate flood impacts identified for the Site.

The height non-compliance will not be discernible from the public domain. This minor exceedance will be viewed against the surrounding RFBs.

There will be no amenity impacts as a result of the roof exceeding the 13.0m height limit. The height non-compliance will not cause any adverse impacts on the amenity of neighbours in terms of overshadowing.

The proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents.

The proposal satisfies the objectives of the Building Height, as follows:

- **To ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located.**

The proposal will be compatible with the future streetscape in the vicinity. It will have an acceptable impact on the amenity of neighbours in terms of privacy, overshadowing and visual bulk for the reasons discussed in this report.

The proposed built form is compatible with the existing RFB's surrounding the Site at 46-50 Chertsey Avenue (to the south of the Site), 40-44 Chertsey Avenue (to the south-east of the Site), and 38 Chertsey Avenue (to the south-east of the Site), as well as 36-38 Chelmsford Avenue, 34 Chelmsford Avenue, and 28-30 Chelmsford Avenue, located to the north of the Site. The surrounding RFB built forms have site coverage, landscape area, bulk and scale, and streetscape presentation comparable with the development proposal.

- **To maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential.**

Not applicable.

- **To provide appropriate height transitions between development, particularly at zone boundaries.**

The proposal will provide appropriate height transitions between development.

The R3 – Medium Density Residential zoning for sites west of 39-41 Chertsey Avenue under the BLEP 2015 permits residential development with a maximum height limit of 10m. Development within the R3 zone will potentially be redeveloped with 3 storey built forms that could include residential flat buildings.

The proposed 13.29m building height will present to the streetscape at its highest point. The remainder of the development complies with the prescribed 13m height limit in accordance with BLEP 2015, and reflects council's intended future character.

- **To define focal points by way of nominating greater building heights in certain locations.**

Not applicable.

The proposal satisfies the objectives of the R4 zone as follows:

- **To provide for the housing needs of the community within a high density residential environment.**

The proposed development will be a RFB which is permitted in the zone. The RFB will include affordable housing, in accordance with the requirements of the ARH SEPP, to provide for the needs of the community in an accessible location.

- **To provide a variety of housing types within a high density residential environment.**

A variety of housing types will be provided. The proposal includes a mix of studio, one (1), two (2) and three (3) bedroom units of varying size (some units include study or media rooms). Two (2) adaptable dwellings are proposed and the RFB will include affordable housing, in accordance with the requirements of the ARH SEPP, to provide for the needs of the community in an accessible location.

- **To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

The proposed development will be a RFB which is permitted in the zone. No other land uses are proposed.

#### *Are There Sufficient Environmental Planning Controls*

The assessment above and that of this SEE demonstrates that the resultant environmental impacts on neighbouring amenity and the streetscape will be satisfactory.

The proposed maximum variation to the development standard is a minor 290mm. The variation will enable a well-considered development, consistent with the existing and future desired character of the locality to be provided that addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposed variation will not result in unreasonable environmental impacts. In this case strict compliance is unnecessary and unreasonable.

#### Flooding

The change in the building height is necessary to adequately address the impacts by Council and Sydney Water stormwater system components on the Site, as advised by the applicant's consultant engineer (refer to accompanying Stormwater

System Report). The Site will be subject to stormwater inundation from this overland flowpath during large storm events, as a consequence of the open channel and associated drainage reserve located along the northern site boundary adjacent to the Site. Consequently, in order to mitigate any detrimental impacts, the building base has been raised, resulting in a marginal increase in the developments overall building height to a maximum RL of 31.71, and building height of 13.29m. The resulting non-compliance with the building height development standard will be minimal and of no significant consequence to the amenity impacts. In particular, it will maintain an adequate transition from the built form to the adjoining residential. No undue overshadowing will result. The height increase will have no significant bearing on the approved character and visual amenity.

#### Public Interest

The provision of infill affordable housing is a significant issue in the community. An increasingly growing population places significant demands for a particular housing type to meet the needs of a particular demographic. The State Policy also recognises that providing this form of housing in accessible areas, where there are high volumes of public transport, services and other amenities, enhances the desired future character of the area.

The proposed development, albeit a minor increase on the allowable height in the BLEP 2015, better meets the community needs.

### **5.4 DCP Provisions**

#### **5.4.1 Bankstown Development Control Plan 2015 (BDCP 2015)**

BDCP 2015 provides guidelines and controls for specific types of developments. Of particular relevance to the proposal are Part B1 - Residential Development; B5 - Parking; and B12 - Flood Risk Management.

Please refer to Table 5.4 for an assessment of the proposed development against the relevant section of the BDCP 2015.



**Table 5.4 | BDCP Assessment**

	Control	Proposal	Complies
<b>B1 Residential Development</b>			
<b>Section 9 – Residential Flat Buildings</b>			
<b>9.2 Storey limit</b>	BLEP 2015 height control is 13m, therefore maximum of 4 storeys in permitted.	4 storeys proposed	Yes
<b>9.6 Setbacks to primary frontages</b>	6m	6m – 6.02m	Yes
<b>9.8 Setbacks to side and rear</b>	3 + storeys = average min setback to the side and rear boundaries is 4.5m.	Rear setbacks - 4.49m Side setbacks between 5.986m – 6m  The side elevations are satisfactorily articulated through various 'steps', throughout the elevation, windows and the like.	Minor non-compliance - Satisfactory  Yes
<b>9.10 Basement level setback</b>	Min basement level setback to side and rear is 2m.	1m to side boundaries 5.323m – 5.34m to the rear boundary	No Yes
<b>9.10 Driveway setback</b>	Min driveway setback to side and rear is 1m.	1.5m from the eastern boundary	Yes
<b>9.14 Adaptable dwellings</b>	1 adaptable dwelling provided for RFBs with more than 10 dwellings.	Two (2) units will be designated for adaptable dwellings.	Yes
<b>9.24 Landscaping</b>	A min of 45% of the area between the building and primary frontage is to be landscaped.	The Site has a total landscaped area of 598.89m <sup>2</sup> (31.5%). The landscaped areas are distributed across the Site	Satisfactory – meets the numerical requirements

	Control	Proposal	Complies
		in order to provide adequate screening and improve residential amenity.	of the ARH SEPP.
<b>Part B5 –Parking</b>			
<b>Residential car spaces in R4 zone</b>	1 car space per 1 bedroom (1) 1.2 car spaces per 2 bedroom (31.2) 1.5 car spaces per 3 bedroom (3)	35 required. 36 including 2 accessible	Yes
<b>Visitor car spaces in R4 zone</b>	1 car space per 5 dwellings	7 spaces required	No
<b>Part B12 – Flood Risk Management</b>			
	Schedule 5 – Catchments affected by stormwater flooding	<p>The Site is identified to be affected by:</p> <ul style="list-style-type: none"> <li>▪ An open channel and associated drainage reserve located along the northern boundary;</li> <li>▪ Overland flowpath for excess stormwater runoff from the upstream catchment and associated drainage system;</li> <li>▪ Stormwater inundation from excess stormwater runoff from the upstream catchment and associated with</li> </ul>	Satisfactory

	Control	Proposal	Complies
		<p>the drainage system through Chertsey Avenue.</p> <p>The proposed development complies with the relevant development controls of B12.</p> <p>Habitable floor levels will be at least 500mm above the 100 year ARI flood level.</p> <p>Further, the driveway to the basement car park will incorporate a crest point with surface level of at least 100mm above the 100 year ARI water surface level in order to prevent the overland flowpath from entering the basement area.</p> <p>All runoff on the Site and natural draining will be collected and disposed of in accordance with Council requirements.</p> <p>Refer to accompanying Stormwater System Report.</p>	

#### *Landscaped Open Space*

The Site has a total landscaped area of 598.89m<sup>2</sup>. This consists of soft and hard landscaping. Of the total landscaped area 405.64m<sup>2</sup> (21%) is dedicated to deep soil landscaping, providing opportunity for mature tree planting along the rear boundary. The landscaped area will assist in providing a boundary divide between the adjoining residential developments.

The cumulative effect of these separate areas of landscaping is that the proposal will provide a well vegetated context for the residential use of the Site.

### *Visitor Parking*

The proposed development does not dedicate parking spaces to visitor parking and therefore does not comply with Council's numerical requirements.

The proposed development was determined in accordance with the NSW State Environmental Planning Policy (ARH) 2009. The proposal requires 35 car parking spaces. A total of 36 car parking spaces have been provided within the basement level car park in the proposed development, satisfying the required parking provision of 35 car spaces.

It is anticipated, the proposed development is expected to accommodate its own parking demand with minimal impact on the surrounding street network. Refer to accompanying Traffic Impact Assessment for further detail.

## **5.5 Other possible impacts of the development**

Impacts to the built environment and social environments will be within acceptable and anticipated limits. It is envisaged that the development will provide additional housing opportunities within an area designated for development, consistent with the desired future character of the area as outlined by Council's planning controls.

The likely social and economic impacts and outcomes have been taken into account in the preparation of this assessment. Social and economic outcomes are considered to be positive, given that employment opportunities will be generated during construction, as well as additional housing opportunities located close to public transport, schools and employment. Impacts on the natural environment are negligible as the proposal does not involve hazardous materials or processes.

As discussed in the previous sections of this report, the proposed development will not result in any significant environmental impacts. The scheme will not incur any unreasonable impacts to the character of the locality. No unacceptable safety, security and traffic implications are expected, particularly given the density and anticipated residential use and vehicular access. Safe and efficient vehicular and pedestrian access will be possible from the established road system.

## **5.6 Suitability of the Site**

The SEE has demonstrated in detail that the Site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant Zone objectives.
- The development will respect the existing and desired future character of the immediate locality.
- Considerable compliance is achieved with the relevant non-statutory controls, and in those cases of non-compliance, the relevant objectives are satisfied and a better environmental outcome achieved.
- Likely impacts from the proposal are reasonable.

- The identified constraints have been suitably mitigated to the point that they will not result in the Site's development cannot be achieved, without significant, adverse impacts.
- The Site is ideally located adjacent to a range of public and private services.

## **5.7 Community Consultation**

It is anticipated that Council will notify the proposal in accordance with the relevant policy and statutory requirements contained in the *EP&A Act 1979* and the Regulations. The applicant will consider any submissions, should they be received by Council.

## **5.8 The Public Interest**

Approval of the application is not contrary to the public interest given:

- The proposed development will provide a new residential development in an accessible location in accordance with the desired future character of the area, as expressed in the R4 High Density Residential Zone.
- The local supply and choice of housing form will be supplemented by the proposal.
- The environmental impacts of the proposal are reasonable and within anticipated limits.

## 6 conclusion

The proposed development is permissible within the zone subject to consent under the provisions of the Bankstown Local Environmental Plan 2015. As demonstrated, the proposed development is generally consistent with the provisions of the relevant State Environmental Planning Policies and Council's Development Control Plans.

As outlined in the body of this report, the Site is capable of accommodating the proposed residential development and is not expected to have any detrimental impacts on the amenity of the locality. In this regard, the proposal is considered to be a suitable development of the Site.

The built form of the proposal is considered to respond appropriately to the surrounding context and comply with the relevant built form controls. The proposed development achieves considerable compliance with the relevant non statutory controls, and in the cases of non-compliance, the relevant objectives are satisfied.

There are no apparent issues limiting approval to the scheme.