

Statement of Environmental Effects

DEMOLITION, TREE REMOVAL AND THE CONSTRUCTION OF A SIX STOREY RESIDENTIAL FLAT BUILDING CONTAINING 87 RESIDENTIAL DWELLINGS OVER BASEMENT PARKING FOR 127 VEHICLES AT 116-124 RESTWELL STREET, BANKSTOWN



Prepared by: **Think Planners**
Document Date: 11 April 2016
Consent Authority: Sydney West JRPP



RFB: 116-124 Restwell Street, Bankstown

Quality Assurance

PROJECT: Statement of Environmental Effects– ARH SEPP RFB x 87 Units

ADDRESS: Lots 2, 3, 4 and 5 in DP 13055 and Lot 100 in DP1135453, 116-124 Restwell Street, Bankstown

COUNCIL: Bankstown City Council

CONSENT BODY: Sydney West Joint Regional Planning Panel

ARCHITECT: Design Cubicle (Alex Sibir #2961)

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
7 April 2016	Draft Issue	Draft	SJ/JW	JW
11 April 2016	Lodgement Issue	Final	JW	JW

<i>Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<i>Concurrence</i>	
<i>SEPP Infrastructure</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>



RFB: 116-124 Restwell Street, Bankstown

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Executive Summary

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures, lot consolidation, tree removal and the construction of a six storey '*Residential Flat Building*' pursuant to the Affordable Rental Housing SEPP. The proposal consists of 87 residential units over basement parking for 127 vehicles at 116-124 Restwell Street, Bankstown. 45 units with a total floor area of 3,264m² are nominated as being affordable units. These will be managed by a community housing provider for a period of at least 10 years.

The proposal incorporates the following dwelling mix:

- 15 x 1 bedroom units
- 68 x 2 bedroom units
- 4 x 3 bedroom units.

Located on the eastern side of Restwell Street to the north of Macauley Avenue. The site is located approximately 700m south of the Bankstown train station and town centre. A bus stop that is serviced by 10 separate bus routes is located right out the front of the site with regular services to East Hills, Panania, Revesby, Hurstville, Sutherland and Liverpool.

The development is a regular shaped corner allotment with frontage to Restwell Street and Macauley Avenue. The site comprises of 5 separate allotments with a total site area of 3,193.81m². The subject site is zoned R4 High Density Residential under Bankstown Local Environmental Plan 2015. '*Residential Flat Buildings*' are permissible with consent within the R4 Zone.

Located within an established high density residential area, the existing built form character of the subject area is dominated single storey residential dwellings interspersed with older style residential flat buildings of mixed ages. With the subject area zoned R4 High Density Residential and considering the current demand for housing within close proximity to centres and with an absence of heritage items, it is expected that the localities remaining stock of low density housing will be redeveloped for higher densities in the medium term.

The proposal involves the replacement of five single storey residential dwellings and the construction of a six storey residential flat building, which is considered to be an infill development that aims to be consistent with the high density character of the locality. The proposal aims to not only provide an attractive residential flat building that addresses its two frontages but seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport and services. The proposal will also contribute towards providing alternative residential accommodation opportunities within Bankstown.



RFB: 116-124 Restwell Street, Bankstown

The benefits of the proposal are established throughout this report, likewise the absence of any adverse environmental, social or economic impacts resulting from this proposal. The proposed development is well located and represents an appropriate land use. Therefore, this application is submitted to Council for assessment, noting that the Sydney West JRPP is the consent authority.

Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

1. Site and Locality Description

The subject site is legally described as Lot 100 DP 1135453 and Lots 2, 3, 4 & 5 DP 13055, known as 116-124 Restwell Street, Bankstown. It is proposed to amalgamate five lots, demolish existing structures on site in order to erect a six storey '*Residential Flat Building*' with frontages to Restwell and Macauley Street.

Located on the eastern side of Restwell Street to the north of Macauley Avenue. The site is located approximately 700m south of the Bankstown train station and town centre. A bus stop that is serviced by 10 separate bus routes is located right out the front of the site with regular services to East Hills, Panania, Revesby, Hurstville, Sutherland and Liverpool.

The development is a regular shaped corner allotment with frontage to Restwell Street and Macauley Avenue. The site comprises of 5 separate allotments with a total site area of 3,193.81m². The site has a frontage of approximately 60m to Restwell Street and 50m to Macauley Avenue. The subject site is zoned R4 High Density Residential under Bankstown Local Environmental Plan 2015. '*Residential Flat Buildings*' are permissible with consent within the R4 Zone.

A single storey dwelling and associated outbuildings are currently located on each lot. The site is generally flat but has a very minor slope from the rear to the street of approximately 0.5m. The site contains some small trees which are proposed to be removed and replaced with additional trees that will enhance the landscaped setting of the area.

Located within an established residential area, there are mostly older style single dwelling housing developments within the vicinity of this site. However, the emerging trend is for higher density housing developments which takes advantage of this very accessible location near public transport and all the facilities available in Bankstown town centre. The existing dwellings are in a reasonable condition; however, they are significantly underutilising the sites full development potential given the given the R4 – High Density Residential zone permits greater intensification of the subject site. The aerial extract and photographs of the locality provide context to the development site.



Figure 1: Locality Map (source Google maps)

The existing built form character of the subject area is dominated by older style residential flat buildings of mixed ages and architectural styles interspersed by single storey residential dwellings. It is noted that with the current demand for housing within close proximity to centres and key arterial routes and in-conjunction with an absence of heritage items and with the subject area been earmarked to accommodate future high density housing by virtue of the R4 –High Density Zoning, it is expected that the remaining stock of low density housing will be redeveloped for higher densities in the medium term.

The current Sydney Metropolitan Strategy ‘A Plan for Growing Sydney’ supports higher residential development in strategic locations to accommodate future population growth, and Bankstown City Council has zoned the subject site R4 – High Density Residential, to encourage higher density residential development in this favourable location.

Furthermore, the locality is ideal for future urban intensification as it is located within close proximity to Bankstown Town Centre, with bus stops with regular services to Canterbury, Roselands, Bankstown, Liverpool and Burwood is located opposite the subject site. The map below demonstrates that the subject site is within 1km of the southern edge of Bankstown Town Centre and within a large industrial estate.

The site is located within key arterial road networks. The proposal also seeks to utilise the land in accordance with the zoning and provide alternative residential accommodation opportunities within close proximity to essential services, recreational opportunities and public transportation.

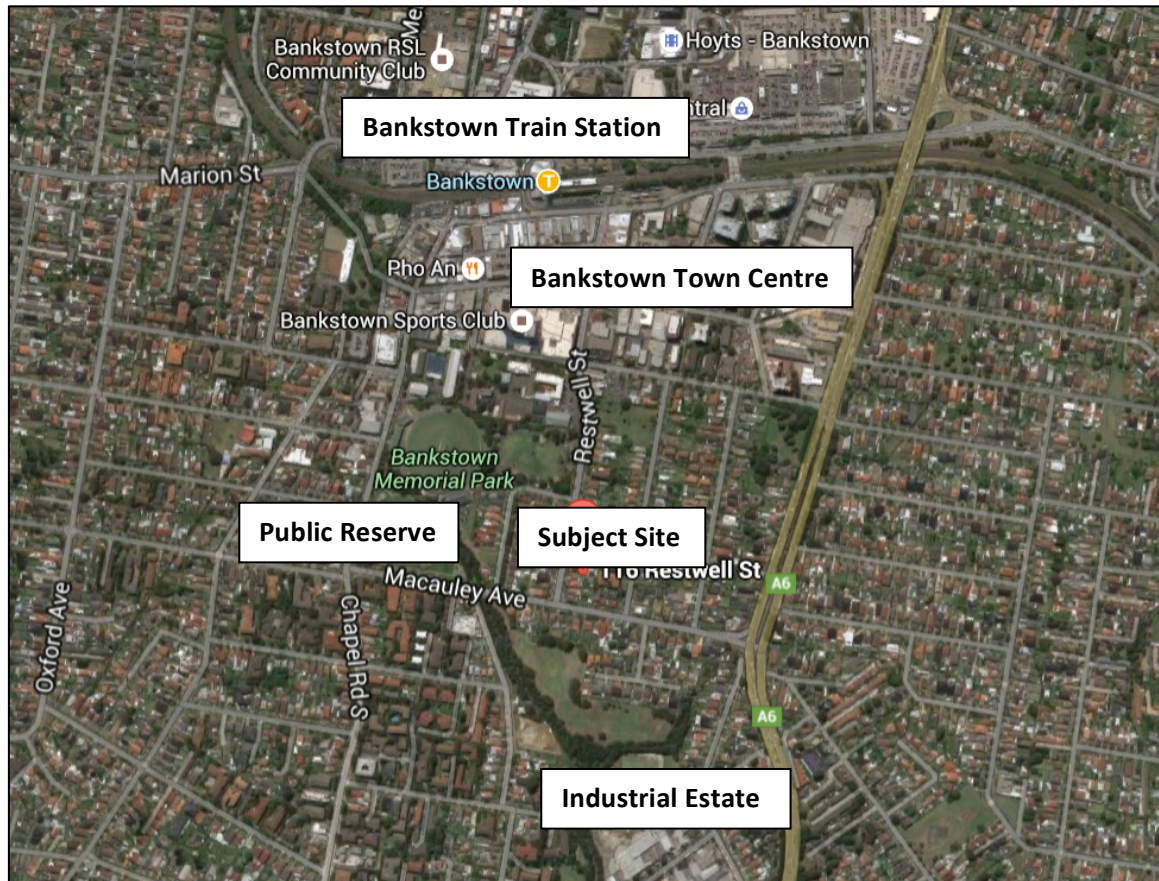


Figure 2: Broader Locality Map
Source: Google Map 2016

Photographs are provided below that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 1: shows the subject site as viewed from the corner of Restwell Street and Macauley Avenue.



Photograph 2: shows the old style medium/high density development along Restwell Street.



Photograph 3: shows more contemporary mixed use development on Restwell Street but further north from the site.



Photograph 4: Existing houses on the opposite side of Restwell Street.



2. Description of Proposal

The Development Application proposes lot consolidation of five land parcels, tree removal, demolition of existing structures on site in order to erect a 6 storey 'Residential Flat Building' at 116-124 Restwell Street, Bankstown pursuant to the Affordable Rental Housing SEPP 2009. The development incorporates a total of 87 residential units and 127 car parking spaces within a basement level.

The development proposal incorporates the following dwelling mix:

- 15 x 1 bedroom units
- 68 x 2 bedroom units
- 4 x 3 bedroom units.

45 of the units are proposed to be affordable dwellings and will be managed by a community housing provider for a period of at least 10 years.

Parking

The development proposal includes a total of 127 resident parking spaces including 4 accessible spaces within the basement level, with the access ramp to the basement level located on Macauley Street.

Unit Configuration

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement	Vehicle access to the basement is via a double width cross-over located in the south eastern corner of the site
	127 resident car parking spaces including 4 accessible spaces.
	Residential storage space
	Plant rooms
	Lift cores and 4 x stair wells
Ground Floor	The ground floor accommodates a primary pedestrian pathway located at the centre of the site and provides access to the site via Restwell Street.

	The pathway which runs east to west provides direct access to lobby areas which include lift cores and access to some ground floor units.
	A ramp friendly pathway connects to the primary pathway to provide accessible access to people with a disability to and from the site via Restwell and Macauley Street.
	Each unit is provided with a kitchen, laundry, living area, dining area, and courtyard that is generally accessed from living areas.
	637.77m ² (20%) of deep soil zone
	1091.91m ² (34.2%) of landscaped area
	858.92m ² (26.9%) of communal open space
	Planter Boxes
	Garbage Room
	Lobby areas which include lift cores
	Stair wells including fire escape stair wells
	Driveway and vehicle ramp to basement level via Macauley Street located to the south eastern corner of the site.
First - Fifth Floor	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Lobby areas including lift cores and stair wells.

The relevant architectural plans for the proposal have been prepared by Design Cubicle Architects while supporting reports have been prepared by relevant sub consultants. The proposal addresses the sites two street frontages and proposes a residential flat building that incorporates contemporary architectural aesthetics that not only relates to the prominence of the site on a prominent corner, but is consistent with the prevailing high density character of the subject area. The design response is contextually appropriate and high levels of amenity are provided to residents.

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties. The proposal complies with key planning requirements as discussed further and addressed in this report.

3. Consideration of Planning Controls

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

State Environmental Planning Policy BASIX

The development application is accompanied by a complying BASIX certificate.

State Environmental Planning Policy No. 55 – Contaminated Land

Given the historical use of the site for residential purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary. If any contaminated materials or suspected contaminated materials are unearthed during the construction process then actions consistent with the legislative requirements and guideline document will be undertaken.

State Environmental Planning Policy (Infrastructure) 2007

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore concurrence from the RMS is not required.

State Environmental Planning Policy (State and Regional Development) 2011

As the development has a capital investment value of more than \$5 million and in accordance with part 4 of the SEPP, the determining authority for this development application is the Sydney West Joint Regional Planning Panel. The estimated capital investment value is more than \$5 million.

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

The development application is accompanied by a design verification statement by Design Cubicle (Registered Architect Alex Sibir) verifying that he has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development controls such as setbacks, building heights, etc. is provided in the local planning controls discussion and tables below. The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide Code, noting that a number of these provisions are embodied within Bankstown LEP 2015 and the supporting Bankstown DCP 2015.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below. Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 – Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed residential flat building complex has been designed to address both Restwell and Macauley Streets that it presents too. Passive surveillance opportunities are provided from primary living areas and balconies that overlook all streets.	Yes

	<p>Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%</p> <p>4 hours of solar access should be retained to solar collectors on neighbouring buildings</p>	<p>Not applicable</p> <p>The property at the rear contains solar collectors. These solar collectors are facing in a northerly direction. Where the development site adjoins the building at the rear the driveway is provided as well as the garbage bin store area. The setback to this area is greater than 6m. As can be seen in the solar diagrams enclosed the solar collectors at the rear will have access to sunlight from 8am through to midday. These solar diagrams demonstrate that adequate solar access is maintained for the building at the rear.</p>	<p>N/A</p> <p>Yes</p>
3C Public Domain Interface	<p>Terraces, balconies should have direct street entry, where appropriate.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view</p>	<p>In this location it is not considered appropriate to have direct street entry.</p> <p>Mail boxes are to be located perpendicular to the Restwell and Macauley Street alignment of the site.</p> <p>The garbage storage room is to be located at ground level along the eastern boundary just above the vehicular entry. This will be screened from public view. The plant areas are to be located in the basement carpark and out of view from the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site	798.45m ² required and 858.92m ² or 26.9% provided.	Yes
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Complies	Yes
	<u>Design Guidelines:</u> Minimum dimension of 3m	The majority of the common open space area has a width > 12m	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from common circulation areas, entries and lobbies.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	The common open space is provided at ground.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: <ul style="list-style-type: none"> • seating for individual or groups • barbecue areas • play equipment or play area • swimming pools, gyms, tennis courts or common rooms 	The proposal provides a pergola, bbq area, table and bench along with casual seating to encourage use of the communal area.	Yes
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining	Ground level apartments have been providing with courtyard fencing to maintain privacy. The proposed apartments on the upper levels have been designed with the orientation of balconies and	Yes

	<p>privacy</p> <p>Common open space should be well connected with public street along at least one edge</p>	<p>windows to maximise passive surveillance to the communal open space areas and to the public domain.</p> <p>The communal open space connects to Restwell Street however is appropriately fenced to provide territorial re-enforcement.</p>	<p>Yes</p>
3E Deep Soil Zones	<p>A deep soil zone equivalent to 7% of the site area must be provided</p> <p>If the site is between 650m² to 1500m² then the DSZ must have minimum dimensions of 3m</p> <p>If over 1500m² then min dimensions of 6m</p> <p>On some sites it may be possible to provide larger deep soil zones:</p> <ul style="list-style-type: none"> 10% of the site as deep soil on sites with an area of 650m²- 1,500m² 10% of the site as deep soil on sites greater than 1,500m² 	<p>637.77m² provided which is 20%.</p> <p>N/A</p> <p>Minimum dimensions of 6m provided to deep soil zones.</p> <p>Complies as more than 20% of the site provided as deep soil.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3F Visual Privacy	12m between habitable rooms (6m)	Yes – side setbacks of between 6m and 10m are provided to adjoining properties.	Yes
Building Separation Up to 4 storeys (up to 12m)			
5-8 Storeys (up to 25m)	18m between habitable rooms (9m)	The upper level within this development is stepped in along the side boundaries to ensure a setback of 9m or more is achieved in accordance with the ADG.	Yes

Note: When adjacent to a lower density residential zone an additional 3m rear/ side setback is required		Land on the opposite side of Restwell Street is zoned for a lower density therefore this control is not relevant.	N/A
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas	The building provides a clearly distinguishable entry points to lobby from Restwell Street.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade Car park entry and access should be located on secondary streets or lanes where available	The access point to the basement is appropriately integrated into the buildings design. The entrance to the basement carpark is from Macauley Street that is the secondary street to the proposal.	Yes Yes
3J Car parking	Car parking for sites within 800m of a railway station or light rail stop can provide parking at the rate of: >20 units <u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)	The site is within 800m of a railway station – Bankstown Station and the following parking spaces are required and provided. 9 spaces required for 1 beds 61.2 spaces required for 2 beds 5.6 spaces required for 3 beds 17.4 visitors spaces TOTAL REQUIRED = 93.2 127 spaces are provided.	N/A Yes

Part 4 – Designing the Building

4A Solar Access	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	73 of the 87 units or 83.9% of units achieve the required 3 hours of solar access at mid-winter. (noting the requirements of the ARHSEPP for 3 hours)	Yes
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid Winter	8 units have no solar 9.2%	Yes
4B Natural Ventilation	60% of units are cross ventilated in a building up to 9 storeys	58 of the 87 units or 66.7% of units are cross ventilated.	Yes
	Overall width of a cross over or cross through apartment is < 18m	< 18m	Yes
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	Development has a mix of dual aspect apartments, cross through apartments and corner apartments.	Yes
4C Ceiling Height	2.7m for habitable and 2.4m for non-habitable.	Complies	Yes
4D Unit Sizes			
1 bed 2 bed 3 bed + 5m ² for each unit with more than 1 bathroom.	50m ² 70m ² 90m ²	All units comply with many units exceeding. Where additional bathrooms have been provided unit sizes have been increased by at least 5m ² .	Yes
Habitable Room Depths	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes

Bedroom sizes Master Other	Limited to 2.5m x ceiling height 10m ² 9m ²	There are some minor areas of non compliance however the apartments are designed as open plan apartments and therefore this is satisfactory. The majority of units are provided with at least one bedroom that exceeds this requirement with functional layouts provided to each bedrooms and overall apartment.	Yes Consistent
Living rooms/dining areas have a minimum width of: 3.6m 4m Open Plan Layouts that include a living, dining room and kitchen.	Studio/1 br 2br/ 3br 8m to a window	Comply Comply Complies given unit depths and design layouts.	Yes Yes
4E Private Open Space Balcony Sizes 1 bed 2 bed 3 bed Ground level/podium apartments	 8m ² & 2m depth 10m ² & 2m depth 12m ² & 2.4m depth 15m ² & 3m depth	 Complies Complies Complies Ground floor apartments designed to align with ADG.	 Yes Yes Yes Consistent
4F Common Circulation and Spaces Common Circulation Units per Plate Corridors > 12m	 8 unit per plate Are articulated	 Each lift core is to serve a maximum of 4 units per plate. Corridors are articulated and have access to natural light.	 Yes Yes
4G Storage	1 bed 6m ³ 2 bed 8m ³ 3 bed 10m ³	The proposal provides storage at a rate of: 1 bed: >6m ³ 2 bed: >8m ³ 3 bed: >10m ³	Yes

	Min 50% of required storage is within the apartment	<p>Storage is provided within the basement/ground floor and within the units themselves.</p> <p>The proposed development is considered to offer storage space that aligns with the provisions of the ADG.</p>	
4H Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighboring buildings/adjacent uses</p> <p>Windows and door openings are generally orientated away from noise source.</p> <p>Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p>	<p>Development has provided adequate separation from neighbor buildings/properties in-line with 3F Visual Privacy – design criteria above.</p> <p>Where appropriate windows and door openings are orientated away from noise sources.</p> <p>The application is designed to create different ‘zones’ with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4K Apartment Mix	A variety of apartment types is provided	<p>A diversity of apartments is proposed as follows:</p> <ul style="list-style-type: none"> ○ 15 x 1 bedroom unit ○ 68 x 2 bedroom unit ○ 4 x 3 bedroom unit. <p>The proposed unit mix will offer a variety of housing choice. The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes

4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements. Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the wider locality.	Yes
4O Landscape Design Site Area 850m ² to 1500m ² >1500m ²	 1 large tree (12m) or 2 medium trees (8m – 12m) per 90m ² of DSZ 1 large tree or 2 medium trees per 80m ² of DSZ	 N/A Consistent as per landscaping plans.	 N/A Yes
4Q Universal Design 20% of the total apartments	Achieve Liveable House Guidelines silver level universal design features	Required number of apartments are designed to meet the silver level universal design features.	Yes
4U Energy Efficiency		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided. Furthermore it is noted that 70% of units achieve the minimum 2 hours of solar access at mid-winter and 65.5% units achieve natural ventilation.	Yes
4V Water Management and Conservation	Reduce mains consumption, and reduce the quantity of storm water runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	Supply WMP Allocate storage area	Provided Appropriate waste storage areas are provided.	Yes Yes

4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes
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State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW. This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The aims of Statement Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) are:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (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,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

This proposal complies with these aims as it:

- Provides an opportunity for the creation of 45 affordable housing dwellings
- Ensures that key workers in the Bankstown area can access affordable housing
- Facilitates the creation of useable housing that meets the demands for this market.

Part 2 New Affordable Rental Housing: Division 1 In-Fill Affordable Housing

Clause 10- Development to which Division Applies

The SEPP applies as residential flat buildings are permitted with consent under Bankstown Local Environmental Plan 2015 and the sites are not listed as containing heritage items.

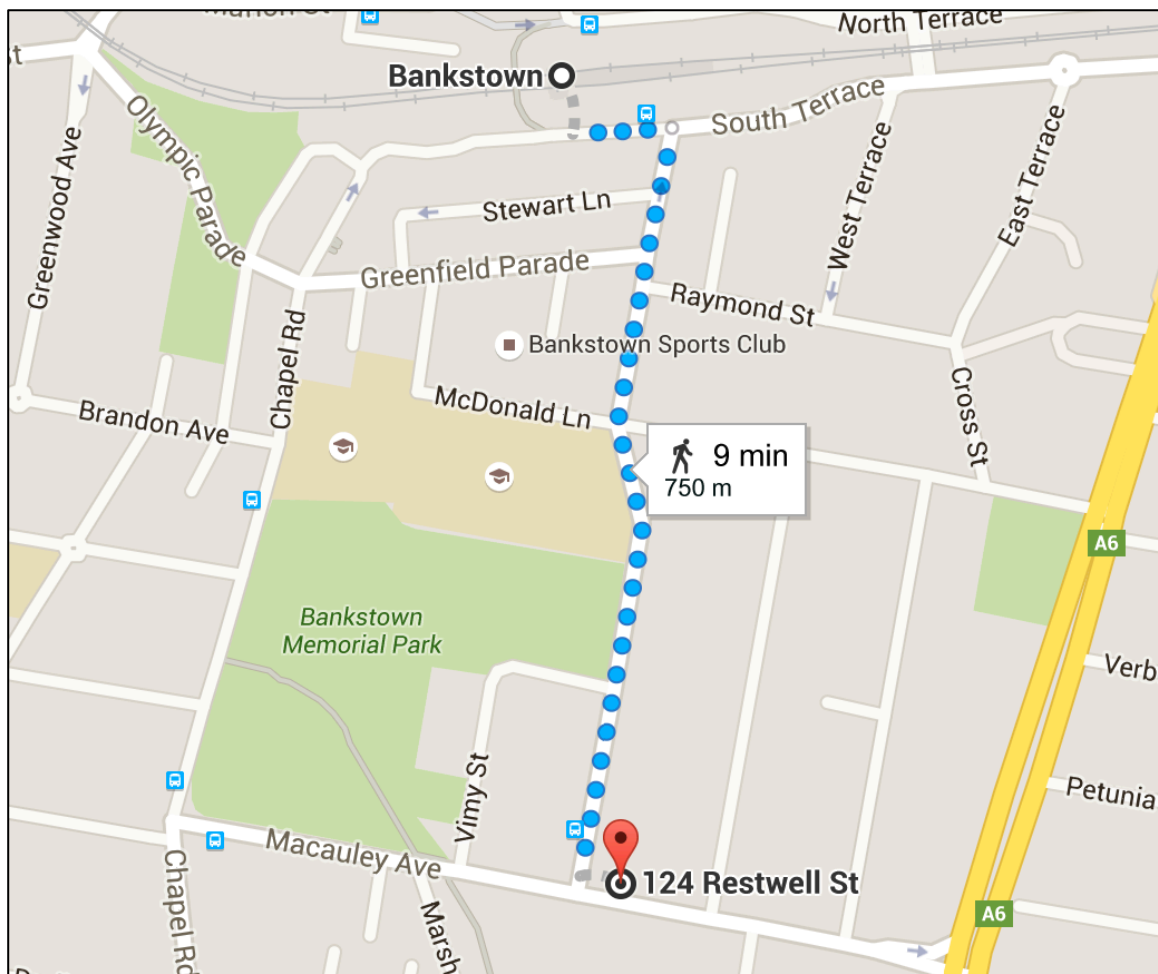
Clause 10 also requires sites to be within an accessible area.

The ARHSEPP indicates that an accessible area is:

accessible area means land that is within:

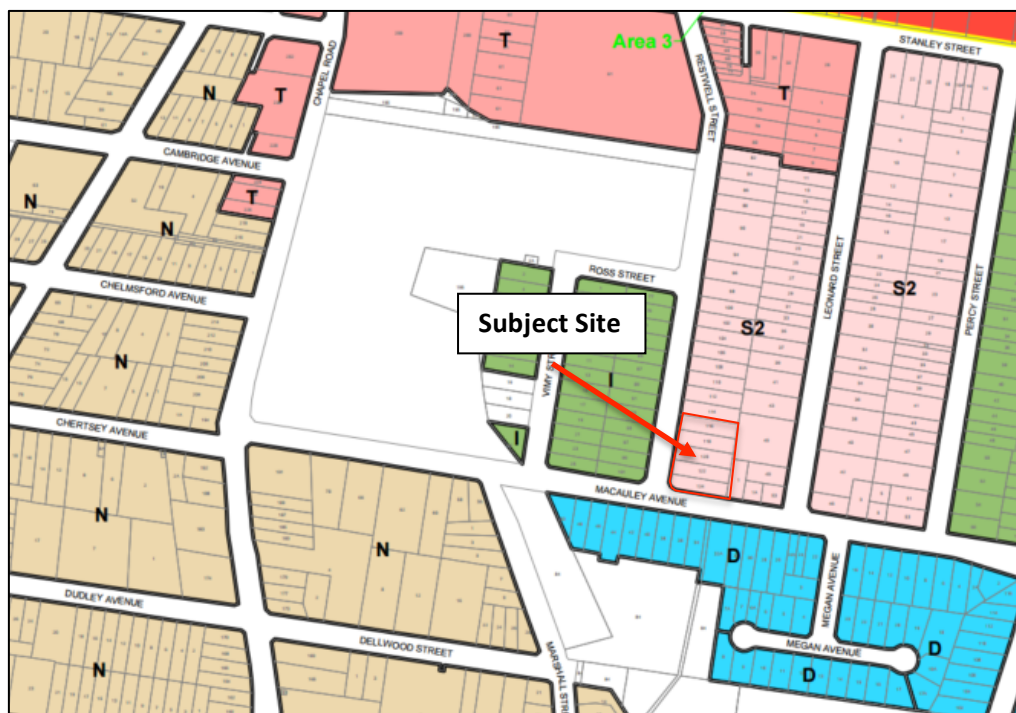
- (a) *800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) *400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

The site is within an accessible area with a bus stop right in front of the site and being also located approximately 700m from Bankstown train station as shown on the image below which clearly achieves the required 800m to be considered an accessible area and therefore the SEPP applies.



Clause 13- Floor Space Ratios (FSR)

Bankstown LEP 2015 applies a floor space ratio of 1.75:1 to the site. Clause 2(a) of the SEPP indicates that a bonus FSR of up to 0.5:1 is applicable if the gross floor area of the development that is used for affordable housing in 50% or higher.



To establish the affordable housing component of the gross floor area, the total floor space of the entire development is taken as 7,184.64m². From this the sum of total net areas (6537.47m²) of all units is taken away leaving 647.18m². This is then divided among the 87 units to work out the common area allocation per unit which is 7.44m². The net floor area of affordable units is 3,264m² plus the common area allocation of (45 x 7.44m²) 334.8m². The sum of these two figures is therefore 3,598.8m².

The gross floor area needed to take advantage of the affordable housing FSR bonus is 3,592.32m². Therefore, the proposed development provides greater than 50% of the floor area for affordable housing and is eligible for the floor space bonus of 0.5:1. In accordance with clause 13 (2) (a) (ii) the maximum FSR for the development is 2.25:1. The development proposes a floor space ratio of 2.249:1 and complies with this clause.

In accordance with this clause, the nominated 45 units will be required to be managed by a community housing provider and used for affordable rental housing for a period of not less than 10 years.

Clause 14- Standards that cannot be used to refuse consent

The SEPP prescribed a number of standards that cannot be used to refuse consent.

They are summarised within the table below.

Control	Numerical Requirement	Proposed Development	Complies
Site Area	450m ²	3,193.81m ²	Yes
Landscaped Area	30% of site area	<p>958m² required and 1091.91m² provided (34.2%)</p> <p>The proposed landscaping as illustrated on the accompanying landscape plan illustrates that appropriate deep rooted and screen landscaping is provided that will enhance the landscaped setting of the area.</p> <p>Taking into account the above as well as the lack of adverse impact the variation is submitted to Council for favourable consideration.</p>	Yes
Deep Soil Zones	15% of site area	637.77m ² or 20% provided.	Yes
Solar Access	3 hours to 70% of dwellings between 9am and 3pm at mid-winter.	> 70%	Yes
Parking	1 Bed: 0.5 spaces (7.5) 2 Bed: 1 spaces (68) 3 Bed: 1.5 spaces (6) 81.5 required in total.	127 spaces provided	Yes
Dwelling Size	1 Bed: 50m ² 2 Bed: 70m ² 3 Bed: 95m ²	1 Bed: >50m ² 2 Bed: >70m ² 3 Bed: >95m ²	Yes Yes Yes

Clause 15- Design Requirements & Clause 16- Continued Application of SEPP 65

The proposal involves a residential flat building and therefore the reference to the Seniors Living Policy: Urban Design Guidelines for Infill Development is not relevant to the current proposal. As noted by Clause 16 the provisions of SEPP 65 continue to apply to the development and the provisions of SEPP 65 are addressed previously in this statement and the accompanying Design Verification Statement prepared by Design Cubicle Architects.

Clause 16A- Character of Local Area

The design ensures compatibility with the local area as outlined in the planning principle established in *Project Venture Developments Pty Ltd v Pittwater Council*. Of particular relevance to the current proposal is the recent decision in *Moscaritolo v Ryde City Council* where Senior Commissioner Brown outlined, in relation to a proposal under the ARH SEPP, at [18] that:

I accept that any assessment of the proposed development against the character of the local area should include an assessment of existing building forms and also the character envisaged by the forms of development contemplated.

Future character is a consideration; however, the existing patterns of development are equally important given that redevelopment of nearby sites containing 3 storey walk ups is unlikely to occur in the short to medium term. A detailed discussion against the planning principle is provided below.

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 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?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principle *'Compatibility is... 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'*. Therefore, it can be seen that it is not necessary that the development adopt the same built form, scale, and appearance as surrounding development.

In terms of the physical impacts of development the following points are made:

- The sites location on a corner lot means that the extent of overshadowing is to fall on the street as opposed to impacting on the same property throughout the entire day at mid-winter.
- Privacy impacts are mitigated through the provision of appropriate separation, use of highlight windows, and window placement (offset windows). The majority of living areas of the proposed units are oriented towards the street frontage to mitigate privacy impacts to adjoining properties as far as practicable.
- Noise impacts arising from the proposal will predominantly be limited to traffic movements. Given the location and design of the basement entry it is not anticipated that the level of noise generated will substantially impact on adjoining properties; and
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors-noting that the subject site has been designed to present a suitable form of development in the locality.

Therefore, it can be seen that the physical impacts of the proposal are acceptable.

The planning principle establishes that the 3 key elements that define urban character are building height, setbacks, and landscaping. In this regard the following comments are made:

- With the exception of the roof feature and top of lift core, the building height is predominantly below the maximum height contained in the Bankstown LEP 2015. The encroachment to the maximum height is of a minor nature and creates variation in the roof structure to complement the existing built form character within the subject area.
- Proposed setbacks have been informed through a detailed site analysis, with the front, and side boundary setbacks being comparable to similar residential flat buildings within the subject area. The building will sit comfortably in the streetscape and the spatial sequencing of built forms viewed as one moves down Restwell Street and is retained by the proposal along with being entirely compatible. The proposal is consistent with the existing streetscape rhythm observed in the locality in terms of the placement of built forms and driveway entries and overall levels of separation between higher density building forms as indicated in the context analysis.

- The landscape concept provides for substantial deep soil and landscaped plantings at the sites two front setbacks of the site. A variety of species are proposed including small sized canopy trees, shrubs and hedge plantings, and groundcovers.

The 3D photomontage provided below demonstrates the high quality urban design outcome on the site:



Based on the foregoing discussion it is considered that the development will exist in harmony with future development in the vicinity of the site and as such is worthy of support by Council as the development is compatible with the character of the locality.

Clause 17- Must be used for Affordable Housing for 10 Years

It is anticipated that conditions of consent will require the 45 nominated units to be used as affordable dwellings for a period of not less than 10 years and be managed by a community housing provider. Although discussions have commenced, arrangements with a registered community housing provider have not been finalised.

Clause 18 –Subdivision

This application does not seek approval to subdivide the land.

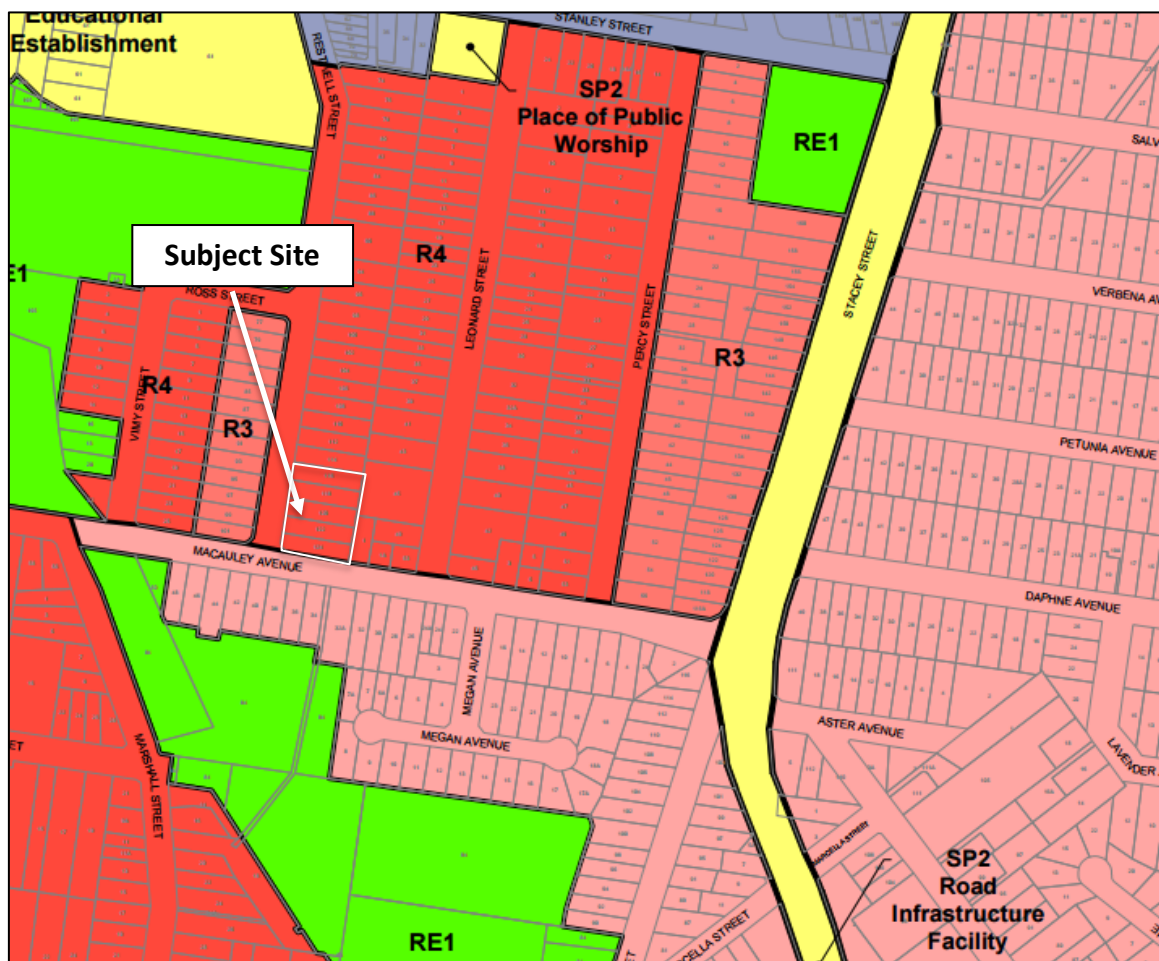
Bankstown Local Environmental Plan 2015

As shown on the zoning map extract below the development site is zoned R4 – High Density Residential under the provisions of Bankstown LEP 2015. 'Residential Flat Buildings' are permissible with consent on the subject site and the proposal is consistent with the definition contained within the LEP:

Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposal is also consistent with the prescribed zone objectives which are stipulated as:

- 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.




Zoning Map Extract

The proposed development provides a residential flat building that will not only make available a variety of housing types but contribute towards increasing the housing stock of Bankstown, whilst being consistent with the existing high density character of the subject area.


The site is well located and is located within proximity essential services, public transportation and recreation opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Bankstown Local Environmental Plan 2015 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R4 – Residential Flat Building	Development for the purposes of ‘Residential Flat Buildings’ is permissible with Council consent in the R4 – High Density Residential zone.	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R4 – High Density zone and will provide additional housing in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within a high density context. The site as it is currently exists is underutilised in terms of its potential. The proposal will not only permit the site to be developed to its full zoning potential but aims to set the tone and scale for future high density development within the subject area.	YES
2.6	Subdivision – Consent Requirements	The application does not seek approval to subdivide the site.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	YES
Part 4 Principal Development Standards			
4.1B	Minimum Lot Size and Special Provisions for Certain Dwellings	The LEP requires residential flat buildings in this precinct to have a minimum site area of 500m ² and a site width of 30m at the front building line.	YES

		The proposal has a site area of 7,184.64m ² , a frontage of 60m to Restwell Street and a frontage of 50m to Macauley Street.	
4.3	Height of Buildings: 19m	<p>The majority of the building complies with the 19m height control, as shown below.</p> <p>As illustrated on the architectural plans there is a very minor variation resulting for the need to lift the building to comply with stormwater engineering and flooding requirements. The component of the building above the 19m height plane is limited to a very small part of the building but mainly relates to the top of lift cores and architectural roof features. This is discussed in further detail in the Clause 4.6 request for variation included below this table.</p> 	Minor variation
4.4	Floor Space Ratio: 2.25:1 having regards to the ARHSEPP bonus	The proposal has a FSR of 2.249:1. See attached plans for detail.	YES- ARH SEPP
Part 5 Miscellaneous Provisions			
5.6	Architectural Roof Features	This clause enables there to be a minor variation to the maximum height where an architectural roof feature is provided. The proposal includes composite cladding feature roof areas which are above the 19m height plane.	YES

		<p>These roof features are an integral part of the building design and it can be seen in the photo montages included that the roof features create an interesting focal point adding interest and character to this streetscape.</p> <p>The roof has been designed as a flat structure to minimise the potential impact of additional height for the building This is considered a much improved outcome as compared to a simple flat roof form by adding interest to the roof for articulation and serves as a design feature of the development.</p> <p>The architectural roof features satisfy the requirements of clause 5.6(3) as they are a decorative element on the uppermost portion of the building, are not an advertising structure, do not incorporate any floor space and not reasonably capable of modification to include additional floor space or an additional level.</p>	
5.9	Preservation of Trees or Vegetation	<p>The subject site is located within an established residential area, with the majority of the site having been substantially cleared.</p> <p>The subject site does not contain any significant trees or vegetation. The application does seek approval for removal of a small number of trees as outlined in the arborist report that accompanies this development application.</p> <p>The proposed landscaping will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development. The proposed landscaping and open space areas will provide for a range of passive and active recreational activities and will contribute to a high level of residential amenity on site.</p>	YES

		Landscaping is to be undertaken in accordance with the Landscape Plan attached as part of this application. See Landscape Plan for detail.	
5.10	Heritage Conservation	<p>There was a heritage listed house located at 89 Restwell Street Bankstown however this was recently demolished as per approval DA342/2012. Therefore, the site is not identified as containing a heritage item, being within a heritage conservation area or as being within proximity to a heritage item.</p> 	YES
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	The land is identified as containing 'Class 5' Acid Sulfate Soils. Notwithstanding, it is considered that the proposal will not likely lower the water table below 1 metre AHD and will not have any adverse impact on the watertable or other affected land.	YES
6.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have minimal adverse environmental or amenity impact.	YES

		<p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
6.3	Flood Planning	The subject site is identified as being medium risk flood prone. A Stormwater Systems Report is provided with this application.	YES
6.4	Biodiversity	The site has not been identified as Biodiversity land or within close vicinity of Biodiversity land.	YES
6.6	Development in Areas Subject to Aircraft Noise	The subject site is not affected by aircraft noise.	YES

Bankstown Development Control Plan 2015

All relevant Council controls have been considered in the following compliance table.

Bankstown Development Control Plan 2015 – Compliance Table		
Controls	Comment	Complies
Introduction		
Section 2 – Site Analysis	A site analysis has been prepared for the proposal in accordance with Council controls and is attached as part of this application.	YES
Section 3 – Public Notification of Development	It is envisaged that the proposal will be publicly notified as per Council requirements.	YES
Part A – Precinct Controls		
Part A1 – Centres		
Section 2 – Bankstown Central Business District		
Introduction	This part of the DCP only applies to the Northern CBD Core, Southern CBD Core and Bankstown City Plaza precincts. While the site is identified as one of the Bankstown CBD precincts it falls within the 'Southern Frame' and as such the DCP does not apply. Notwithstanding it is noted that the proposal is consistent with the overall objectives of the DCP and will lead to additional high quality housing supply within close proximity of the Bankstown town centre and train station.	YES
Part B – General Controls		
Part B1 – Residential Development		
Section 1 – Introduction		
Desired Character	<ul style="list-style-type: none"> - The proposal is consistent with the desired character for development within the R4 – High Density Residential zone. The proposal will provide a contemporary residential flat building in a landscape setting whilst providing appropriate building separation, communal open space and deep soil zones. - The proposal will allow for the establishment of a high quality residential character that will set the standard for future development in the area. The proposal responds appropriately to its site and surrounds and will lead to a high level amenity outcome for future residents and adjoining sites. - The proposal results in a high quality residential development that is consistent with Councils height and scale controls. 	YES

	<ul style="list-style-type: none"> - The proposal has been architecturally designed and treated to increase the visual presentation of the proposal (particularly to the frontage of Restwell and Macauley Streets) through articulation of the built form and the use of materials and colours. 	
Section 9 – Residential Flat Buildings, Serviced Apartments and Shop Top Housing		
Objectives	<p>The proposed RFB is consistent with the objectives based on the following:</p> <ul style="list-style-type: none"> - The proposal will allow for the establishment of a high quality residential character that will set the standard for future development in the area. The proposal responds appropriately to its site and surrounds and will lead to a high level amenity outcome for future residents and adjoining sites. The proposal will be compatible with the desired future character of the locality. - The proposal is well designed and provides high levels of amenity for future residents in terms of solar access (83.9%), ventilation (66.7%), privacy, and communal open space whilst ensuring the existing amenity of adjoining neighbors is maintained. - The proposal has been architecturally designed and treated through articulation of the built form and the use of materials and colors in order to reduce the visual height, bulk and scale. The proposal will not lead to adverse impacts on adjoining properties in terms of solar access and privacy, noting that design consideration (location and size of openings, screening, height, orientation, etc.) has been incorporated into the design to reduce potential impacts. - 3 adaptable dwellings are provided as part of the proposal. - All car parking is to be provided within a basement arrangement, thus minimising any potential visual impacts of off-street parking. - Appropriate design features/materials and consideration of CPTED principles have been incorporated in order to reduce the potential for criminal behavior including graffiti (e.g. Casual surveillance, etc.). 	YES
9.1 – Isolation of allotments	<p>The proposal will not lead to the isolation of any site. The site is of appropriate size and length and does not inhibit the right of adjoining landowners to develop according to zoning provisions and council requirements.</p>	YES

9.2 – Storey limit	The site is identified as having a 19m height limit under Bankstown LEP 2015. Accordingly a maximum of 6 storeys is permitted by the DCP. The development proposes a 6 storey development (not including basement levels) and does not propose an attic. The proposal is consistent with the height and storey requirements of both Bankstown LEP and DCP.	YES
9.3 – Storey limit	The subject site is generally flat in nature, however contains a slight slope towards the street of approximately 0.5m. Notwithstanding, the proposal is designed to follow the contours of the site to minimise excessive excavation with the extent of fill not exceeding 600mm at any point of the site.	YES
9.4 – Storey limit	The subject site is generally flat in nature, however contains a slight slope of approximately 0.5m from the rear to the street. Notwithstanding, the proposal is designed to follow the contours of the site to minimise excessive excavation with the extent of fill not to 600mm at any point of the site.	YES
9.5(a) – Setbacks to the primary and secondary frontages	Not applicable.	N/A
9.5(b) – Setbacks to the primary and secondary frontages to be 6m	The development incorporates an average setback to the primary frontage of Restwell Street of 4.5m. As can be seen on the architectural plans the setback varies between 6m, 4.5m and at its minimum 3.5m. The front setback has been carefully articulated to add visual interest to the streetscape creating a design that can complement the existing and changing residential character of this area. The setback directly adjoining the northern boundary is provided at 4.5m which steps the building to allow natural light to flow through to the adjoining land while at the same time creating a usable and attractive building on this site. Stepping back the building ensures that solar access for the adjoining land is maintained. The main building setback is reduced to 3.5m directly adjoining units 23 and 24. This is mid-way through the land parcel which ensures there is no detrimental impact on adjoining sites. The setback at the corner of Restwell and Macauley Streets is setback approximately 4.5m. As this is a corner site it is important for the building design to address the street corner while at the same time ensuring that sight lines and safety is maintained. The building design delivers a strong built form presence on this corner allotment while ensuring that sight lines and safety is maintained.	Minor variation

	<p>This overall makes a positive contribution to this residential streetscape.</p> <p>The development incorporates an average secondary street setback to Macauley Street of 6m. There is a small portion of the building in the south western corner where the main building façade is only setback 3m from the Macauley Street frontage. The proposed reduced setback in this location increases the useable space afforded to these dwellings. This minor non-compliance has no material impacts as this is the corner of the site where Macauley Street meets Restwell Street. The building is well articulated and the stepped setback creates variation that enhances the overall streetscape setting. Landscaping will be used for further enhance the streetscapes along both Macauley and Restwell Streets. The secondary street setback where the development directly adjoins the property to the rear (at the south eastern corner of the site) complies with the minimum 6m setback ensuring that the amenity of neighbours is maintained in terms of visual bulk/access to sunlight/privacy. The stepping of the secondary street frontage setback ensures the development is compatible with the existing suburban residential character.</p>	
9.7 – Setbacks to the side and rear boundaries for a 2 storey building.	The proposed development is to be 6 storeys in height.	NA
9.8 – Setbacks to the side and rear boundaries are to be a minimum of 4.5m	The proposal provides a minimum 6m setback to both rear and side boundaries.	YES
9.9 – Setbacks to the side and rear boundaries	The subject site is not within the vicinity of Ruse Park.	NA
9.10 – Setbacks to the side and rear boundaries from the basement is to be 2m	The proposed basement car park is setback 4m to the northern or side boundary and between 3.6 and 4.915 to the rear boundary.	Yes
9.11 – Setbacks to the side and rear boundaries	The proposed development maintains a setback of at least 1 metre to the driveway located to the eastern boundary.	YES

9.12 – Private open space	<p>The development proposes ground level courtyards for some units partially within the front building line. It is considered that the proposed variation will not have any adverse visual or amenity impact. Furthermore, the variation is acceptable considering CPTED principles whereby the proposal will facilitate the activation of the frontage and permit additional casual surveillance to both Restwell and Macauley Streets.</p> <p>The proposed variation will not impact or significantly reduce landscaping/screening within the front setback and will result in an appropriate outcome on site. The proposed variation will not lead to any adverse impact on the streetscape or on the visual presentation of the building as viewed from both Restwell and Macauley Streets.</p> <p>It is noted that the proposed private open space will be clearly distinguished between the public and private domain and also will clearly articulate the entrance to the proposal.</p> <p>Taking into account the above as well as the lack of adverse impact the variation is submitted to Council for favourable consideration.</p>	Minor Variation
9.13 – Building design –all existing buildings are to be demolished	All existing structures currently on site will be demolished as part of this application.	YES
9.14 – Adaptable dwellings	3 adaptable dwellings are provided as part of the proposal in accordance with Council controls.	YES
9.15 –Roof Pitch	The proposed RFB incorporates a modern flat roof design and as such is compliant.	YES
9.16 – Attics	The proposed RFB is of a modern flat roof design and does not incorporate an attic arrangement.	N/A
9.17 – Dormers	The proposed RFB is of a modern flat roof design and does not incorporate any dormer window.	N/A
9.18 – Building design	The proposed RFB is of a modern flat roof design and does not incorporate an attic arrangement.	NA
9.19 – Roof top balconies	The development does not propose any roof top balconies or equivalent. No informal access is to be provided to the roof top.	NA

9.20 – Roof top plant	All ancillary features such as the lift overrun, etc. have been appropriately incorporated into the design of the proposed RFB. See attached plans for detail.	YES
9.21 – Building design (car parking)	All car parking is to be provided within a basement arrangement. No car parking spaces are provided within the front building line.	YES
9.22 – Building design (waste storage)	<p>The proposed waste storage area is located on the ground floor close to the eastern boundary and is of an appropriate size in accordance with Council controls. The waste storage area maintains all setbacks in accordance with Council controls and will be appropriately treated to reduce visual impact.</p> <p>It is noted that a Waste Management Plan has been prepared and is attached as part of this application. Waste is to be appropriately managed during the demolition and construction stages of the development as well as during the occupation. See attached Waste Management Plan for detail.</p>	YES
9.23 – Landscaping	<p>The subject site is within a well-established residential area, having historically been used for residential purposes and is substantially clear. It is highlighted that no significant vegetation is to be impacted as part of the proposal.</p> <p>The proposal provides landscaping embellishing work that will improve and enhance the subject site. Landscaping of the site is to be undertaken in accordance with Council controls as per the attached Landscape Plan.</p>	YES
9.24(a) – Landscaping	<p>Council requires 45% of the primary frontage to be landscaped. The proposal provides 45% of the area between the building and the primary frontage as landscaping. Landscaping of the primary frontage is to be generally undertaken in accordance with Council controls as per the attached Landscape Plan.</p> <p>Landscaping of the site is to be undertaken in accordance with Council controls as per the attached Landscape Plan.</p>	YES

9.25(a) – (f) – Security	The proposed development does not share a boundary with a railway corridor or an open stormwater drain. Not applicable. Notwithstanding, it is noted that the proposed development incorporates appropriate measures including built elements, landscaping and design features that will enhance casual surveillance of both Restwell and Macauley Streets as well as internal areas and are consistent with CPTED principles.	YES
9.26 – 9.37 – Shop Top Housing	The proposed development is strictly for a ‘ <i>Residential Flat Building.</i> ’	NA
Part B5 – Parking		
Section 2 – Off Street Parking		
2.1 – Off Street Parking – Residential Flat Buildings		YES
1 bedroom dwelling – 1 spaces x 15 = 15	The development provides 127 spaces where 120 spaces are the minimum required.	
2 bedroom dwelling: 1.2 spaces x 68 = 81.6		
3 bedroom dwelling: 1.5 spaces x 4 = 6		
Visitor: 1 space per 5 units x 87 = 17.4		
Total: 120 required		
2.2 – 2.3 – Off Street Parking	Not applicable.	N/A
2.4 – 2.6 – Additional developer contributions	Not applicable.	N/A
2.7 – Parking requirements for people with disabilities	An accessible carparking space is provided to each of the accessible units. (total 4 - 3 units plus 1 visitor)	YES
a. – Calculation of parking spaces	Noted.	YES
Section 3 – Off Street Parking Design and Layouts		
3.1 – Parking location	Not applicable.	N/A
3.2 – Parking location	The proposed accessible car parking spaces are to be appropriately located close to the entrance to the development as well as the lift.	Yes

3.3 – Minimum parking bay dimensions	The car parking area including parking spaces and aisles have been designed in accordance with Council controls.	YES
3.4 – Parking bay dimensions for people with disabilities and residential garages	The car parking area has been designed in accordance with Council controls and relevant standards to accommodate those with a disability.	YES
3.5 – Service restriction and small car bay dimensions	Noted.	YES
3.6 – Service restriction and small car bay dimensions	Noted.	YES
3.7 – Service restriction and small car bay dimensions	Noted.	YES
3.8 – Service restriction and small car bay dimensions	No small car bays are proposed. Not applicable.	N/A
3.9 – Service bay dimensions	Not applicable.	N/A
3.10 – Parking layouts	Complies.	YES
3.11 – Parallel parking	No parallel parking is proposed.	N/A
3.12 – Stacked parking	No stacked parking is proposed.	N/A
Section 4 – Off Street Parking Access and Circulation		
4.1 – Access driveway width and design	The proposed driveway provides for the shortest most direct access to the basement car parking area.	YES
4.2 – Access driveway width and design	The proposed driveway is appropriately dimensioned in accordance with Council controls and relevant standards.	YES
4.3 – Access driveway width and design	Not applicable.	N/A
4.4 – Access driveway width and design	Complies.	YES
4.5 – Access driveway width and design	Noted. Complies.	YES
4.6 – Queuing distances	The driveway incorporates appropriate queuing lengths. See attached plans for detail.	YES
4.7 – Queuing distances	The proposal will not lead to any queuing nor will it adversely affect traffic or pedestrian flow in the road frontage.	YES
4.8 – Circulation roadway and ramp gradients	Complies.	YES
4.9 – Gradient within parking module	Complies.	YES
4.10 – Vehicular footway crossing	Noted. Complies.	YES

4.11 – Internal circulation	Noted. The proposal allows for vehicular movements to be undertaken wholly within the site. Vehicles are able to enter and exit the site in a forward direction.	YES
Section 5 – Other Considerations		
5.1 – Minimum headroom dimensions	The proposal provides appropriate clear minimum headroom requirements of 2.2m or greater to accommodate the proposed use.	YES
5.2 – 5.4 Loading and unloading facilities	The proposal is strictly for a residential flat building.	NA
5.5 – Column location and spacing	All columns are appropriately located and spaced in accordance with Council requirements.	YES
5.6 – Safety and security	The proposal has been appropriately designed in accordance with Council controls and relevant standards. The car parking area provides good visibility, is appropriately dimensioned and well lit. It is noted that all cars will enter and exit the site in a forward direction. The proposal will not lead to any adverse safety or security impacts.	YES
5.7 – Safety and security	The proposed driveway contains a gentle slope and as such clear visibility is maintained at all times. Adequate sight distance is provided for all vehicles exiting and entering the site via the basement. The proposal is compliant with Council controls and relevant standards.	YES
5.8 – Sight distance requirement	The proposed driveway contains a gentle slope and as such clear visibility is maintained at all times. Adequate sight distance is provided for all vehicles exiting and entering the site via the basement. It is noted that all cars will enter and exit the site in a forward direction. The proposal is compliant with Council controls and relevant standards.	YES
5.9 – Pedestrian access	The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated, separated and accessible.	YES
5.10 – Pedestrian access	Lifts and stairs are to be easily identifiable.	YES
5.11 – Pedestrian access	Internal stairwells and fire exits are provided within the basement.	YES

5.12 – Sign posting and line marking	Car parking spaces are to be clearly line marked in compliance with Australian Standards 2890.1. See plans for detail.	YES
5.13 – Sign posting and line marking	Appropriate marking will be provided to distinguish visitor and resident parking.	YES
5.14 – Sign posting and line marking	The proposal provides a two-way circulation pattern.	NA
5.15 – Sign posting and line marking	The proposed car parking area is relatively small and only services residents and visitors. Directional signs are not considered necessary.	YES
5.16 – Sign posting and line marking	Each proposed disabled car parking space will be appropriately marked and stencilled in accordance with Council requirements.	YES
5.17(a) – Car wash bay	A car wash bay is provided in the basement and is to be bunded and isolated from the stormwater drainage system so that car wash runoff does not discharge into the Sydney Water system.	YES
5.17(b) – Car wash bay	The car wash bay is provided in the basement and stormwater will be appropriately managed	YES
5.17(c) – Car wash bay	The car wash bay is to be marked so that it can also be used as a visitor space.	YES
5.18 – Bicycle parking	Not applicable	N/A
Section 6 – Landscaping		
6.1 – 6.11 – Landscaping	Not applicable.	YES

4. Conclusion

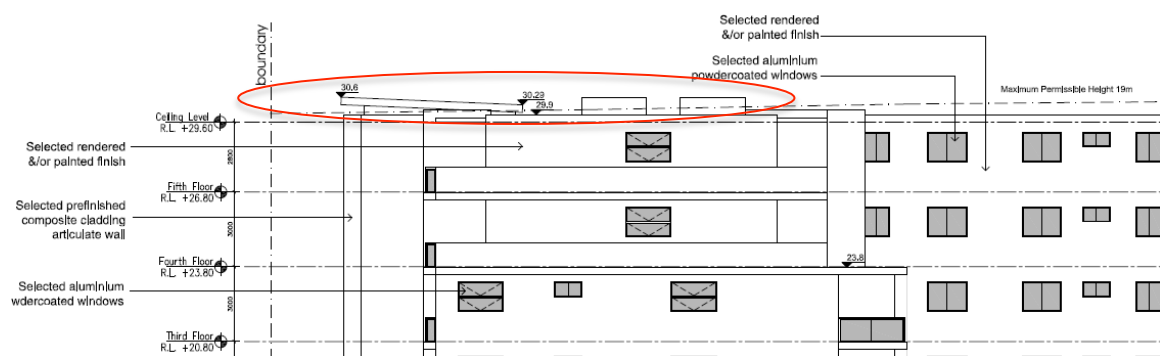
Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls applying to the site with the minor variations acceptable based on the discussion contained previously in this statement.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for consideration and the granting of consent.

Annexure 1: 4.6 Variation Request: Height of Buildings

As shown on the section below, the proposed development comprises a 6 storey residential flat building that predominantly complies with the 19m maximum building height control with the exception of small proportion of a structure associated with the upper level of the building, the top of lift cores and a feature roof. Accordingly, a variation pursuant to Clause 4.6 of the Bankstown LEP 2015 is requested.



Extract from architectural plans east elevation

The extent of minor variation as highlighted in red above is summarised as:

- North Elevation – feature roof
- South Elevation (Macauley Street) – approximately 500mm, feature roof and top of lift cores and minor portions of parapet walls
- East – approximately 500mm and lift core top
- West (Restwell Street) – approximately 500mm, feature roof and lift core top.

The design of the building ensures that the majority of habitable floor space is contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site specific design response. As a result of ongoing discussions from Council's Engineering Department the design needed to be amended to provide a 300mm freeboard which sets the required floor level at RL 11.80AHD. This requirement means the building needed to be lifted to this level, which creates the minor protrusion into the height plane.

The top of lift cores are not visible from the street level as they are hidden well behind the main building line and will have no impact on the bulk and scale of the development. The lift cores are consistent with the underlying intent of the control and the variation is considered appropriate.

The roof features are composed of composite cladding and as stated above are an integral part of the building design and it can be seen in the photomontages included that the roof features create an interesting focal point adding interest and character to this streetscape.

The roof has been designed as a flat structure to minimise the potential impact of additional height for the building. This is considered a much improved outcome as compared to a simple flat roof form by adding interest to the roof for articulation and serves as a design feature of the development. These roof features are an integral part of the building design and can be seen in the photo montages included that the roof features create an interesting focal point adding interest and character to this streetscape.

The architectural roof features satisfy the requirements of clause 5.6(3) of the LEP however as they are connected to the small area of building that protrudes above the maximum building height plane they are addressed in this clause 4.6 for completeness.

Clause 4.6 of the Bankstown Local Environmental Plan 2015 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Each of these provisions are addressed in turn.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The objectives of the building height development standard are stated as:

- (1) The objectives of this clause are as follows:*
 - (a) 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,*
 - (b) 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*
 - (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
 - (d) to define focal points by way of nominating greater building heights in certain locations.*

The current development proposal is consistent with the building height with the exception of a small area of the upper level of the building, the top of lift cores and architectural roof features. The proposal remains consistent with the objectives based on the following:

- a) The development proposal is consistent with the intent of the maximum height control and is predominantly below the 19m height limit
- b) The overall height of the development presents as a compatible form of development with the structure recessed back to downplay visual dominance as viewed from the public domain and adjoining properties
- c) The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors with appropriate side setbacks provided to promote view sharing opportunities
- d) Detailed shadow analysis demonstrates that the majority of the shadow cast falling on the surrounding street network

- e) The minor non-compliance to the height control has no impact on the setting of any items of environmental heritage or view corridors
- f) The proposal is not located within a low-density area and the proposal represents an appropriate built form on the site.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 zone, being:

- *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 ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition the proposal complements and enhances the local streetscape by virtue of the careful siting of the development and the landscape embellishment works within the front setback. As addressed previously the proposal presents as a 6 storey form that provides a quality address to its two (2) street frontages.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not

set an undesirable precedent for future development within the locality based on the observed building forms in the locality.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances, specifically in relation to flooding impacts.

The proposal will not have any adverse effect on the surrounding locality, which is envisioned to be characterised by residential development of comparable height and form. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed. The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.