

<b>ITEM</b>	<b>25 – 29B Rookwood Road, Yagoona</b>
	<b>Consolidation of allotments, demolition of existing structures and tree removal. Construction of an in-fill affordable housing development under State Environmental Planning Policy (Affordable Rental Housing) 2009, comprising two (2) four-storey residential flat buildings with a total of eighty-seven (87) units and basement car-parking.</b>
<b>FILE</b>	<b>DA-922/2017</b>
<b>ZONING</b>	<b>R4 High Density Residential</b>
<b>DATE OF LODGEMENT</b>	<b>5 October 2017</b>
<b>APPLICANT</b>	<b>Ramiro Lopez Pena</b>
<b>OWNERS</b>	<b>JR Bankstown Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$21,554,720.00</b>
<b>AUTHOR</b>	<b>Development Services (Ryan Bevitt)</b>

### **SUMMARY REPORT**

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011. The proposed development has an estimated capital investment value of \$21,554,720 and exceeds the threshold of \$5 million for 'Private infrastructure and community facilities' (Schedule 7, Cl 5(b)).

Development Application No. DA-922/2017 was lodged under the State Environmental Planning Policy (Affordable Rental Housing) 2009, and proposes the demolition of existing structures and construction of an in-fill affordable housing development consisting of two buildings with a total of eighty-seven (87) residential units with basement car parking, landscaping and associated site works.

The proposal has been assessed against the relevant provisions of State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The application was advertised and notified for a period of twenty-one (21) days, from 18 October 2017 to 7 November 2015. Revised plans were re-notified for fourteen days (14) days from 7 June 2018 to 20 June 2018 and an amended description was provided and renotified with the material for twenty-one (21) days from 27 June 2018 to 17 July 2018. An amended property description (to remove no. 29 Rookwood Road) was also undertaken and advertised and renotified for an additional twenty-one (21) days, from 1 August 2018 to 21 August 2018.

Following the above notification periods, three (3) submissions were received and relate primarily to traffic generation and safety, car parking, and amenity impacts as a result of overdevelopment. These are summarised in the report and do not warrant further modification to the development.

In accordance with SEPP (Infrastructure) 2007, the application was referred to Roads and Maritime Services (RMS) for comment in accordance with Clause 104 – *Traffic-generating development*. The RMS raised no objection to the development following a review of an investigation area that included the site for the widening of Stacey Street and grade separation at Hume Highway. The RMS have recommended conditions to be included in any consent issued for the development.

The development as currently proposed provides for an acceptable outcome and it is recommended that the application be approved.

### **POLICY IMPACT**

This matter has no direct policy implications.

### **FINANCIAL IMPACT**

This matter has no direct financial implications.

### **RECOMMENDATION**

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

## **DA-922/2017 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is identified by lots 1-4 in DP 581963 and Lots 11 and 13 in DP 100689 and is commonly known as 25-29B Rookwood Road, Yagoona. It is proposed to consolidate the six (6) lots and demolish the existing structures to construct two buildings of four (4) storeys with a total of eighty-seven (87) residential units with basement car parking, landscaping and associated site works.

The consolidated allotments form a mid-block site with a frontage to both Rookwood Road and Stacey Street. The site has a primary frontage to Rookwood Road of 35.94 metres and a secondary road frontage of 105.81 metres to Stacey Street. The combined site area is 5034m<sup>2</sup> and has a fall of approximately 3.43m from the eastern boundary (Stacey Street) to the western boundary (Rookwood Road).

**Image 1 - Allotments that form the development site**



The surrounding built form and character of the subject area contains a mixture of older dwellings, more recent dual occupancy developments and four (4) storey residential flat buildings. Properties on the opposite side of Rookwood Road are zoned R2 - Low Density Residential and contain a mixture of one and two storey dwellings interspersed with more recent town house developments. The site also adjoins Bankstown North Public School which is located to the south of the development site.

The development site currently contains existing dwellings houses, with approximately twenty (20) trees. To the east an acoustic wall is located on the boundary to Stacey Street which is to remain as constructed.

Pursuant to the Bankstown Local Environment Plan 2015, the site is zoned R4 High Density Residential and has a maximum height control of 13.0 metres and maximum FSR of 1:1. The application of an in-fill affordable housing development under the State Environmental Planning Policy (Affordable Rental Housing) 2009 permits an overall FSR of up to 1.5:1 – with 1.442:1 sought under this application.

**Image 2 - Aerial photo of the subject site**





Image 3 – Land zoning Map

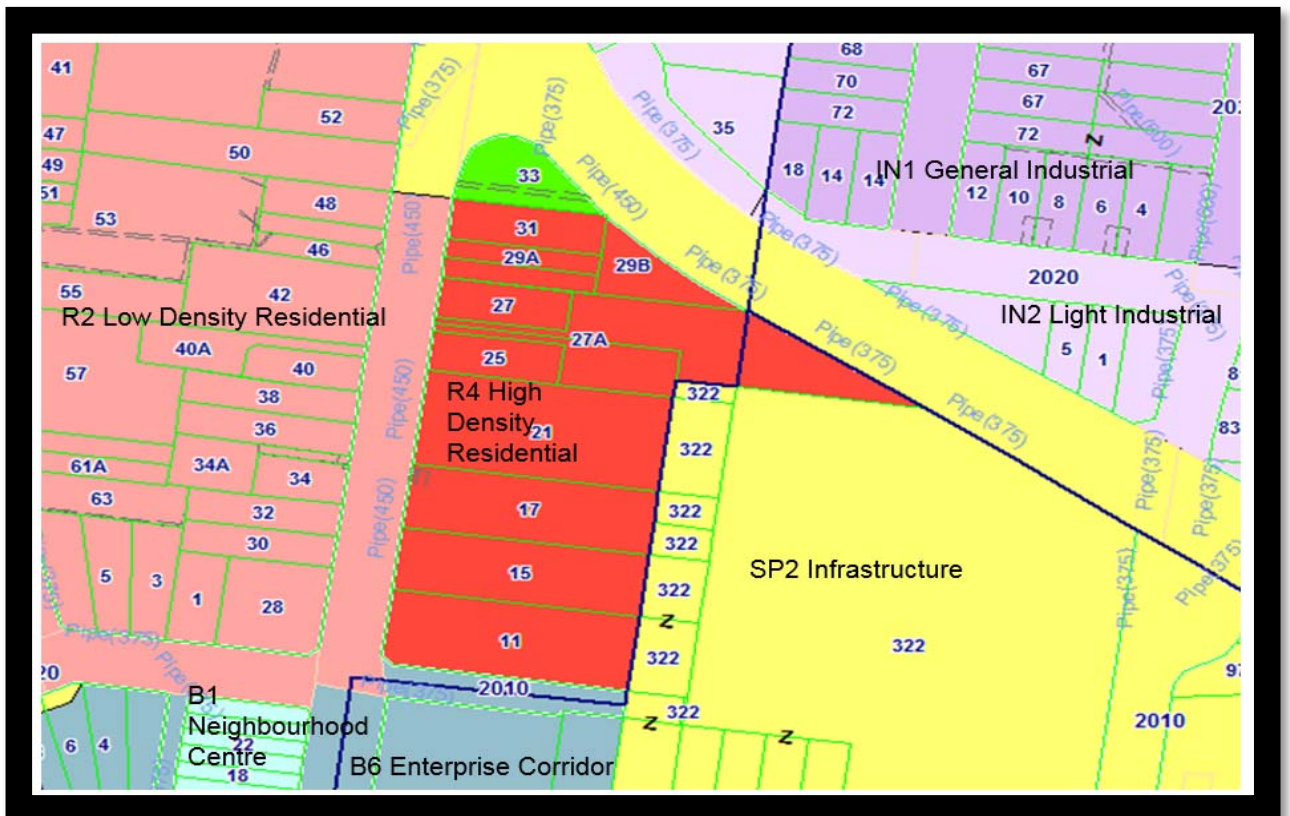
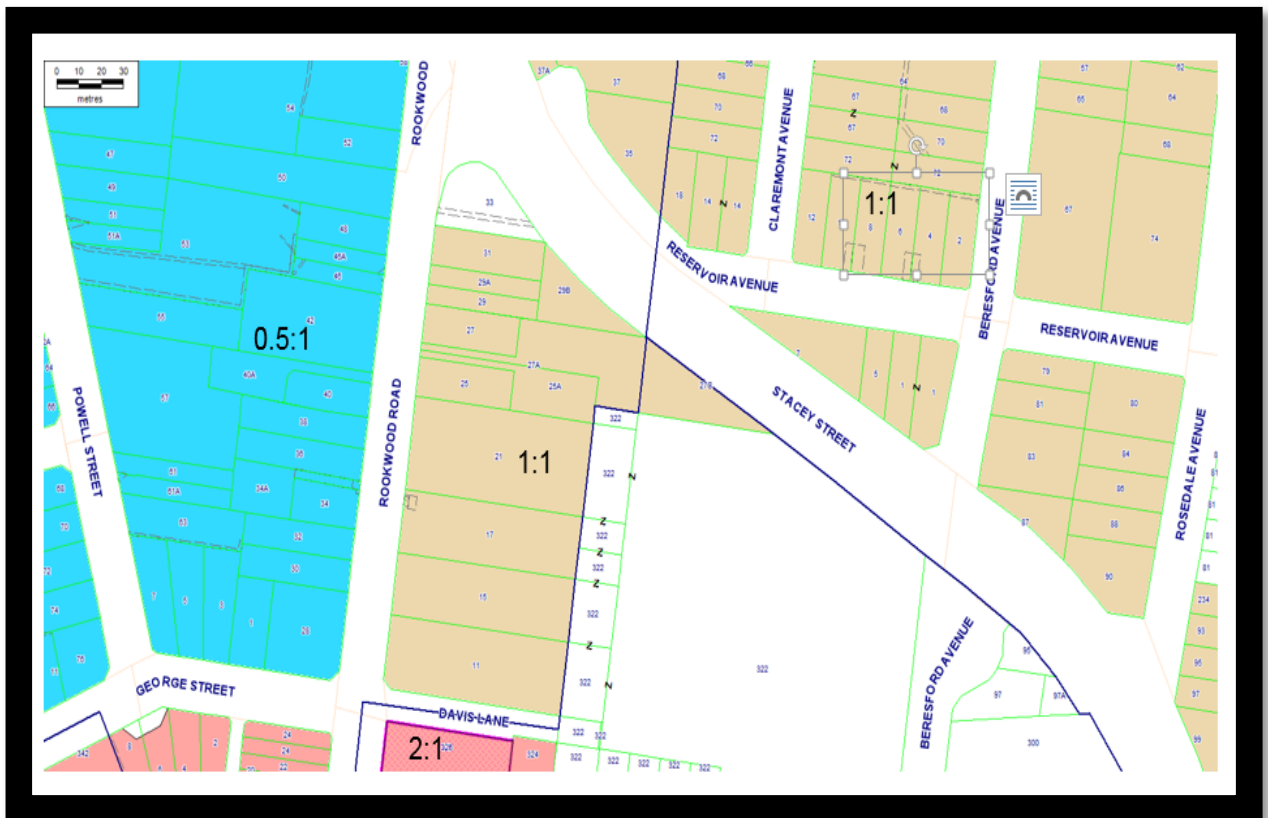


Image 4 – Height of buildings map



**Image 5 – Floor space ratio map**



## **PROPOSED DEVELOPMENT**

The development proposes the demolition of all existing structures on site and the construction of an in-fill affordable housing development consisting of two buildings with a total of eighty-seven (87) residential units with basement car parking, landscaping and associated site works.

A total of forty two (42) affordable housing units are provided and distributed predominately on level one and level two of the development.

The proposal incorporates the following unit mix:

- 11 x (1) bedroom units
- 69 x (2) bedroom units
- 7 x (3) bedroom units

Vehicle access to the single basement level is provided off Rookwood Road and provides for ninety-nine (99) car spaces, three (3) plant rooms, lift services and waste storage areas. Communal open space is provided as a courtyard to the north of the proposed buildings and includes play facilities, seating, BBQ areas and pedestrian paths.

**Image 6 – Extract of the proposed site plan**



## **SECTION 4.15 ASSESSMENT**

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

### **Environmental planning instruments [section 4.15 (1)(a)(i)]**

#### ***State Environmental Planning Policy (State and Regional Development) 2011***

According to SEPP (State and Regional Development) 2011, a regional panel may exercise the consent authority functions of the Council for the determination of applications for development of a class or description included Schedule 7 of this Policy (as mandated by Cl 4.5 (b) of Environmental Planning and Assessment Act 1979).

Schedule 7 of SEPP (State and Regional Development) 2011, includes 'private infrastructure and community facilities over \$5 million'. The proposed development falls within this category (under Clause 5 (b)) as it is for the purpose of 'affordable housing' with a capital investment value in excess of \$5 million. Accordingly, the application is reported to the Sydney South Planning Panel for determination.

A Panel briefing was held on 1 November 2017, at which the Panel members requested that certain matters be elucidated in Council's assessment of the proposed development. These matters are summarised below and further assessment of these matters are addressed in the relevant sections of the assessment that follows.

## **Overshadowing - Adjoining Apartment Building**

Revised shadow diagrams have been provided and confirm that adequate solar access is provided to the northern windows of the adjoining apartment building and that appropriate solar access will be provided to the subject development.

## **Apartment of unit size and layout – bedroom layouts**

The revised development plans now annotate that all apartments achieve the sizes as specified in the Apartment Design Guide and where additional bathrooms are proposed, unit sizes have been increased by 5m<sup>2</sup>.

A storage table has also been provided that demonstrates that 50% of the required storage is allocated and provided in the units.

## **Isolated sites**

The requirements of Clause 9.1 of Part B1 of the Bankstown Development Control Plan 2015 reads as follows:

***Clause 9.1*** *The consent authority must not grant consent to any development on land within Zone R4 High Density Residential if the proposed development will have the effect of isolating land with an area of less than 1,200m<sup>2</sup> and a width of less than 20 metres at the front building line so as to preclude the reasonable development of that land.*

The proposed development is not considered to directly result in the effect of isolating land with an area of less than 1,200m<sup>2</sup> so as to preclude the reasonable development of that land. While it is noted that 29 and 29A comprises a large dual occupancy development, the combined site area with the inclusion of No.31 Rookwood Road would result in an area of approximately 1500m<sup>2</sup> and frontage of 29.8m to Rookwood Road. Given the combined site area, the regular shape of the allotments, the sites are considered to remain capable of future amalgamation for the purposes of a residential apartment development.

## **Interface treatment – visual privacy, southern elevation, adjoining southern properties screening**

The amended plans consist of increased landscape areas to provide a buffer to the southern ground floor units and the use of privacy screening to reduce direct overlooking and provide building articulation.

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

SEPP 55 requires the consent authority to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.



The sites have a history of residential uses and as such a Phase 1 Contamination Assessment was completed. The scope of work conducted included:

- A review of historic title information obtained from the Department of Lands.
- A review of aerial survey photographs for the last 50 years.
- A review of Department of Natural Resources groundwater bore data.
- A review of published information on the subsurface conditions in the general area.
- A search on the NSW EPA's contaminated land register and licensing and Canterbury Bankstown Council's Section 149 (2) certificate.
- An inspection of the site to identify apparent or suspected areas of contamination.
- The drilling of five boreholes (BH 1 to BH 5) at accessible locations across the site using a truck mounted B80 drill rig.

The Phase 1 Assessment notes the encounter of asbestos fibro fragments and building debris to the rear of the site (i.e. No 27C) scattered on the ground surface and recommends a range of disposal methods.

Council officers have reviewed the report and test results and are satisfied that the site will be suitable for the proposed development with the recommendations and regulatory requirements stated in section eight (8) of the report forming part of the development consent.

It is considered that the consent authority can be satisfied that the development site can be made suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

### **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 New South Wales.

Division 1 (Clauses 10 to 17 inclusive) of the ARHSEPP apply to development for the purposes of a residential flat building. An assessment of the proposal against the applicable Clauses of Division 1 is provided below.

Clause	Requirement	Proposal	Complies
10 - Development to which Division applies	(1)(a) the development concerned is permitted with consent under another environmental planning instrument, and	The proposal is defined as 'Residential Flat Building' which is permitted with Council consent under the BLEP 2015 in the R4 High Density Residential Zone.	Yes
	(1)(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u> .	The site does not contain a heritage item. The dwelling at No.50 Rookwood Road is located to the west of the site and is separated by Rookwood Road.	Yes

	(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.	The site is located within 400 metres of the Rookwood Road M92 bus stop which satisfies 'accessibility' requirements under the AHRSEPP.	Yes
	(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	The site satisfies 'accessibility' requirements under the AHRSEPP.	Yes
11, 12 (Repealed)	-	-	-
13 Floor space ratios	(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	More than 20% of the gross floor area is to be used for the purpose of affordable housing.  Forty two (42) units that have been identified to be used as affordable units.	Yes
	(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	44.3% of the floor space of the gross floor area is to be used for affordable rental housing. Accordingly, the maximum permitted FSR for this site is 1.443:1. The proposed floor space ratio is a compliant 1.442:1.	Yes

	(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. $Y = AH \div 100$		
14 Standards that cannot be used to refuse consent	<b>(a) Repealed</b>	-	-
Site and solar access requirements	(b) Site Area Minimum 450sqm	5034m <sup>2</sup>	Yes
	(c) Landscaped Area at least 30 per cent of the site area is to be landscaped	Requires 1.510.2 m <sup>2</sup> of landscape area  Proposed 1568.9m <sup>2</sup> of landscape area on the ground  (31.2%)	Yes
	(d) Deep Soil Zone 15% of total site area and (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area	755.1 m <sup>2</sup> of deep soil zone required  1372.4 m <sup>2</sup> of deep soil provided.  (27.8%)	Yes
	(e) Solar Access Min 70% of dwellings to receive min 3hrs solar access between 9am and 3pm in mid-winter	61 of 87 (70.1%) units will receive the required minimum of solar access between 8 am -4 pm which is considered satisfactory.	Yes
<b>(2) General</b>	(a) parking at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	1 bed x 11 (0.5 spaces each unit) = 5.5 spaces  2 bed x 69 (1 space each unit) = 69 spaces  3 bed x 7 (1.5 spaces each unit) = 10.5 spaces  Total spaces required = 85  Total spaces provided = 99	Yes
	(b) dwelling size • 50 square metres in the case of a dwelling having 1 bedroom, or	All units meet the minimum requirements	Yes

	<ul style="list-style-type: none"> <li>• 70 square metres in the case of a dwelling having 2 bedrooms, or</li> <li>• 95 square metres in the case of a dwelling having 3 or more bedrooms.</li> </ul>		
15 Design Requirements	Consideration of Seniors Living Policy: Urban Design Guidelines for Infill Development	The Seniors Living Policy is not applicable as <a href="#">State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</a> applies	N/A
16A Character of Area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the area.	<p>The site is zoned R4 – High Density in which residential flat buildings are permitted. The development complies with the maximum 13m Height of buildings limit specified.</p> <p>The two buildings proposed as part of this application are considered to be compatible with the existing character of the locality and reflective of desired future character given the R4 High Density Residential zoning and 13m HOB set under the BLEP 2015.</p> <p>The proposal is considered to be compatible with the existing and future desired character of the area.</p>	Yes
17 Must be used as affordable housing for 10 years	The dwellings are to be used for the purposes of affordable housing and managed by a registered community housing provider	A condition of consent will be imposed to ensure compliance with this clause.	Yes
18 Subdivision	Land on which development has been carried out may be subdivided with consent of the consent authority	Subdivision is not sought as part of DA	N/A

As demonstrated above, the proposal complies with all of the standards contained within Division 1 (Clauses 10 to 17 inclusive) State Environmental Planning Policy (Affordable Rental Housing) 2009.

### ***Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment***

It is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles and planning considerations of the GMREP No. 2.

**State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)**

SEPP No. 65 applies to the proposed development as it contains residential flat buildings having 4 or more units and 3 or more storeys. An assessment against the nine (9) Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) has been carried out.

The development is considered to be consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context. The proposal also generally complies with the key 'design criteria' contained in the Apartment Design Guide as illustrated in the table below.

DESIGN CRITERIA	PROPOSED	COMPLIES
<b>3D-1 Communal open space</b>  Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	1832.12m <sup>2</sup> (36%) of the site is provided as communal open space.  At least 50% of the COS is able to achieve at least 2 hours direct sunlight between 9am-3pm on 21 June.	Yes   Yes
<b>3E-1 Deep Soil Zones</b>  Sites greater than 1500m <sup>2</sup> must provide 7% of the site area as a DSZ, 6m wide	Total area 1372m <sup>2</sup> (27%) of deep soil with a 3.8m to 6m dimension has been proposed.	Yes  The proposal provides for 27% deep soil zones.
<b>3F-1 Visual Privacy (Building separation)</b>  6m setback up to 4 storeys (3m to non-habitable rooms).	<u>North (Stacey Street Frontage / Adjoining Properties)</u>  Yes – 6.0 metres provided.  <u>East</u>  Yes – 6.0 metres provided.  <u>West (Rookwood Road Frontage)</u>  Yes – 6.0 metres provided.  <u>South (Bankstown North Public / Adjoining Properties)</u>  Yes – 6.0 metres provided.	Yes
<b>3J-1 Car Parking</b>  Minimum car parking requirement must be provided on site	99 residential car parking spaces are provided (in the basement).	Yes  The car parking requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 requires 85 spaces.



<b>4A-1 Solar access</b>  70% of units should receive 2hrs solar access between 9am – 3pm midwinter.	61 of 87 units (70%) receive 2hrs direct solar access between 9am – 3pm midwinter.	Yes
<b>4A-2 Solar access</b>  <b>4A-3 Solar access</b>  A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid-winter	Not applicable  5 apartments (or 6%) receive no direct sunlight at the relevant time.	N/A  Yes
<b>4B-3 Natural cross-ventilation</b>  60% of units to be naturally cross-ventilated.  Overall depth cross-over or cross-through apartment does not exceed 18m, when measured glass line to glass line	53 units (61%) are naturally cross-ventilated.  All cross through apartments 18m or less.	Yes  Yes
<b>4C-1 Ceiling heights</b>  Min. 2.7m for habitable rooms.	Floor-to-ceiling heights are 2.750m to 2.850m.	Yes
<b>4D-1 Unit size</b>  Studio – min 35m <sup>2</sup> 1 bed – min. 50m <sup>2</sup> 2 bed – min. 70m <sup>2</sup> 3 bed – min. 90m <sup>2</sup> Add 5m <sup>2</sup> for each additional bathroom/WC  Every habitable room must have a window in an external wall	1 Studio, – min. 40 m <sup>2</sup> 1 bed, 1 bath – min. 50 m <sup>2</sup> 2-bed, 2 bath – min 75m <sup>2</sup> 3-bed, 2 bath – min. 95m <sup>2</sup>  All habitable rooms have a window in an external wall.	Yes  Yes
<b>4D-2 unit performance maximised</b>  In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All units comply with this requirement.	Yes
<b>4D-3 Apartment layouts</b>  <ul style="list-style-type: none"> <li>Master Beds: 10m<sup>2</sup> min</li> <li>Other beds: 9m<sup>2</sup> min</li> <li>Bedrooms min dimension of 3m</li> </ul>	All rooms achieve compliance.	Yes

<b>Living room widths</b> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>		
<b>4E-1 Private Open Space</b>  1 bed: Min 8m <sup>2</sup> , 2m depth 2 bed: Min. 10m <sup>2</sup> , 2m depth 3 bed: Min 12m <sup>2</sup> , 2.4m depth to primary balconies. Ground level units/ podium or similar structure : Min 15m <sup>2</sup> , 3m depth	All units comply with this requirement.	Yes
<b>4F-1 Internal circulation</b>  Max. 8 units accessed from a single corridor.	All internal circulation areas comply with this requirement.	Yes
<b>4G-1 Storage</b> 1 beds: 6m <sup>3</sup> , 2 beds: 8m <sup>3</sup> , 3 beds: 10m <sup>3</sup> (At least half to be provided within the unit)	All units provided with sufficient storage, and at least half provided within the unit	Yes

It is considered that the design of the development put forth can be considered to be consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context.

***State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) (ISEPP)***

**Roads and Maritime Services**

The proposal has been referred to RMS pursuant to Part 3, Division 17, Subdivision 2, Clause 104 '*Traffic-generating development*' of the ISEPP 2007. The proposal is development specified in Column 1 of the Table to Schedule 3 and involves a new premises of the relevant size or capacity that:

***104(2)(b): in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.***

A letter issued by RMS on 24 November 2017 advised that the development was not supported as the subject property is within an area of investigation for the proposed Stacey Street widening and Hume Highway grade separation project.

Following the investigations, RMS issued a further letter on 10 April 2018 that the subject property would not be affected by this proposal and no objections were raised in review of the proposal, subject to the conditions as recommended in the attachment.

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

A valid BASIX Certificate accompanied the Development Application. The Certificate details the required thermal comfort, energy and water commitments which are also illustrated on the submitted architectural plans. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 in this instance.

***Bankstown Local Environmental Plan 2015***

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

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning

An assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*.

The below table is provided to demonstrate the proposals compliance with the relevant numerical controls as set out in the BLEP 2015.

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.3 Height	13m proposed	Max 13m permitted
Clause 4.4 FSR	1.442:1 proposed	Max of 1:1 – Suitable with application of the ARHSEPP

***Draft environmental planning instruments [section 4.15(1)(a)(ii)]***

There are no draft environmental planning instruments that are applicable in this instance.

**Development control plans [section 4.15(1)(a)(iii)]**

The following table provides a summary of the development application against the controls contained in Part B1 and B5 of the Bankstown Development Control Plan 2015.

STANDARD	PROPOSED	PART B1 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
<b>Part B1 Residential Development</b>			
Isolation of allotments	The properties of No. 29, 29A and 31 would achieve an area of approximately 1500m <sup>2</sup> and 29.8 metres to Rookwood Road – this is not considered to preclude reasonable development of that land.	The consent authority must not grant consent to any development on land within Zone R4 High Density Residential if the proposed development will have the effect of isolating land with an area of less than 1,200m <sup>2</sup> and a width of less than 20 metres at the front building line so as to preclude the reasonable development of that land.	Yes
Storey limit	13 metres – 4 Storeys	13 metres – 4 Storeys (no attic)	Yes
Development Siting	The development is consistent with the requirement.	The siting of residential flat buildings, serviced apartments, shop top housing and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Yes
Ground Levels	The development is consistent with the requirement.	Any reconstituted ground level on the allotment must not exceed a height of 600mm above the natural ground level of an adjoining property except where: (a) the residential flat building, serviced apartments or shop top housing is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or (b) the fill is contained within the ground floor perimeter of the residential flat building, serviced apartments or shop top housing to a height no greater than 1 metre above the natural ground level of the allotment.	Yes
Primary Setback	6 metre setback is proposed	The minimum setback for a building wall to the primary frontage is: (a)... (b) 6 metres for all other allotments.	Yes
Secondary Setbacks	6 metre setback is proposed	The minimum setback for a building wall to the secondary frontage is 6 metres.	Yes
Rear setbacks	A minimum setback of 6 metres is proposed	For a building with 3 or more storeys, the minimum setback to the side and rear boundaries of the allotment is 4.5 metres provided the average setback is 0.6 multiplied by the wall height.	Yes

STANDARD	PROPOSED	PART B1 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
Basement Setback	2 metre setback is proposed	The minimum setback for a basement level to the side and rear boundaries of the allotment is 2 metres.	Yes
Driveway Setback	1 metre setback is proposed	The minimum setback for a driveway to the side and rear boundaries of the allotment is 1 metre	Yes
Private open space	Achieved - balconies provide articulation to the street facade.	Development must locate the private open space behind the front building line. This clause does not apply to any balconies where it is used to provide articulation to the street facade.	Yes
Building design	Applied	Council applies the design quality principles of State Environment Planning Policy No. 65–Design Quality of Residential Apartment Development and the Apartment Design Guide to residential flat buildings, serviced apartments and shop top housing. This includes buildings that are two storeys or less, or contain less than four dwellings.	Yes
Demolition	All structures to be demolished	Development for the purpose of residential flat buildings, serviced apartments and shop top housing must demolish all existing dwellings (not including any heritage items) on the allotment.	Yes
Adaptable Dwellings	Three (3) units provided	Residential flat buildings, serviced apartments and shop top housing with 10 or more dwellings must provide at least one adaptable dwelling plus an adaptable dwelling for every 50 dwellings in accordance with AS 4299– Adaptable Housing. – Two (2) units required	Yes
Roof Pitch	Flat roof design – 1 to 5 degrees	The maximum roof pitch for residential flat buildings, serviced apartments and shop top housing is 35 degrees.	Yes
Attic Design	N/A	Council may allow residential flat buildings (up to 3 storeys), serviced apartments (up to 3 storeys) and shop top housing (up to 3 storeys) to have an attic provided the attic design: (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and (b) ensures the attic does not give the external appearance of a storey.	N/A
Dormer Design	N/A	9.17 The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	N/A
	Not proposed		Yes



STANDARD	PROPOSED	PART B1 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
		Council does not allow residential flat buildings, serviced apartments and shop top housing with 4 or more storeys to have attics.	
Roof Top Balconies	Not proposed	Council does not allow residential flat buildings, serviced apartments and shop top housing to have roof-top balconies and the like.	Yes
Services	Suitable location in basement	The siting of a plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must: (a) integrate with the architectural features of the building to which it is attached; or (b) be sufficiently screened when viewed from the street and neighbouring properties.	Yes
Building design (car parking)	Located in basement behind the front building line	Development must locate the car parking spaces behind the front building line	Yes
<b>Part B5 Parking</b>			
Residential flat buildings	<p>In accordance with ARHSEPP the car parking rate requires a minimum of :</p> <p>0.5 car space per 1 bedroom dwelling; or 1 car spaces per 2 bedroom dwelling; or 1.5 car spaces per 3 or more bedroom dwelling</p> <p>Calculations (11) 1 Bed units = <math>11 \times 0.5 = 5.5</math> (69) x 2 Bed units = <math>69 \times 1 = 69</math> (7) x 3 Bed Units = <math>7 \times 1.5 = 14</math></p> <p>Total required = 85</p> <p>Total provided on site Residential – 99 car spaces</p> <p>This rate overrides the BDCP 2015 in regards to residential parking.</p>	<p><b>Zone R4</b></p> <p>1 car space per 1 bedroom dwelling 1.2 car spaces per 2 bedroom dwelling 1.5 car spaces per 3 or more bedroom dwelling 1 visitor car space per 5 dwellings.</p> <p>Calculations (11) 1 Bed units = <math>11 \times 1 = 11</math> (69) x 2 Bed units = 82.8 (7) x 3 Bed Units = 10.5</p> <p>1 visitors space per 5 dwellings <math>87/5 = 17.4</math> Total Required 122 car spaces</p> <p><b>Note 1:</b> Residential flat buildings on state and regional roads with over 10,000 vehicles per day should provide an additional space on site for a furniture truck.</p> <p><b>Note 2:</b> All car spaces must be located behind the front building line. Residential flat buildings are required to provide car spaces for people with disabilities depending on the size of the development.</p> <p><b>Note 3:</b> Service and delivery vehicles can use visitor space.</p>	Yes, complies based on the compliance with the ARHSEPP.

### **Planning agreements [section 4.15(1)(a)(iia)]**

There are no planning agreements applicable to this development application.

### **The regulations [section 4.15(1)(a)(iv)]**

The proposed development is not considered to be inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

### **The likely impacts of the development [section 4.15(1)(b)]**

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

### **Suitability of the site [section 4.15(1)(c)]**

The proposal represents a built form which is compatible with the desired future character of the locality, which is informed by the zoning that applies to the site under LEP 2015. Conclusions reached in earlier sections of this report determined that the proposed development satisfies the intent of the planning controls and can be considered suitable for the proposed development.

### **Submissions [section 4.15(1)(d)]**

The application was advertised and notified for a period of twenty-one (21) days, from 18 October 2017 to 7 November 2017. Revised plans were re-notified for fourteen days (14) days from 7 June 2018 to 20 June 2018 and an amended description was provided and re-notified with the material for twenty-one (21) days from 27 June 2018 to 17 July 2018. An amended property description (to remove no. 29 Rookwood Road) was also undertaken and advertised and re-notified for an additional twenty-one (21) days, from 1 August 2018 to 21 August 2018.

Following the above advertising and notification periods, three (3) submissions were received and are summarised in themes below:

#### **Traffic Generation and Safety**

The development has been reviewed by Council's Traffic and Transport Unit and the Roads and Maritime Services. With respect to the vehicle entry and exit to the basement, road infrastructure and the potential of congestion, the proposal maintains adequate levels of service and remains suitable for support subject to conditions of consent.

#### **Car Parking**

The application consists of an in-fill affordable housing development under the State Environmental Planning Policy (Affordable Rental Housing) 2009 and permits a standard for car parking when located within an 'accessible area'. The subject site

remains development within 400 metres of an accessible area with bus stops with regular services to Bankstown, Auburn, Menai, Padstow and Parramatta and therefore meeting the SEPP requirements.

The provision of the single basement level that provides for ninety-nine (99) car spaces off Rookwood Road exceeds the minimum requirements of the SEPP (being 85 spaces) and is appropriate for approval.

### **Visual and Acoustic Privacy**

Concerns relating to the privacy impact of the development on adjoining properties, including the Bankstown North Public School, were considered. It is advised that Council requested amended plans to require the interface of the southern elevation of the building to the adjoining school is to be reviewed and consist of a specific design solution or treatment to reduce overlooking. The amended plans consist of increased landscape areas to provide a buffer to the southern ground floor units and the use of privacy screening to reduce direct overlooking and provide building articulation.

It is also noted that a newly constructed residential apartment building to the south of the site at No. 21-23 Rookwood Road consists of consistent building treatment and interface with the Bankstown North Public School.

### **Development Description**

In acknowledgment of the of the in-fill affordable housing development as described under State Environmental Planning Policy (Affordable Rental Housing) 2009 an amended description was assigned and the application was renotified and advertised as first lodged as follows:

*Consolidation of allotments, demolition of existing structures and tree removal. Construction of an in-fill affordable housing development under State Environmental Planning Policy (Affordable Rental Housing) 2009, comprising two (2) four-storey residential flat buildings with a total of eighty-seven (87) units and basement car-parking.*

### **Lot Isolation**

Council has reviewed the proposed development and the adjacent allotments to the north known as Nos. 29, 29A and 31 Rookwood Road, Yagoona. The proposed development is not considered to directly result in the effect of isolating land with an area of less than 1,200m<sup>2</sup> so as to preclude the reasonable development of that land.

While it is noted that 29 and 29A comprises a large dual occupancy development, the combined site area with the inclusion of No.31 Rookwood Road would result in an area of approximately 1500m<sup>2</sup> and frontage of 29.8m to Rookwood Road. Given the combined site area, the regular shape of the allotments, the sites are considered to remain capable of future amalgamation for the purposes of a residential apartment development.

## **Overdevelopment**

The development complies with the requirements relating to the setbacks, floor space ratio, landscaping and private open space. These controls assist in regulating the location, size and footprint of the development. The proposed development remains a permitted land-use in the R4 High Density Residential Zone and remains suitable for development consent.

### **The public interest [section 4.15(1)(e)]**

Having regard to the relevant planning considerations, the proposed development is in the public interest.

## **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, assessment against State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

Subject to the imposition of conditions to address minor matters and the concurrence of external authorities, it is considered that the development application is an appropriate outcome in the context of the surrounding locality.

## **RECOMMENDATION**

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