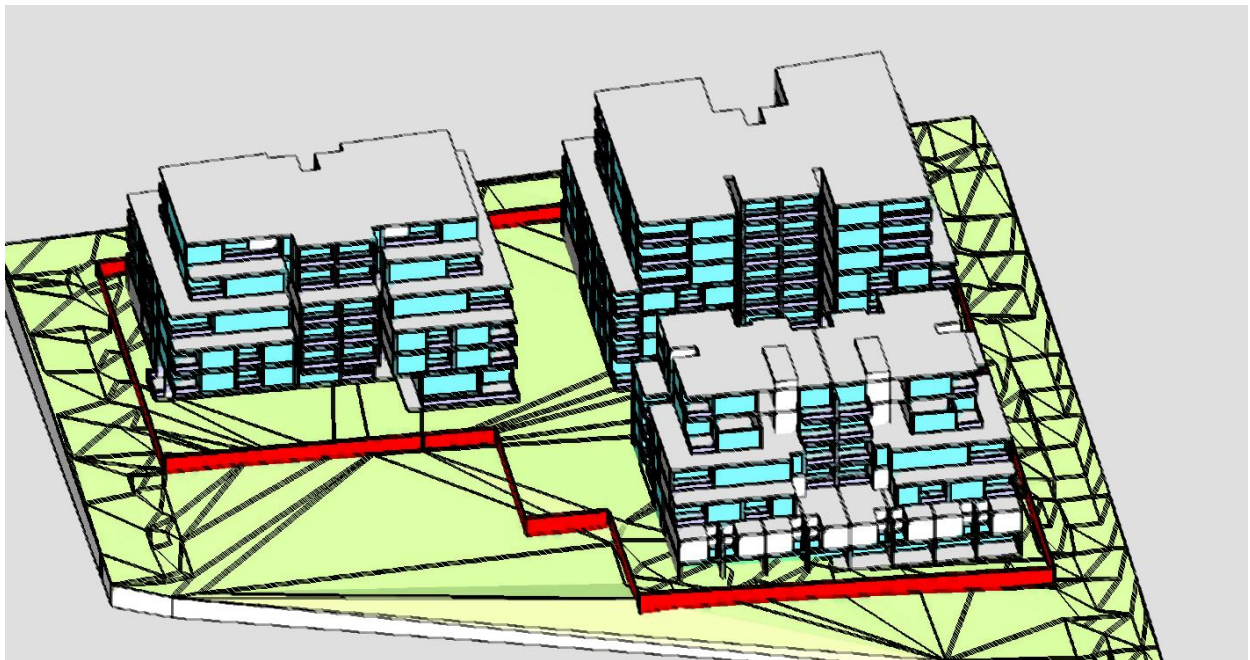


# STATEMENT OF ENVIRONMENTAL EFFECTS

## Concept Development Application

677,687 Canterbury Road and 48 Drummond Street,  
BELMORE, NSW 2192



Prepared for Belmore Linx Pty Ltd

Submitted to Canterbury Bankstown Council  
March 2019

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APPENDICES	TITLE
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Appendix K	Social Housing Provider
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Appendix M	Site Compatibility Certificate
Appendix N	Site Compatibility Certificate Urban Design Report

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# 1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Pacific Planning Pty Ltd to accompany a Concept Development Application (DA) in relation to a proposed concept design for land located at 677,687 Canterbury Road & 48 Drummond Street, Belmore.

The proposal constitutes a Concept DA in accordance with the provisions of section 4.21 and 4.22 of Part 4, Division 2A – Special Procedures concerning staged DAs of the Environmental Planning and Assessment Act 1979 (EP&A Act). Following determination of this concept DA, further detailed design work will be undertaken and subsequent detailed staged applications submitted for development.

The Concept DA will facilitate 184 dwellings, of which 50% (92 dwellings) will be designated affordable housing units, managed by Evolve Housing, a registered and accredited housing provider, for a period of 10 years in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the Affordable Rental Housing SEPP). A site compatibility certificate was issued by the Department of Planning and Environment on 15 July 2014 under clause 37(5) of the Affordable Rental Housing SEPP.

This Concept DA is ‘regionally significant development’ under clause 20 of State Environmental Planning Policy (State and Regional Development) 2011 as the development is a type classified as private infrastructure and community facilities (affordable housing) with the value of works being greater than \$5 million. Therefore, the Sydney South Planning Panel is the consent authority in accordance with Section 4.5 of the EP&A Act.

The Concept Masterplan seeks consent under section 4.22 of the EP&A Act 1979 for the concept footprint described in the plans submitted with the application read in the context of the supporting material. Specifically, the aspects of the final development included in the concept for which approval is sought are:

- (a) the building footprint locations,
- (b) building elevation and massing,
- (b) the location of internal pedestrian links and circulation,
- (c) location of the site entry and exit, and
- (d) open space and landscaping.

This Concept DA is supported and should be read in conjunction with the following reports and documentation:

- Site Compatibility Certificate, issued by the Department of Planning and Environment on 15 July 2014
- Site Compatibility Certificate Urban Design Report, prepared by HBO+EMTB Architecture and Design
- Survey Plan, prepared by JBW Surveyors, dated January 2014
- Concept Design Report, prepared by Aleksandar Projects, dated February 2019
- Concept Design Plans (for approval) prepared by Aleksandar Projects dated February 2019
- Architects Design Statement, prepared by Aleksandar Projects, dated February 2019
- SEPP 65 Design Compliance Statement, prepared by Aleksandar Projects, dated February 2019
- Landscape Masterplan, prepared by Geoscapes Landscape Architects, dated February 2019
- Stormwater Drainage Report, prepared by Engineering Studio, dated February 2019

- Traffic and Parking Impact Assessment, prepared by Lyle Marshall & Partners Pty Ltd, dated February 2019
- Stage 1 and 2 Environmental Site Investigation and Remedial Action Plan, prepared by geo-environmental engineering dated March 2014 and Sullivan Environmental Sciences Review dated 18 May 2015
- Social Impact Assessment, prepared by PPM Consulting, dated February 2019
- QS Report, prepared by QPC&C, dated February 2019

The Concept Application seeks consent for building footprints and locations and massing envelopes. Detailed building plans and finished envelopes are not included in this application, however details are provided in the Concept Design Report at [Appendix B](#).

This SEE describes the site, its context and existing environment. It also outlines the proposal, the project justification and provides an environmental assessment of the concept proposal in terms of the relevant matters for consideration under Section 4.15(1) of the EP&A Act, including relevant legislation, environmental planning instruments, planning policies and strategies.

## 1.1 Proposal Description

The proposal comprises a Concept DA that sets out the concept proposal for a mixed use residential and commercial development within 800 metres of the Belmore train station, which will be facilitated through future staged DAs. The Concept DA has been informed by the detailed study of the site as part of the site compatibility certificate process.

On 15 July 2014, a site compatibility certificate was issued under clause 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) in relation to the subject site. The certificate is included at [Appendix M](#).

The certificate certified that *“the development of the site described in Schedule 1 is compatible with the surrounding land uses, having had regard to the matters specified in clause 37(6)(b), only if it satisfies certain requirements specified in Schedule 2 of this certificate; and is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land”*.

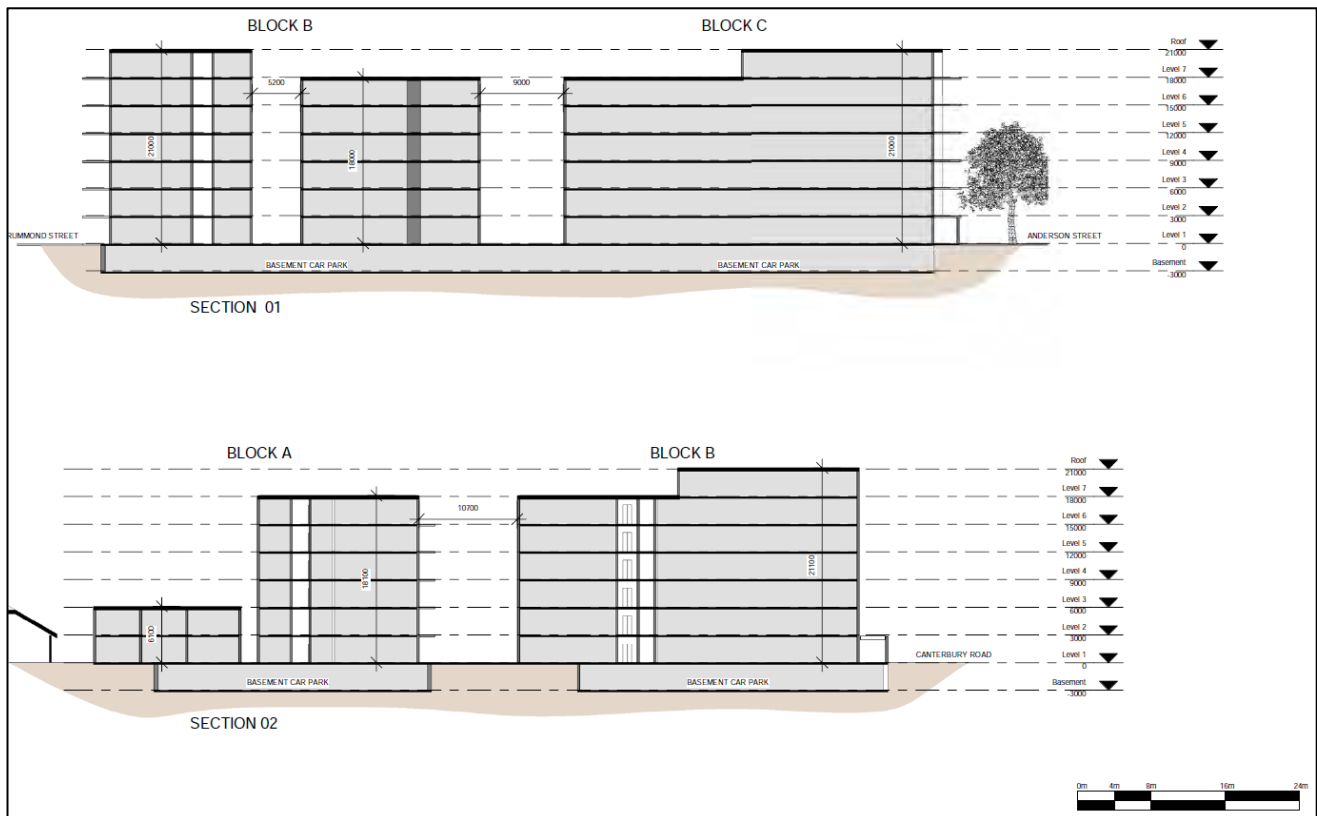
The form of development so certified in Schedule 1 is as follows:

*“The demolition of all existing buildings on the site and the construction of a mixed-use development comprising three (3) buildings, with ground floor commercial space along Canterbury Road and residential development pursuant to the provisions of the State Environmental Planning Policy (Affordable Housing) 2009”.*

The Application which described those 3 buildings at the time the certificate was issued is nominated in the certificate to be that made by HBO+EMTB Architecture and Design, as part of the application made by Stimson Consultant Services on behalf of Evolve Housing – a nominated not-for-profit-provider of social housing which satisfies the SEPP requirement.



The following elevations are extracted from the plans considered by the Secretary when the site suitability certificate issued.



**Figure 1:** HBO+EMTB Architecture and Design Concept Design

As provided for by clause 34(7) of the SEPP, the development has been certified to be ‘compatible with surrounding land uses’ if it meets the following 4 requirements:

- (1) It must be configured to ensure a transition in height between Canterbury Road and the detached dwelling houses in the low density residential zone to the north.
- (2) The final dwelling number and unit mix must be to the satisfaction of the consent authority which determines a DA for that development.
- (3) The building design and height of the development (and specifically its impact on solar access, overshadowing, and amenity of the surrounding residential development) must satisfy assessment by the consent authority when determining a DA for the development.
- (4) The specific uses of the ground level commercial tenancies within the development are to be to the satisfaction of the consent authority when determining the DA.

The careful design of the concept has been targeted to meet each of those 4 requirements

The principal effect of certification under clause 37 of the SEPP, is that as the development complies with the requirements of the certificate, it is to be assessed as “development that needs consent” to which section 4.2 of the EP&A Act applies, even though the outdated B6 zoning of the site identifies residential development as “development which is prohibited” (within the meaning of section 4.3 of the EP&A Act).

Furthermore, if the consent authority is satisfied that the requirements identified in the site suitability certificate have been met, the assessment of the development application under Section 4.15 of the EP&A must assume the Director General's satisfaction as to the compatibility of the project with surrounding land uses, the availability of services and infrastructure, and take into account the Director General's certificate of satisfaction that the environmental impact of the development will not be adverse (see clause 37(6) of the SEPP). That satisfaction ought to govern the assessment of the development application under Section 4.15 of the EP&A Act.

The concept plan is consistent with the certified proposal and offers the benefit of increasing the stock of affordable rental housing for which there is notorious demand in central Sydney. In that way, the proposal is closely aligned with the objectives of the SEPP.

This DA is submitted in accordance with the site compatibility certificate and the requirements specified in Schedule 2. While this DA does not seek consent for development or demolition, it seeks consent for the layout and elevations of buildings and basements under section 4.22 of Part 4, Division 2A – Special Procedures concerning staged DAs of the EP&A Act 1979, and will be followed by future DAs for demolition and physical development.

Specifically, this Concept DA includes the following:

- Building footprints and design parameters for the future development of the site across three (3) key buildings;
- The provision of commercial floor space along the Canterbury Road frontage
- Building separations and setbacks;
- Boundary setbacks;
- Pedestrian access and open space; and
- Conceptual identification and location of:
  - Open space and communal gardens and courtyards;
  - Vehicular access arrangements and egress points;
  - Indicative basement car parking location and access.

The concept is founded primarily on consideration of key site parameters; street interface; impacts on neighbours; and amenity standards of State Environmental Planning Policy (SEPP) 65/Australian Design Guide (ADG) for future dwellings on the site. The concept has allowed testing of the performance of the scheme against ADG requirements, including solar access and building separation.

The application includes a massing envelope to the maximum building height provided for by the site compatibility certificate of 7 storeys. However, the heights have been amended in accordance with the conditions of the site compatibility certificate to ensure an appropriate transition to lower density residential to the north. The concept footprints, massing and elevation provides the platform for future detailed applications for development in accordance with the staging plan discussed at Section 1.4 Development Staging.

Specifically, the Concept DA does not seek approval for:

- Any works, including demolition, excavation, construction and public domain improvements.
- The final arrangement of land uses.
- Layout, mix and number of residential units.
- A specific number of car spaces
- The design of the building exteriors including facades and roofs.

Such approvals will be sought via subsequent development applications following receipt of development consent for the Concept DA. Notwithstanding, to enable a thorough assessment of the Concept DA, a Concept Design Report has been prepared by Aleksandar Projects that includes land uses, vehicle circulation and basement operation, relevant sections, unit matrix, open space solar access and natural ventilation.

The site being substantial in size at just over 7,000m<sup>2</sup>, in single ownership and within easy walking distance to schools, shops and public transport offers a unique and rare opportunity for a well-designed high density residential development that provides considerable affordable housing supply to an area where there is a significant shortage. Aleksandar Projects architects have undertaken thorough testing and detailed design analysis that has informed the final Concept Plan application.

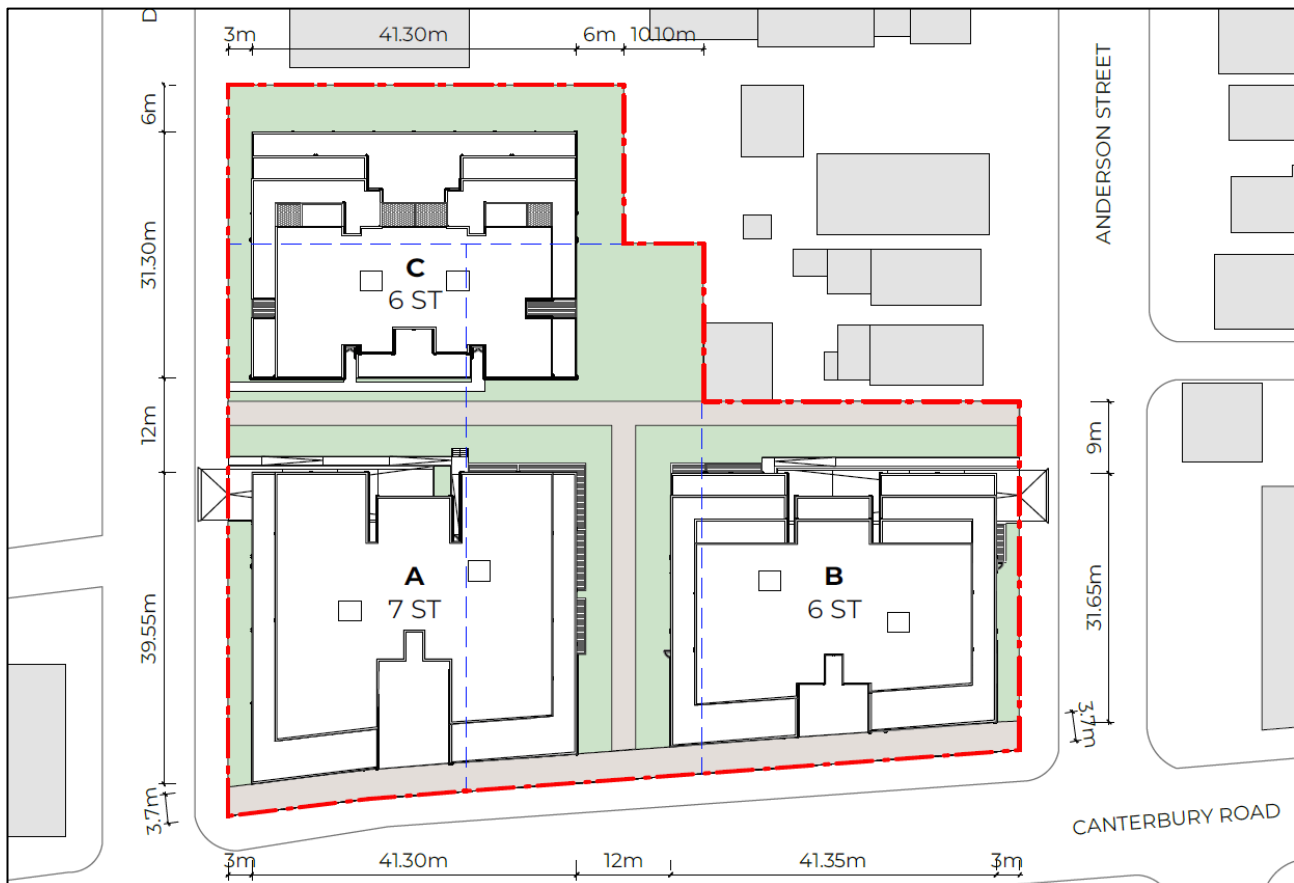


Figure 2: Masterplan Concept

The concept design seeks to achieve the following outcomes for the site:

- Three separate buildings to minimise lengthy building frontages and ensure the built form does not overwhelm the public interface and adjoining development;
- To provide a commercial/retail frontage to Canterbury Road, ensuring no residential interface and an active and vibrant public realm;
- To create a 4 storey street frontage to Canterbury Road with upper storeys setback 8.7 metres, to ensure Canterbury Road is not overwhelmed and ensure a high standard of residential amenity;
- To provide for a *maximum* building height of 7 storeys for one building and 6 storeys for the other two;
- To transition development height from the highest point along Canterbury Road and lower towards to residential development to the north, by stepping massing and built form elevations;
- 9 metre setback to residential to the north on Anderson Street, and 6 metres on Drummond Street;
- Include 2 storey terraces to residential land to the north on Drummond Street;
- Maximising greenspace for resident amenity;
- Maximising solar amenity through design and massing of buildings;
- Ensure ADG building separations and set backs and designed to achieve ADG compliance.

## 1.2 Background

In June 2013, an application was made to the Department of Planning and Environment for a site compatibility certificate pursuant to the provisions of Division 5 of the Affordable Rental Housing SEPP 2009.

The original application lacked detail and the Department subsequently requested additional information regarding the development outcome sought for the site, including proposed building envelopes, building footprints, height of buildings, front rear and side setbacks, dwelling yield, indicative shadow diagrams and a statement of compatibility with surrounding land uses.

On 21 March 2014, the additional information was provided as an addendum to the application. The information included detail with regard to the proposal including a clear description, proposed elevations and floor plans and a SEPP 65 review of the proposal. The additional detail Addendum Report is included at [Appendix N](#).

The application was referred to Council on 19 August 2013 and again on 31 March 2014 following receipt of the application's Addendum Report.

On 15 July 2014, the Acting Secretary of the Department of Planning and Environment issued a Certificate under Clause 37(5) of the Affordable Housing SEPP.

In accordance with the provisions of clause 37(7) of the Affordable Housing SEPP, the site compatibility certificate imposed the following requirements:

- (1) *The proposed development is to be configured to ensure a transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north. Higher buildings should be*

*located along Canterbury Road, stepping down in height towards the low density residential zone to the north.*

- (2) The final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application.*
- (3) The final scheme will be subject to the consent authority undertaking a detailed assessment of the proposal's building design and height, and its impact on solar access and overshadowing and the amenity of surrounding residential development as part of the development application.*
- (4) The proposed specific uses of the ground level commercial tenancies are to be to the satisfaction of the consent authority in determining the development application.*

The site compatibility certificate is included at [Appendix M](#). The conditions of the certificate are addressed in more detail under Section 5.5 of this SEE, which considers the application of relevant State Environmental Planning Policies.

### 1.3 Consent Authority and Capital Investment Value

Regionally Significant Development is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 and includes Clause 5: Private Infrastructure and community facilities over \$5 million – (b) affordable housing. As such the project is classified as Regionally Significant Development.

The site is located in the City of Canterbury Bankstown Local Government Area (LGA) and as such the DA will be assessed by Council's Planning and Development Services Team and the Sydney South Planning Panel will be the consent authority for the development. A Quantity Surveyors Report which includes a determination of Capital Investment Value as per the definitions of Planning Circular 10-008 is included at [Appendix L](#).

### 1.4 Development Staging

As discussed, the project seeks development consent for a Concept DA initially seeking concept proposal approval under the provision of Section 4.22 of the EP&A Act 1979. Subsequent staged DAs containing detailed design will be submitted under separate cover.

Table 2 below, outlines the various stages and reports and documentation that are to be prepared in support of the future applications for development.

Relevant Stage	Description	Reports Required
Concept Development Application (this application)	<p>Concept Application to guide the future development of the land:</p> <ol style="list-style-type: none"> <li>1. building footprint locations including building separation</li> <li>2. indicative basement location and layout</li> <li>3. location of vehicle access/egress points.</li> </ol>	<p>SEE</p> <p>Survey plan</p> <p>Concept Design Report/Architectural plans:</p> <ul style="list-style-type: none"> <li>Basement Footprints</li> <li>Building Footprints</li> <li>Massing Envelopes</li> <li>Proposed Building Height</li> <li>Elevation Transitions</li> <li>Land Use Plan</li> </ul>

	<ul style="list-style-type: none"> <li>4. location of boundary set backs</li> <li>5. location of open space.</li> <li>6. Massing envelopes</li> <li>7. Height transition to adjoining development</li> </ul>	<ul style="list-style-type: none"> <li>Indicative Floor Plans</li> <li>Pedestrian and Vehicle Access</li> <li>Indicative Unit Mix</li> <li>Open Space Plan</li> <li>Solar Study</li> <li>Shadowing Study</li> <li>Ventilation Study</li> <li>Architectural design statement</li> <li>SEPP 65 design compliance statement</li> <li>Indicative landscape Masterplan.</li> <li>Traffic and Access Report.</li> <li>Stormwater Drainage Report</li> <li>QS Report</li> </ul>
<b>Demolition</b>	Demolition and site clearing.	<ul style="list-style-type: none"> <li>SEE</li> <li>Demolition Work Plan</li> <li>Demolition Method Statement</li> <li>Demolition Waste Management Plan</li> </ul>
<b>Stage 1</b>	Development for construction of basement and buildings	<ul style="list-style-type: none"> <li>SEE</li> <li>Plans, Elevations and Sections</li> <li>Neighbour Notification Plans</li> <li>Shadow diagrams</li> <li>CLEP and CDCP compliance tables</li> <li>Landscape Plan</li> <li>Stormwater System Report</li> <li>Drainage Concept Plan</li> <li>Erosion and Sediment Control Plan</li> <li>Waste Management Plan</li> <li>BASIX Certificate/energy efficiency assessment</li> <li>Schedule of finishes</li> <li>Acoustic</li> <li>Contamination</li> <li>Traffic and Parking</li> <li>ADG Compliance</li> <li>Construction Management Plan</li> <li>Utilities and Servicing Plan</li> <li>Access Report</li> <li>Heritage Impact Report</li> </ul>

**Table 2:** Staging Plan

## 2. Site Description and Context

### 2.1 Site Description

The land to which this Concept DA applies is located at 677,687 Canterbury Road and 48 Drummond Street, Belmore. The site is on the northern side of Canterbury Road between the intersections with Anderson Street and Drummond Street. The site has three street frontages and contains old industrial and residential development. The land the subject of this planning proposal is identified in Figures 3, 4 and 5.

The subject site comprises three (6) lots and is known legally as follows:

Address	Lot details	Area (m <sup>2</sup> )
48 Drummond Street	Lot 91 DP 3862	
687 Canterbury Road	Lot A DP 952115	
	Lot B DP 952115	
677 Canterbury Road	Lot 1 DP 533919	
	Lot 2 DP 533919	
<b>Total Area</b>		<b>7,070</b>

Table 2: Site description



Figure 3: Site Description



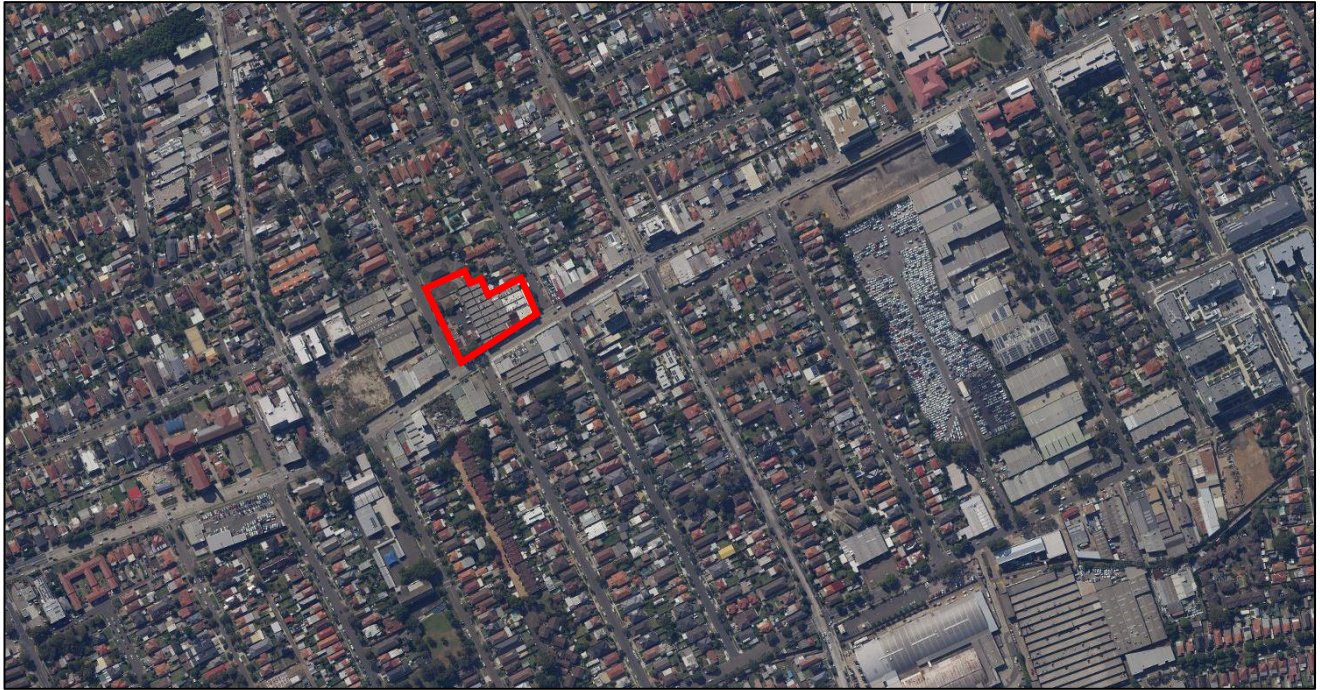


Figure 4: Site context

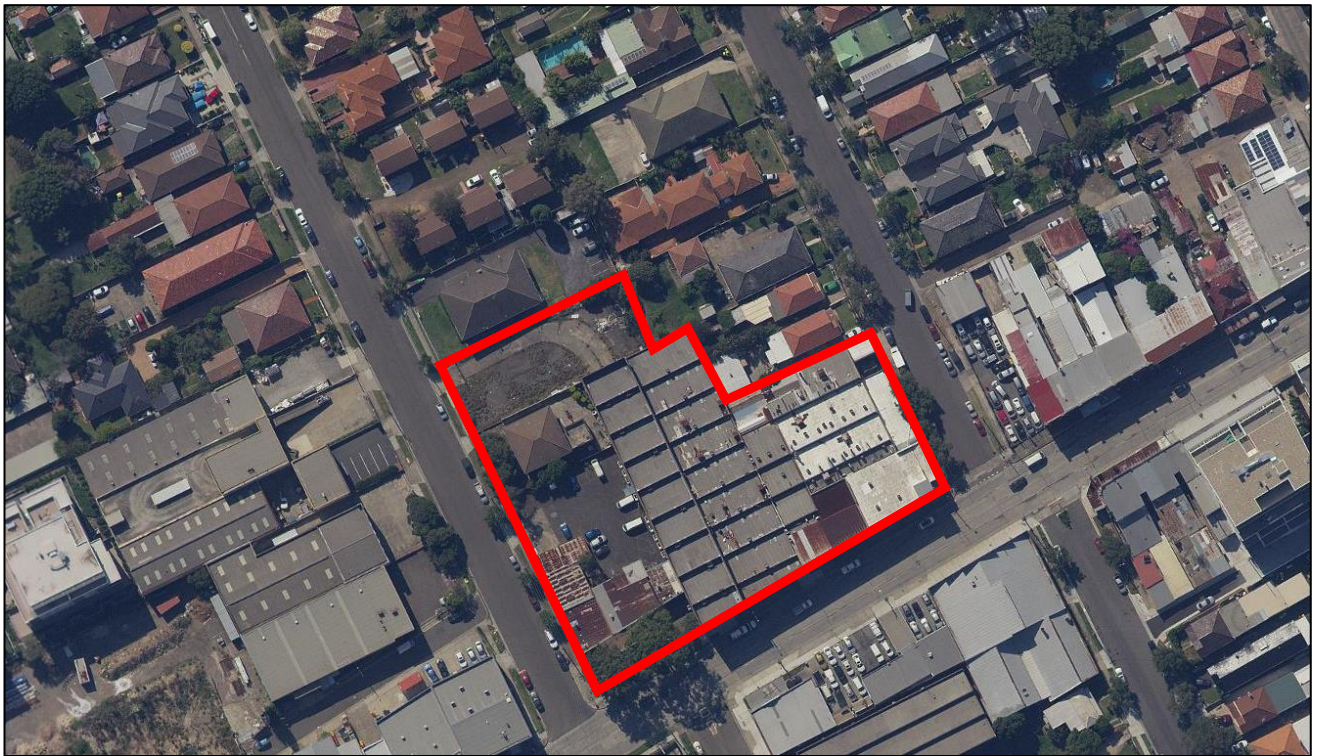


Figure 5: Aerial view of the subject site



The site at 7,070m<sup>2</sup>, is located on Canterbury Road, within 800 metres of the entrance to the Belmore railway station or approximately a 9-minute walk. It is approximately 400 metres from the edge of the commercial district, or a 5 minutes walk, of the Belmore town centre.

The site has a frontage of 101 metres to Canterbury Road; a 113 metres frontage to Drummond Street and a 44 metres frontage to Anderson Street. It includes a two storey brick and rendered industrial building at 677 Canterbury Road, a single storey brick, rendered and metal industrial/commercial building at 687 Canterbury Road, and a w storey brick apartment building at 48 Drummond Street.



**Figure 6:** View of corner of Anderson Street and Canterbury Road



**Figure 7:** View of Canterbury Road frontage





Figure 8: Corner of Drummond Street and Canterbury Road

## 2.2 Site Context

The site is currently zoned part B6 Enterprise Corridor and part R3 Medium Density Residential under the Canterbury Local Environmental Plan 2012.

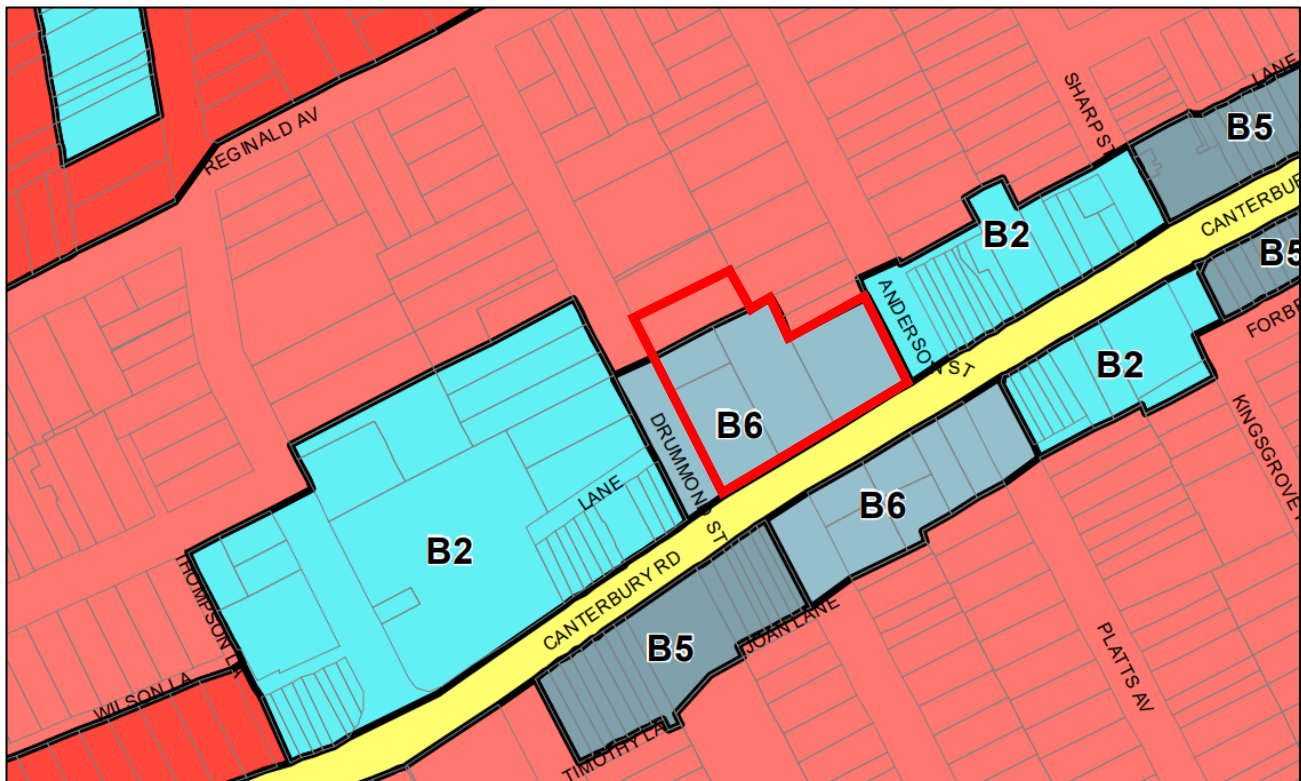


Figure 9: Zoning Map under Canterbury LEP 2012

As 'Residential accommodation' and 'Retail premises' are prohibited in the B6 Enterprise Corridor, and 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone, Division 5 of the Affordable Rental Housing SEPP applies.

The site compatibility certificate found that the proposed development is compatible with the surrounding land uses. The site is surrounded by business zones along Canterbury Road and residential to the north.

The residential to the north includes low to medium density development and is characterised by single storey detached houses, 2 storey residential apartment buildings and villa townhouse developments. To the east and west the site is adjoined by B2 Local Centre zoned land. This includes shop top housing, commercial buildings and a mixed-use development under construction. To the south, a number of mixed-use developments have been constructed or are under construction, while a derelict old industrial building and mechanic are directly opposite the subject site.

The site forms part of a section of Canterbury Road that is undergoing change and transition to a mixed-use neighbourhood, in part due to its proximity to the Belmore town centre and associated public infrastructure. Similar scale mixed-use developments in the immediate vicinity include:

- 629 Canterbury Road: A 5 storey mixed use development on the corner of Canterbury Road and Kingsgrove Road (constructed);
- 630-632 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the east (constructed);
- 680-682 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the west (approved not constructed);
- 684-700 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the west (lodged not approved);
- 704 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the west (constructed);
- 717-727 Canterbury Road: 6 storey mixed use development on the north side of Canterbury Road on the block to the west (approved under construction);
- 749-757 Canterbury Road: 6 storey mixed use development on the north side of Canterbury Road on the block to the west (approved under construction);
- 510-514 Burwood Road: 6 storey mixed use development on the north side of Canterbury Road on Burwood Road to the west (constructed);
- 531-533 Burwood Road: 5 storey mixed use development on the east side of Burwood Road (constructed); and
- 529 Burwood Road: 6 storey mixed use development on the east side of Burwood Road (constructed);

The Belmore railway station connects Belmore to the Harbour CBD and Greater Sydney. The Belmore station is part of the future Sydenham to Bankstown Sydney Metro City and Southwest rail upgrades to provide faster and more frequent services. Under existing timetables (i.e. prior to metro rail services) from Belmore, the Harbour CBD metropolitan centre is accessible within 22 minutes; Bankstown strategic centre and health and education precinct within 9 minutes; and Campsie strategic centre within 2 minutes.

## 2.3 Existing Environment

The Site has limited existing vegetation as the existing factory and parking area occupies much of the site. Remnant vegetation on the edges includes some existing mature native Brushbox trees on the corner of Canterbury Road and Drummond Street (Photo 3) and some landscaping associated with the front yard of the residential apartment building on Drummond Street. Small street trees are located in the grassed street verges on Drummond and Anderson Streets.

The Subject Site is relatively flat. Along Drummond Street the site slopes gradually about 3 metres over almost 100 metres which is approximately a 1 in 33 slope.

There are no known hazards or other natural constraints to the site.

## 3. Description of the Proposal

This Section provides a detailed description of the Proposal and future staging of the project. The concept proposal drawings and plans are included at [Appendix B and C](#).

### 3.1 Proposal Overview

Address	677, 687 Canterbury Road and 48 Drummond Street, Belmore
Site Description	Lots 1 & 2 DP 533919 Lots A & B DP 952115 Lots 90 & 91 DP 3862
Area	7,070m <sup>2</sup> .
Social Housing Provider	Evolve Housing
LGA	Canterbury Bankstown
Zoning	Part B6 Enterprise Corridor and part R3 Medium Density Residential
Permissibility	<p>The development is made permissible by a site compatibility certificate issued on 15 July 2014 under clause 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP). The certificate certified that “<i>the development of the site described in Schedule 1 is compatible with the surrounding land uses, having had regard to the matters specified in clause 37(6)(b), only if it satisfies certain requirements specified in Schedule 2 of this certificate; and is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land</i>”.</p> <p>This DA is submitted in accordance with the site compatibility certificate and the requirements specified in Schedule 2. While this DA does not seek consent for development or demolition, it seeks consent for the layout and elevations of buildings and basements under section 4.22 of Part 4, Division 2A – Special Procedures concerning staged DAs of the EP&amp;A Act 1979, and will be followed by future DAs for demolition and physical development.</p>
Project Summary	The application comprises a Concept DA that sets out the building footprints, basement and massing envelopes for a mixed use development of affordable rental housing, residential apartments, and retail/commercial floorspace with frontage to Canterbury Road. The Concept DA will be realised through future staged DAs.

Concept Plan	<p>This Concept Development Application includes the following:</p> <ul style="list-style-type: none"> <li>• Building footprints and massing envelopes for the future development of the site across three (3) key buildings and six (6) tower forms;</li> <li>• Building separations and setbacks;</li> <li>• Boundary setbacks;</li> <li>• Public streets, footpath design and civic space; and</li> <li>• Conceptual identification and location of: <ul style="list-style-type: none"> <li>○ Public open space and communal gardens and courtyards;</li> <li>○ Vehicular access arrangements and egress points;</li> <li>○ Location and network of pedestrian paths;</li> <li>○ Indicative basement car parking access locations;</li> </ul> </li> </ul> <p>The application seeks approval of the following Plans included at <a href="#">Appendix C</a>:</p> <ol style="list-style-type: none"> <li>1. Concept Plan</li> <li>2. Proposed Massing Envelope</li> <li>3. Indicative Basement Plan</li> <li>4. Shadow Diagrams</li> </ol>
Capital Investment Value	<p>The proposal is Regionally Significant Development under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. As the Capital Investment Value is over \$5 million and is for affordable housing under Clause 5: Private Infrastructure and community facilities of the State and Regional Development SEPP the Sydney South Planning Panel will be the consent authority for the development.</p>

**Table 4:** Proposal Overview

## 3.2 Proposal Objectives

The Proposal seeks the following objectives:

- To establish the building footprints and envelopes and facilitate future DAs for development and construction;
- To facilitate the delivery of a quality mixed use development that responds to the character of the area while supporting urban renewal of a large consolidated site;
- Facilitates the provision of affordable housing supply and job creation close to transport, services and community facilities;
- Activities and implements the site compatibility certificate for affordable housing issued by the Department of Planning and Environment in July 2014;
- To achieve an integrated liveable development through building envelopes and layout that provide excellent amenity, solar access, natural ventilation, visual privacy and apartment amenity.
- To create a network of publicly accessible spaces and through site links;
- Balancing pedestrian and public spaces with ensuring safe vehicle access and traffic solutions; and

### 3.3 Description of the Masterplan Concept

As previously discussed, the final development outcome will be subject to further stages of development applications, assessment and approvals. The concept plan application seeks to facilitate three key buildings across the site with 1,786 sq.m of communal open space totally 25% of the site area.

The design concept includes three key buildings forms that mass in height from the highest along Canterbury Road and reduce as the site transitions to the lower density residential development to the north. This was a key condition of the site compatibility certificate and has been addressed in this SEE and the attached Concept Design Report.

Buildings are separated by setbacks stipulated by the ADG, which has facilitated a network of pedestrian spaces and movements, landscaping, and deep soil planning. This is illustrated in more detail in the attached Landscape Masterplan at [Appendix F](#).

The Concept plan and supporting design report included at [Appendix B and C](#), consists of the following characteristics:

- Maximum height of 7 storeys or 26 metres (current permissible height is 26 metres);
- Three key development footprints;
- Two 41 metres building frontages to Canterbury Road with 12 metres building separation to break the façade and create variety in the street address;
- Four storey street address to Canterbury Road;
- Two storey terraces to land to the north on Drummond Street;
- 9 metre setback to land to the north on Anderson Street;
- Concealed basement car park accessible from Drummond Street and Anderson Street. No vehicular access from Canterbury is provided to retain the integrity and flow of Canterbury Road;
- 3.7 metre setback to Canterbury Road and 8.7 metres to levels 5 and up; and
- Extensive network of defined pedestrian pathways for safe and convenient access between Canterbury Road, Anderson Street and Drummond Street and to lift lobbies and dwelling entries.

### 3.4 Description of Concept Development Application

As previously discussed, the proposal constitutes a Concept Development Application in accordance with the provisions of sections 4.21 to 4.24 of Part 4, Division 4.4 – Concept Development Applications of the EP&A Act 1979.

The provisions for concept development applications under the EP&A Act are included below:

#### 4.21 Application of this Division

*This Division applies to concept development applications and to consents granted on the determination of those applications.*



#### 4.22 *Concept development applications*

- (1) *For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*
- (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
  - (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
  - (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

*The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.*

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

**Note.** *The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).*

#### 4.23 *Concept development applications as alternative to DCP required by environmental planning instruments*

- (1) *An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) *However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

**Note.** *Section 3.44 (5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.*
- (3) *Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

#### 4.24 *Status of concept development applications and consents*

- (1) *The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.*



- (2) *While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*
- (3) *Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.*

**Note.** See section 4.53 (2) which prevents a reduction in the 5-year period of a development consent.

As per the requirements of Section 4.22 of the EP&A Act 1979, this Concept DA sets out the concept proposal for the site. Following determination of this Concept DA, further detailed design work will be undertaken and subsequent detailed staged applications submitted for the site.

Further, in accordance with Section 4.22(4), this application does not seek consent for the carrying out of development on any part of the site. Any future staged DA's for demolition and development will be in accordance with and consistent with any consent granted for this concept development application.

Refer to Table 1 under Section 1.4 *Development Staging*, which outlines the various stages and reports and documentation that are to be prepared in support of the future applications for development.

## 3.5 Development and Design Principles

### 3.5.1 Building Envelopes

The Concept Plan has been designed to achieve a high quality mixed use development with a robust landscape character that integrates to its existing and future context.

The Concept Plan and proposed massing envelope, included at [Appendix B](#) provides the building envelopes and the framework for which future development will be constructed. The following characteristics define the proposed building envelopes.

- Three key building forms, separated by 12 metres at the ground level;
- 4 metre floor to ceiling height on ground floor of buildings A and B with frontage to Canterbury Road to support commercial and retail land uses;
- Northern setbacks of 6 metres and 9 metres with planting, landscaping and open space, acting as a buffer area to residential development to the north;
- 3.7 metre setback on Canterbury Road to first four levels and 8.7 metres above;
- 3 metre side setbacks to Anderson Street and Drummond Street;
- Increased setbacks to upper levels to facilitate a transition in height to the north and shift massing and bulk away from lower density residential;
- Central open space, with network of connecting paths, landscaping, hedging and planting;
- Buildings orientated to ensure high standards of performance from amenity, solar and cross ventilation;
- Ground floor retail and commercial land uses to activate the proposed main street through the site;
- Basement vehicular access from Anderson Street and Drummond Street;
- Two levels of basement parking, with the footprint of building B including a third basement level;

### 3.5.2 Landscape and Common Areas

The Concept Plan seeks to provide for significant areas of communal and publicly accessible open space and pedestrian areas in support of the vision for the site to create a people friendly mixed use destination.

The landscape design is intended to be dynamic and create a series of intersecting communal spaces surrounding the architectural form. A number of different spaces have been created that offer areas for different uses. Small units to the north have small private gardens with rear gated access to communal areas.

The open space strategy assisted to refine the Concept Plan and is included in the Concept Design Report at [Appendix B](#) and Figure 10 below. The open space strategy is also supported by a landscape concept and design statement which is included at [Appendix F](#) and Figure 11 below.



Figure 10: Green/Open Space Provision

The open space and landscape design seeks to achieve the following:

- to provide generous setbacks to the northern boundary to facilitate a green buffer to lower density residential;
- to create a large central easily accessible open space with excellent solar access;
- to incorporate a selection of species from the Canterbury DCP; and
- provide mature street trees along Canterbury Road to creates a soft street interface;



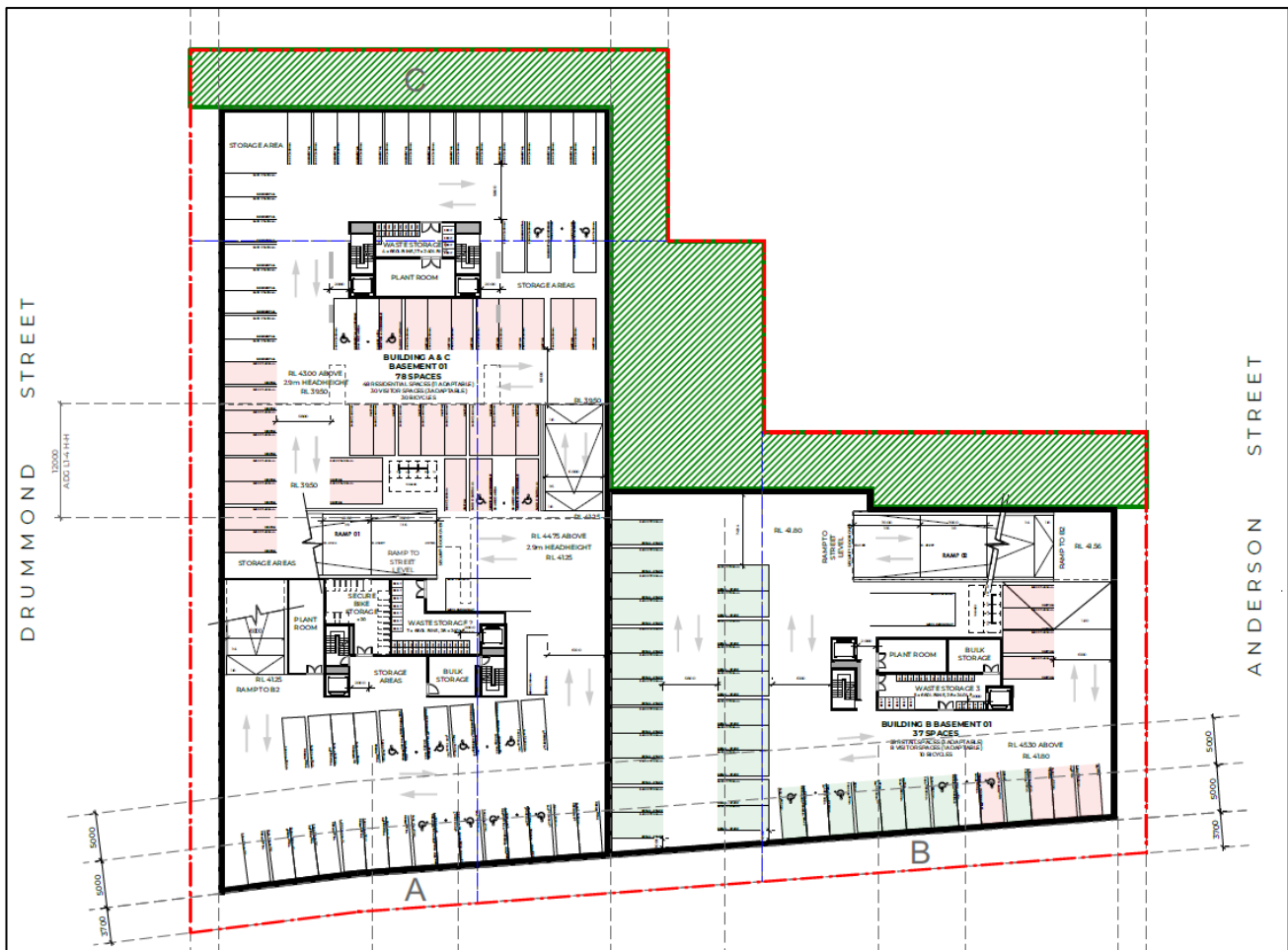
Figure 11: Landscape Masterplan

### 3.5.3 Access and Vehicular Movement

A Traffic and Parking Impact Assessment has been prepared by Lyle Marshall & Partners and is included at [Appendix H](#). The Report addresses the traffic and parking issues arising from the proposed Concept Plan development.

The Basement levels access, movement and circulation is included in the Concept Design Report at [Appendix B](#). Basement level 1 is also included at Figure 12 below and illustrates the ramp access arrangement to street level, waste storage and access and lift and stair locations.

The Traffic and Parking Impact Assessment also considers the access, internal parking layout and circulation, including ramp widths and gradients, parking bay dimensions and parking numbers. It further reviews the the potential traffic generated by the future development of the site in accordance with the Concept Plan.



**Figure 12:** Basement Level 1

As 50% of the residential units will be affordable rental units as permitted in the site compatibility certificate under SEPP(ARH) 2009, it is relevant to note that in Clause 36(4) Car Parking is not required to be provided in relation to development to which this Division applies.

The Canterbury Council DCP 2012 specifies parking rates for residential units in residential flat buildings and for shops, business and retail premises in the table to Clause B1.3.1 in Part B of DCP 2012 General Controls. For the purpose of this Concept Plan application, the relevant parking rates in the Canterbury DCP 2012 have been adopted, as follows:



- 290 parking spaces
  - 223 residential
  - 29 commercial/retail/non-residential
  - 38 visitor spaces
- 60 bicycle spaces
- 26 adaptable spaces

### **3.5.4 Apartment Size and Layout**

The indicative floor plans in the Concept Design Report demonstrate that future development of the site will be able to achieve a range of apartment sizes and layouts in line with the Objectives of the ADG, the site compatibility certificate and the aims of the Affordable Housing SEPP to deliver significant affordable housing supply in Belmore and the Canterbury Bankstown area.

The indicative yields include:

- 184 units, including:
  - 1 studio;
  - 55 one bedroom;
  - 110 two bedroom; and
  - 18 three bedroom.
- 938q.m of non-residential floorspace on the ground floor level fronting Canterbury Road, in accordance with the condition of the site compatibility certificate

More detailed layouts and plans are included in the Concept Design Report at [Appendix B](#), and while this application does not seek approval for apartment numbers, sizes or layouts, the design supports the ability of the Concept Plan to be achieve the final design and SEPP 65 compliance.

### **3.5.5 Infrastructure and Services**

As previously discussed, the site has historically been utilised for residential and commercial purposes. The site is well serviced by utilities infrastructure required to support residential land uses in accordance with the site compatibility certificate.

Notwithstanding, a Utilities Infrastructure and Services Report will be prepared in support of future staged DAs to support the provision of gas, water, sewer and electricity to the site.

## 4. Strategic Context

### 4.1 Strategic Planning Documents

This section considers the strategic planning framework relevant to the subject site. The strategic context is considered having regard to the existing zone, the development endorsed by the site compatibility certificate, the surrounding zones and development patterns and the proposal for a concept development application, that seeks to facilitate future development of the site for a mixed use development supporting a considerable affordable housing contribution to the Canterbury Bankstown community.

#### 4.1.1 *A Metropolis of Three Cities – The Greater Sydney Region Plan*

In March 2018, the NSW Government published A Metropolis of Three Cities – The Greater Sydney Region Plan (The Plan). The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities:

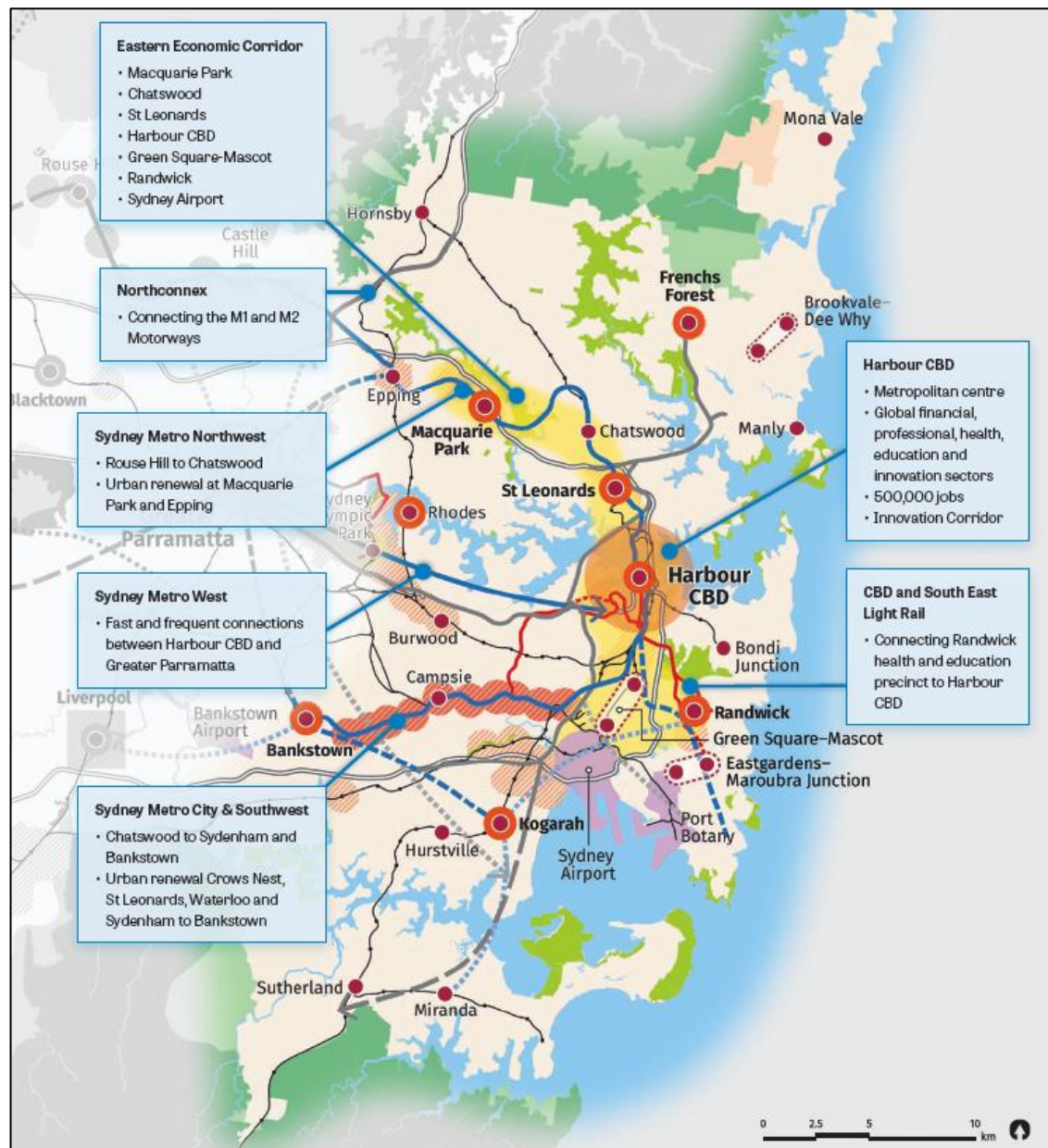
- the Western Parkland City
- the Central River City
- the Eastern Harbour City.

The site is located in the Eastern Harbour City. The population of the Eastern Harbour City is projected to increase from 2.4 million people to 3.3 million people over the next 20 years.

The subject site is on Canterbury Road within 800 metres of the entrance to Belmore train station. Belmore is part of the 'Sydney Metro and Southwest' urban renewal corridor that will provide faster access to the Harbour CBD and on to Chatswood. The site is an 9-minute walk to the train station, and therefore achieves many of the locational attributes identified in the Plan having excellent proximity to public transport, jobs and employment opportunities within a walkable catchment area.

The Plan projects the population of Greater Sydney to grow to 8 million over the next 40 years. The Plan seeks to rebalance the economic and social opportunities and leverage that growth and deliver the benefits more equally across Greater Sydney. The goals are for:

- residents to have quick and easy access to jobs and essential services;
- housing supply and choice to increase and meet the growing and changing needs of the community;
- the environment and precious resources to be protected; and
- Infrastructure to be sequenced to support growth and to be delivered concurrently with new homes and jobs.



**Figure 13:** Eastern Harbor City Structure Plan

To achieve the objectives for the Eastern Harbour City, the plan includes 10 directions and 40 objectives, supporting actions and priorities for each “City”.

To improve liveability, The Plan seeks to create new great places, with well-connected communities which have access to a range of jobs and services, starting with public places, open spaces and transit-oriented developments. The concept application seeks to deliver affordable housing close to public transport connecting residents to a network of jobs and opportunities.

Direction 4 “Housing the City” of the Greater Sydney Plan seeks to provide housing choice for people, which can be achieved through “greater housing supply”, “increased housing completions” and “more diverse and affordable” housing. Council does not have an Affordable Rental Housing Target Scheme, yet this concept proposal will implement the site compatibility certificate and contribute 184 dwellings increasing housing supply, 50% of which will be affordable homes.

The Plan identifies for urban renewal the Sydenham to Bankstown corridor. The subject site is within 800 metres of the Belmore railway station and forms part of the urban renewal area.

The site benefits from its location within close proximity to Belmore train station and the Belmore local centre. The site is an underutilised and substantially derelict property with the ability to redevelop in the short term, meeting the desire and strategic planning framework of urban renewal in this location, connecting new residents with the Harbour CBD and nearby residents with new jobs associated with the retail frontage to Canterbury Road.

The Concept DA is also consistent with the principles for managing industrial and urban services land, as it provides for 938m<sup>2</sup> of retail/commercial and employment generating floorspace. The site is dilapidated and in need of urban renewal. The site compatibility certificate recognised the suitability of the site for mixed use development and in doing so will avoid any land use conflict with the emerging mixed use pattern of development in the vicinity, and will provide for the needs of the community through affordable housing supply and job and business opportunities.

The site is within the 30-minute city objective. Firstly, the site is an 9-minute walk from the Belmore train station, which connects Belmore to the Harbour CBD and Greater Sydney. The Belmore station is part of the future Sydenham to Bankstown Sydney Metro City and Southwest rail upgrades to provide faster and more frequent services. Under existing timetables (i.e. prior to metro rail services) from Belmore, the Harbour CBD metropolitan centre is accessible within 22 minutes; Bankstown strategic centre and health and education precinct within 9 minutes; and Campsie strategic centre within 2 minutes. With more frequent and faster trips these times are anticipated to further reduce.

While the subject DA does not seek consent for any development, it will facilitate the provision of additional housing while balancing this with high standards of amenity and design. The actions of the Greater Sydney Region Plan will be realised through future applications for development.

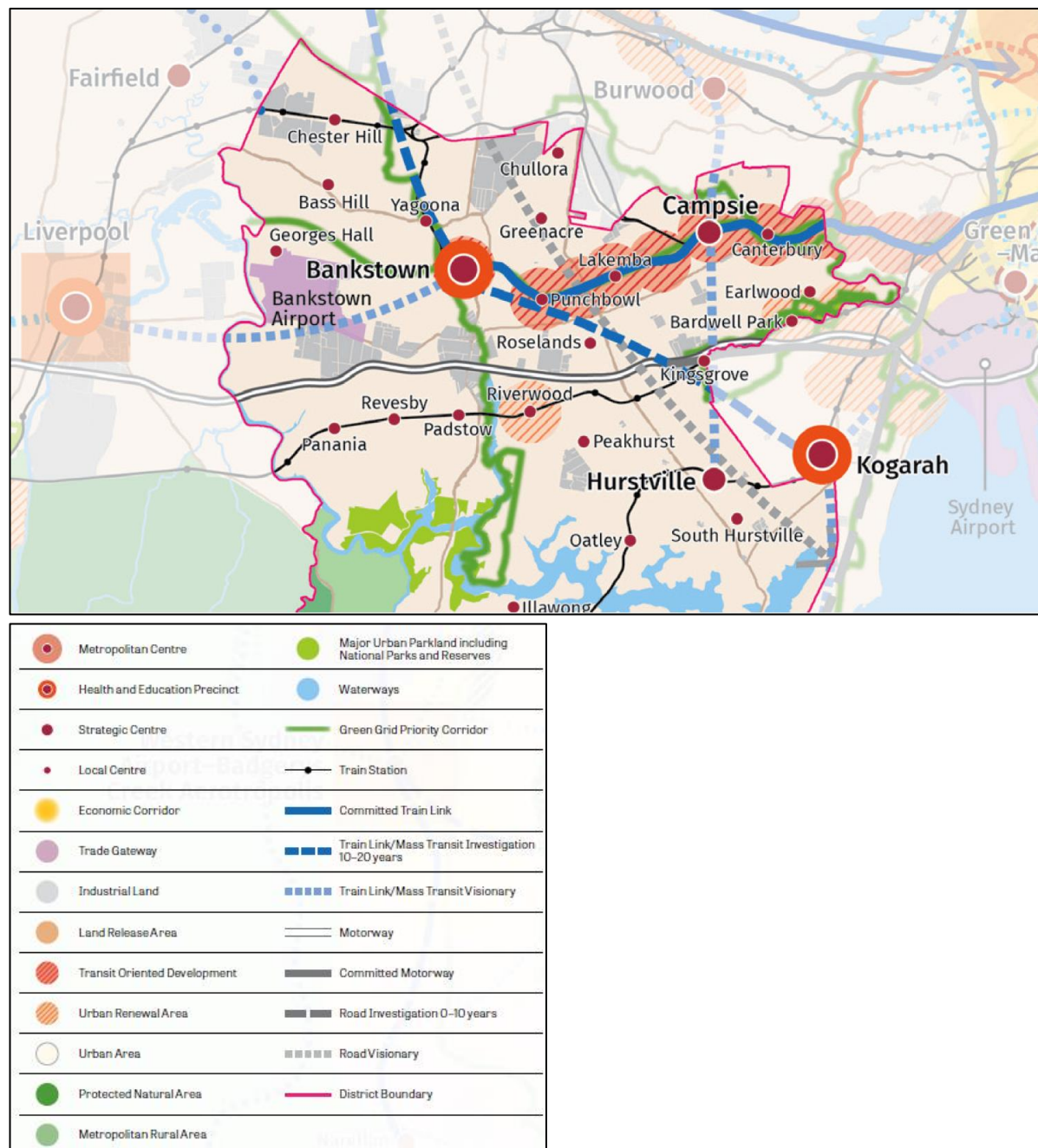
#### **4.1.2 South City District Plan**

Greater Sydney’s three cities identified in the Greater Sydney Region Plan – A Metropolis of Three Cities reach across five districts. The South District covers the Canterbury- Bankstown, Georges River and Sutherland local government areas. The District connects to the Central River City through Bankstown and to the Western Parkland city through Liverpool.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The goal of the Plan is to “have well-coordinated, integrated and effective planning for land use, transport and infrastructure”. The District Plan provides the means by which the Greater Sydney Region Plan can be put into action at the local level.



*“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments. The focus of growth will be on well-connected, walkable places that build on local strengths and deliver quality public places.”*



**Figure 14:** Canterbury Bankstown extract from South District Structure Plan

In undertaking strategic planning processes, and/or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the Planning Priorities and Actions. While this

application is not for development, it does seek to provide for a concept on the site that will be realised in the future through subsequent DA's.

In the South District the greatest increase in population is expected in Canterbury-Bankstown Local Government Area, where 70 per cent of new residents (142,450 additional people by 2036) will be accommodated due to anticipated urban renewal. The next largest increase is anticipated to be in the Sutherland Local Government Area, where the population will increase by 13 percent. *“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments.”*

Further, the Plan sets a 0-5 year housing target for the District of 23,250, with 13,250 of these new dwellings targeted to be built in Canterbury Bankstown. The Concept application will facilitate future development applications that support an additional 184 dwellings of which 50% will be affordable.

Given the time between the site compatibility certificate was issued and the lodgement of this application, PPM Consulting were engaged to prepare a Social Impact Analysis that considers the current need for affordable housing in Belmore in 2019. The report is included at [Appendix J](#).

The findings of the report can be summarised as follows:

- The Belmore area suffers from a high degree of disadvantage. In general, the population is less educated and less engaged with the labour market than the Canterbury-Bankstown as a whole, Sydney and NSW.
- Housing NSW's Affordable Housing Needs study indicates that Canterbury is in high need of affordable housing, with only 32.7% of rental stock affordable for households on low incomes.
- The median weekly household income is \$61,048 which places the median household between the low and moderate income range for a single person household. Therefore, the median single household would be eligible for an affordable housing tenancy.
- The median rent (with over 40% of households renting in the area) was \$368 per week, which is 31.3% of median weekly household income. This means that the median household is in housing stress, as the benchmark for housing affordability is having less than 30% of household income going to rent.
- At 80 per cent of median rent (the benchmark for affordable housing), the median rent would be \$294.40 per week, or \$15,308.80 per year. At an “affordable” rent, the median household would no longer be in housing stress, with approximately 25% of household income going to housing.
- Belmore is a highly disadvantaged area, in the second lowest decile for Relative Socio-Economic Disadvantage, in the third lowest decile for relative socio-economic advantage and disadvantage, in the lowest decile for economic resources and the third lowest decile for education and occupation. Affordable housing in this area would therefore be a significant social benefit

As previously discussed, the proposal does not seek consent for development but will facilitate future proposals that seek to meet the priorities for the region, connecting the site to Belmore train station, the broader South District and the strategic and metropolitan centres at Bankstown, Campsie and the Harbour CBD. The proposal will deliver housing choice and diversity, and create a great development on an underutilised site for existing and future residents.

## 5. Environmental Planning Assessment

The proposal is consistent with the objects of the EP&A Act as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment. The orderly development of the land will be assisted by the provision of additional affordable accommodation that will provide housing choice for the local community in a location close to jobs; services; and public and private transport.

In summary, assessment of the proposal reveals the following:

- The proposed concept plan is permissible with consent under the Canterbury LEP 2012;
- The proposed concept plan is consistent with the approval and conditions of the site compatibility certificate issued by the Department of Planning and Environment on 15 July 2014;
- The concept plan has been designed having regard to the development concept presented by the HBO+EMTB urban design report and approved by the site compatibility certificate;
- The proposed concept plan will not result in any unacceptable off-site impacts;
- The application does not propose any form of development and therefore there are no impediments to the approval of the concept; and
- The subject DA will facilitate future staged DAs for development, to provide affordable housing, jobs, social infrastructure and public amenity within close proximity to services and transport in accordance with the Affordable Housing SEPP.

### 5.1 Section 4.15 Heads of Consideration

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plans relevant to the development. The following detailed assessment of the proposal is provided and is based on the heads of consideration contained in Section 4.15 of the EP&A Act.

#### 4.15 Evaluation

##### *[1] Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

##### *[a] the provisions of:*

- [i] any environmental planning instrument, and*
- [ii] any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority [unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved], and*
- [iii] any development control plan, and*
- [iiia] any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

- [iv] the regulations [to the extent that they prescribe matters for the purposes of this paragraph], that apply to the land to which the development application relates,*
- [b] the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- [c] the suitability of the site for the development,*
- [d] any submissions made in accordance with this Act or the regulations,*
- [e] the public interest.*

## 5.2 Planning Controls Overview

The proposal has been designed with regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable planning instruments and policies are:

- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012

The application of the above plans and policies is discussed in detail in the following section of this SEE.

## 5.3 Canterbury LEP 2012

Canterbury Local Environmental Plan (LEP) commenced on the 21 December 2012 when it was published on the NSW Government Legislation website.

Table 3 below summarises the Canterbury LEP 2012 principle development standards that currently apply to the subject site:

Land Zoning	Maximum Building Height	Maximum Floor Space Ratio (FSR)	Minimum Lot Size
Part B6 Enterprise Part R3 Medium Density Residential	Part 8.5 metres Part 12 metres	N/A	Part 460m <sup>2</sup> and part N/A

**Table 4:** Site Development Standards

### 5.3.1 Zoning

The site is zoned Part B6 Enterprise Corridor and part R3 Medium Density Residential under the Canterbury LEP 2012. 'Residential accommodation' and 'Retail premises' are prohibited in the B6 Enterprise Corridor, and 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone. Therefore, Division 5 of the Affordable Rental Housing SEPP applies.

## **B6 Enterprise Corridor**

### **1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To facilitate the revitalisation of Canterbury Road and create an attractive streetscape supported by buildings of a high standard of design.
- To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.

### **2 Permitted without consent**

Home Occupations

### **3 Permitted with consent**

Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Passenger transport facilities; Plant nurseries; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

## **B3 Medium Density Residential**

### **1 Objectives of zone**

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

**2 Permitted without consent**

Home Occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shops

**4 Prohibited**

Any development not specified in item 2 or 3

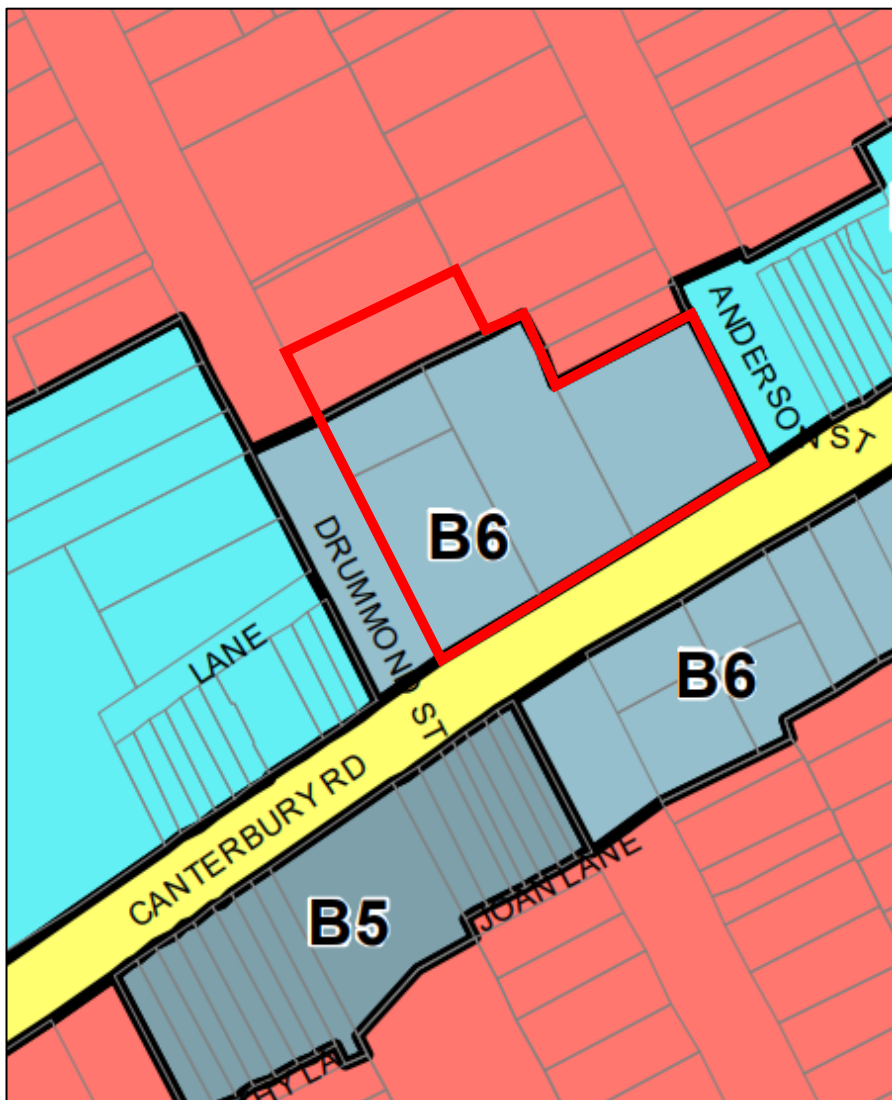


Figure 15: Canterbury LEP 2012 Land Zoning Map



Clause 35 Division 5 of the Affordable Housing SEPP states:

*This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:*

- (a) land in the Sydney region that is within 800 metres of:*
  - (i) a public entrance to a railway station or light rail station, or*
  - (ii) in the case of a light rail station with no entrance—a platform of the light rail station,*

As discussed, residential flat buildings are not permitted in the B6 Enterprise Corridor zone or the R3 Medium Density Residential zone. The site is also within 800 metres of the entrance to the Belmore train station. A site compatibility certificate was subsequently issued by the Department of Planning and Environment on 15 July 2014. The certificate determined that the development “*is compatible with the surrounding land uses*” and “*is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land*”.

In this regard, the site is surrounded by similar development and/or zones to that being proposed by this concept plan and supported by the site compatibility certificate. Land to the east and west is zoned B2 Local Centre under which “shop top housing” is permitted, and emerging nearby development such as at 630 Canterbury Road, 680, 684 and 704 Canterbury Road and 717 Canterbury Road, all within 90 metres of the subject site.

Therefore, while the development is not permitted by the subject zones, it is compatible with it’s surroundings, the adjoining zones, and the emerging mixed use character within the immediate vicinity.

### 5.3.2 Height of Buildings

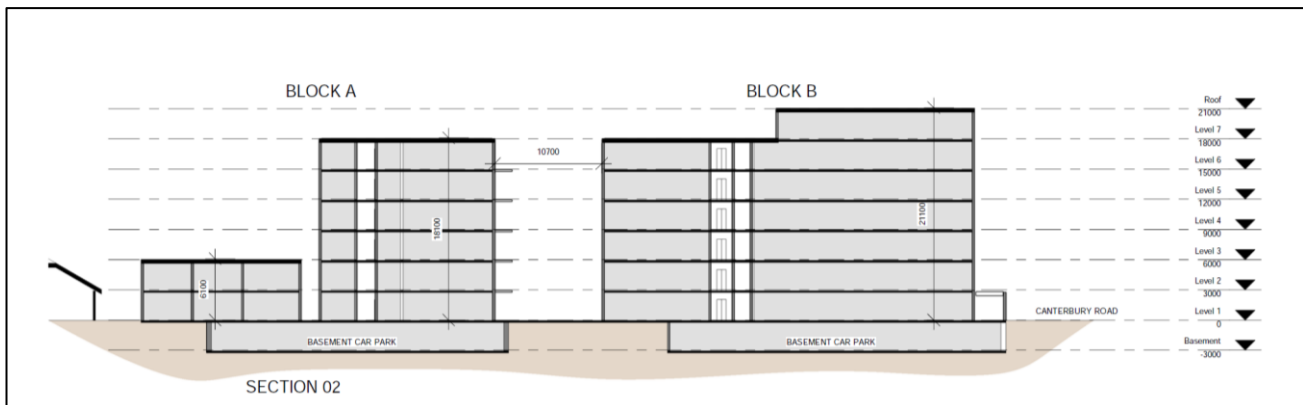
The maximum building height for the subject site is part 8.5 metres (R3 Medium Density zoned land) and part 12 metres (B6 Enterprise Corridor zoned land).

The development envisaged by the HBO+EMTB urban design report, lodged as part of the site compatibility certificate application, included heights of buildings 6 and 7 storeys (18 and 21 metres) across the majority of the site.

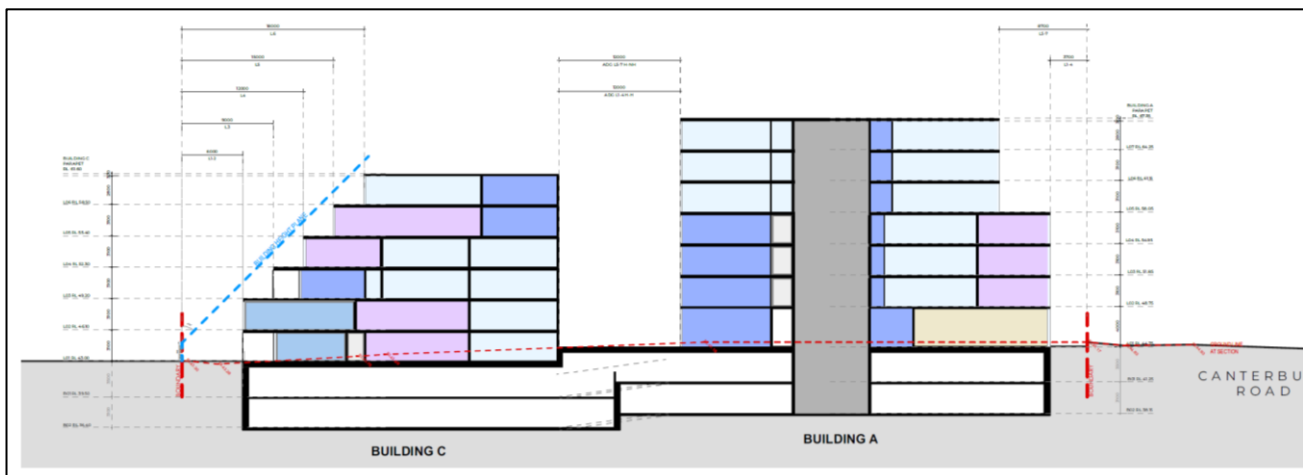
The site compatibility, in determining that the “development of the site described in Schedule 1” to be “compatible with the surrounding land uses”, and “not likely to have an adverse effect on the environment”, also conditioned the development as follows:

- “(1) the proposed development is to be configured to ensure a transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north. Higher buildings should be located along Canterbury Road, stepping down in height towards the low density residential zone to the north”.*

As such, the development has been refined in accordance with the condition to ensure a suitable transition in height from Canterbury Road to the low density residential to the north, noting the zone is actually medium density residential.



**Figure 16:** HBO+EMTB urban design report Drummond Street elevation



**Figure 17:** Concept Plan Drummond Street elevation

As can be seen from the above figures which compare the original design and the revised design, the concept plan has been re-engineered to address the transition of buildings to the northern lower density residential development. A 45° height plane has been introduced to shift massing to the south and reduce visual mass, bulk and scale impacts.

The subject Concept Plan does not seek approval for development, however the concept massing envelope has been prepared in accordance with the site compatibility certificate and the associated conditions.



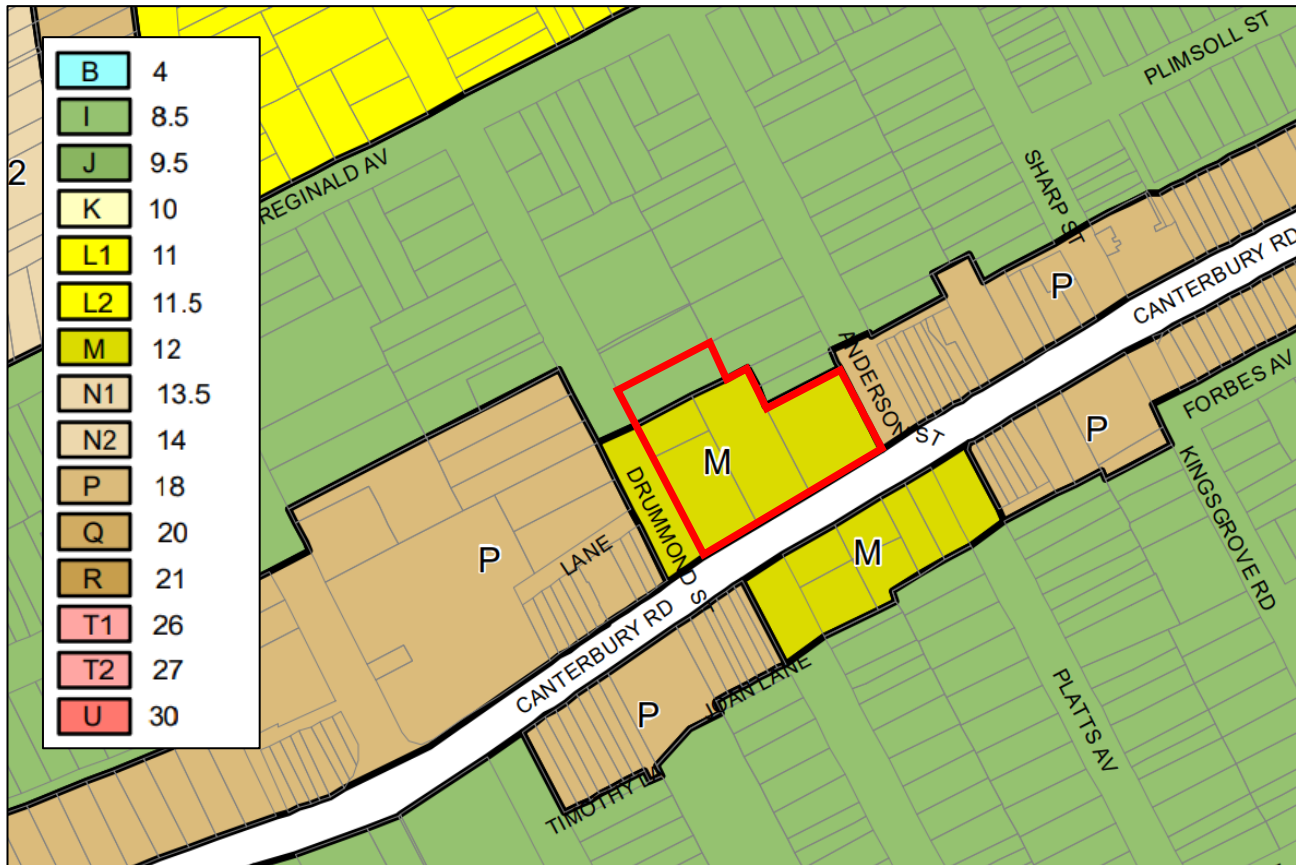


Figure 18: Maximum Height of Buildings Map

The ADG applies to building separation between residential flat buildings that increases proportionally to the height of the buildings.

Under s.4.22(4) no development can proceed unless and until development applications are lodged and assessed. The Concept Plan has been designed to ensure compliance with the ADG. In that way, the Concept Plan has been designed to comply as follows:

Up to four storeys (approximately 12 metres):

- 12m between habitable rooms/balconies
- 9 m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25 metres):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25 metres):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

### 5.3.3 Floor Space Ratio

Under the Canterbury LEP 2012, the maximum floor space ratio (FSR) control does not apply to the land zoned B6 Enterprise Corridor. An FSR of 0.5:1 applies to the part of the site zoned R3 Medium Density Residential.

Notwithstanding, the proposed development is subject to a site compatibility certificate under the Affordable Rental Housing SEPP, the aims of which seek 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*”. In issuing the certificate, the proposed development was supported subject to conditions. This included Condition 2, which states “*the final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application*”.

The number of units contemplated by the Department of Planning and Environment under the site compatibility application was **222 units**: 36 studios; 104 1 bed; 70 2 bed; and 12 3 bed.

Following the issuing of the site compatibility certificate, the consideration of conditions, and the refinement of the scheme in accordance with the conditions, including height transition, the total number of units facilitated by the Concept Plan development application is **184**: 1 studio; 55 1 bed; 110 2 bed; and 18 3 bed. That equates to a reduction by 38 units following the issuing of the site compatibility certificate.

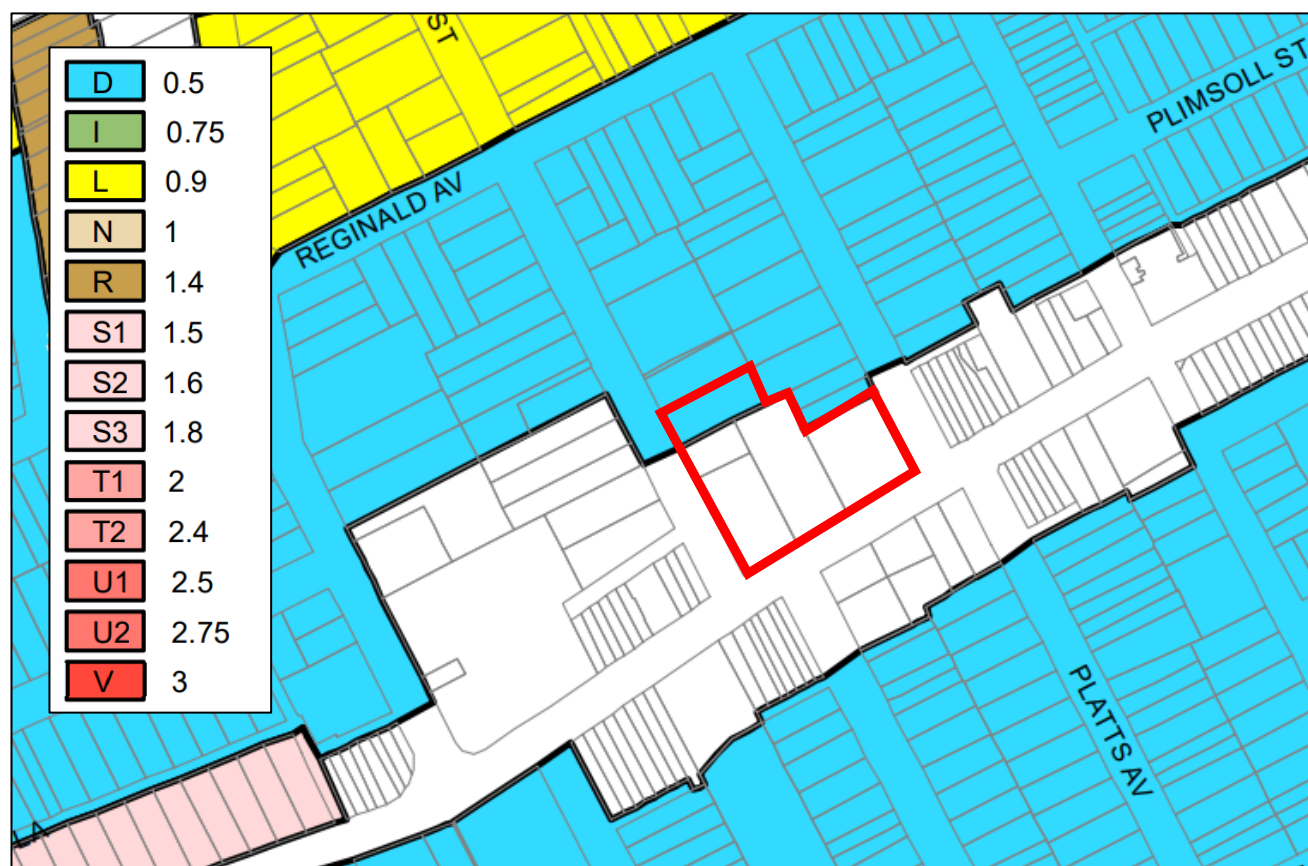


Figure 19: Canterbury LEP 2012 Maximum Floor Space Ratio Map

Notwithstanding the above, the Concept proposal does not seek consent for the development of the units but will facilitate future development applications for 184 units within the building envelope and footprints. The consent authority is the Sydney South Planning Panel who will consider the final dwelling number and unit mix.

#### 5.3.4 Heritage

The subject sites are not located within a heritage conservation area, is not identified as a heritage item, and is not affected by any nearby heritage. The nearest item is at 2 Wilson Way, being a federation bakery building, White House Bakery (former) listed as I30 under Schedule 5 Environmental Heritage of the Canterbury LEP 2012. The item is over 300 metres away and not visible from the site.

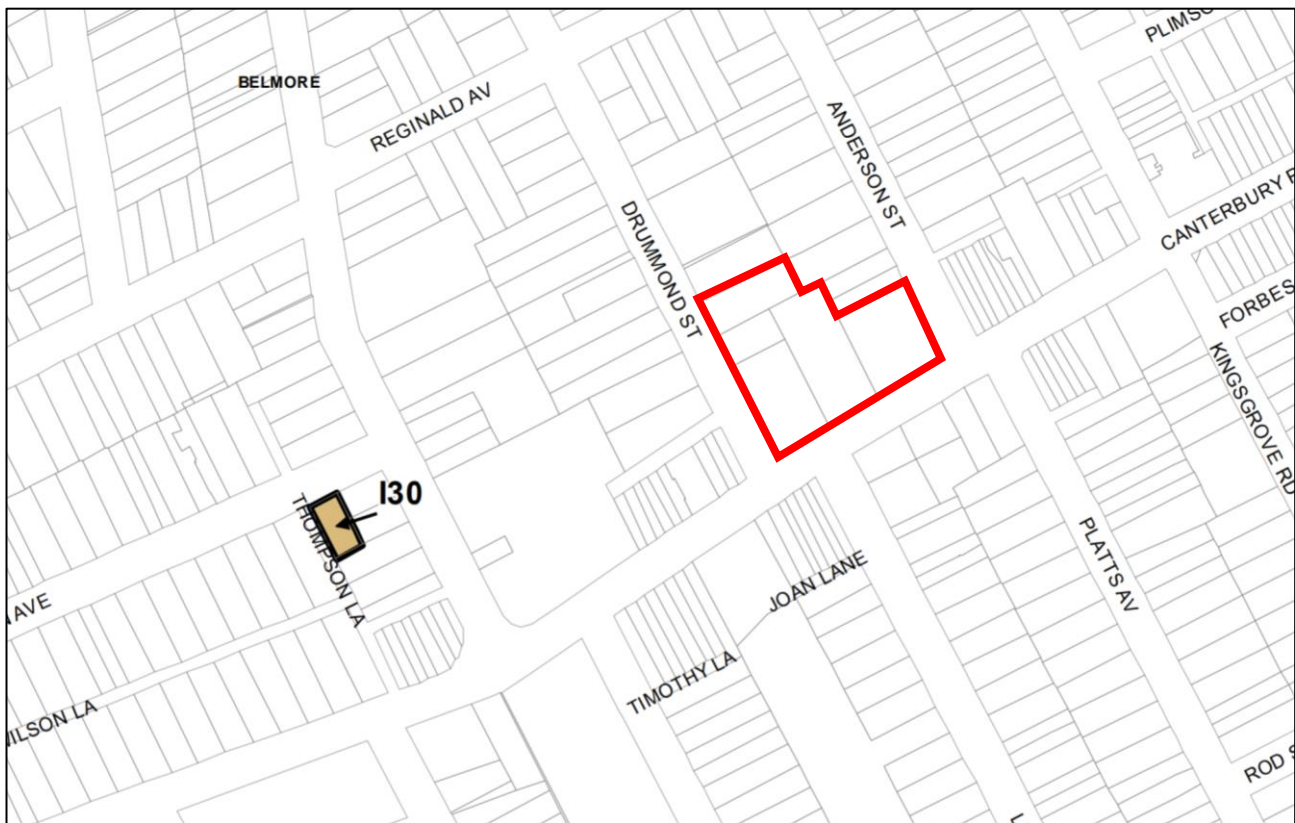


Figure 20: Canterbury LEP 2012 Heritage Map

### 5.3.5 Additional LEP Provisions

Assessment Criteria	Comment	Compliance
Clause 2.7 Demolition Requires Consent	Consent is not sought for demolition as part of this application. This development application only seeks consent for concept approval. Consent for demolition will be subject to future staged applications.	N/A
Clause 5.10 Heritage Conservation	The subject site is not located within a heritage conservation area, is not identified as a heritage item, and is not affected by any nearby heritage.	Yes
Clause 6.1 Acid Sulfate Soils	The proposal does not seek consent for development. Notwithstanding, the subject site and adjoining land is not classified as acid sulfate soils and therefore is not subject to this clause.	N/A
Clause 6.2 Earthworks	The proposal does not seek consent for earthworks. Any earthworks required to facilitate future build form and development of the site will be addressed at a later stage.	N/A
Clause 6.3 Flood Planning	The site is not identified on the flood planning map as being as being flood affected.	N/A
Clause 6.4 Stormwater Management	<p>While the application does not seek consent for development, a stormwater drainage report has been prepared and is included at <a href="#">Appendix G</a>. The Report illustrates subsoil drainage and on-site detention to ensure future development will be supported by appropriate stormwater drainage measures.</p> <p>Further, the drainage design seeks to:</p> <ul style="list-style-type: none"> <li>• Maximise the use of water permeable surfaces;</li> <li>• Include on-site stormwater retention; and</li> <li>• Avoid adverse impacts of stormwater run-off.</li> </ul>	Yes
6.6 Essential Services	<p>As the site contains existing commercial and residential uses and is located within a developed urban setting, all essential services are readily available.</p> <p>The stormwater drainage was discussed under Clause 6.4 and is further addresses in the Stormwater drainage report at <a href="#">Appendix G</a>.</p> <p>Electricity and water access are readily available and the attached Concept Design Report at <a href="#">Appendix B</a> and the Traffic and Access Impact</p>	Yes

	<p>Assessment at <u>Appendix H</u> illustrate the vehicular access arrangements.</p> <p>Notwithstanding, this concept plan development application does not seek consent for development and this will be further studied during detailed development design. The attached design demonstrates that appropriate stormwater design and mitigation measures can be appropriately achieved.</p>	
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**Table 5:** Additional LEP Provisions

## 5.4 Canterbury DCP 2012

The Canterbury Development Control Plan (DCP) 2012 came into effect on 1 January 2013. The purpose of the Canterbury DCP 2012 *“is to supplement the Canterbury Local Environmental Plan 2012 (LEP) and provide more detailed objectives and controls to guide the form of development across the former Canterbury Local Government Area (LGA)”*.

The following table addresses matters relevant to the proposal under the Canterbury DCP 2012.

Canterbury DCP 2012		
Assessment Criteria	Comment	Compliance
Part A: Introduction		
<b>A1.4 Aims of the Plan</b> This DCP aims to provide a comprehensive suite of development controls to: <ul style="list-style-type: none"> <li>(a) Achieve well-designed development that is compatible with its context and acceptable to the community;</li> <li>(b) Enhance amenity for people in Canterbury;</li> <li>(c) Conserve non-renewable resources;</li> <li>(d) Protect natural features and the environment;</li> <li>(e) Ensure development in Canterbury functions in a way that meets the needs of the community;</li> <li>(f) Facilitate full consideration of human, environmental and servicing requirements in relation to proposed development;</li> </ul>	<p>The proposed concept has been designed to create a high quality urban environment, and in doing so contribute to the prosperity of the City of Canterbury Bankstown and enhance the natural and built environments.</p> <p>The site compatibility certificate determined that:</p> <p><i>“the development of the site described in schedule 1 is compatible with the surrounding land uses” and “is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land”.</i></p> <p>The development has been refined in accordance with the conditions of the certificate further improving the relationship to surrounding development and the amenity of neighbours.</p> <p>The building envelopes have been specifically designed to ensure future development enhances the character of the area, and enhance the amenity for future and existing residents. The development responds to the individual</p>	Yes



<p>(g) Allow designers to respond to the individual circumstances of a site;</p> <p>(h) Support the LEP and strategic focus for Canterbury; and</p> <p>(i) Support a comprehensive development assessment process.</p>	<p>circumstances of the site, and importantly meets the needs of the community by providing 50% of dwelling yield as affordable housing, in an area where there is significant under supply of affordable housing.</p> <p>The location of the site and the design of the public realm supports and encourages access to public transport and other parts of Belmore, Canterbury Bankstown and the Harbour CBD.</p> <p>Significant landscaping, including deep soils are also proposed and pervious materials are proposed to reduce stormwater run-off.</p>	
<b>Part B General Controls</b>		
<b>B1 Traffic and Parking</b>	<p>A Traffic and Parking Impact Assessment has been prepared by Lyle Marshall &amp; Partners and is included at <a href="#">Appendix H</a>. The Report addresses the traffic and parking issues arising from the proposed Concept Plan development.</p> <p>The Basement levels access, movement and circulation is included in the Concept Design Report at <a href="#">Appendix B</a> and illustrates the ramp access arrangement to street level, waste storage and access and lift and stair locations.</p> <p>The Traffic and Parking Impact Assessment also considers the access, internal parking layout and circulation, including ramp widths and gradients, parking bay dimensions and parking numbers. It further reviews the potential traffic generated by the future development of the site in accordance with the Concept Plan.</p> <p>As 50% of the residential units will be affordable rental units as permitted in the site compatibility certificate under SEPP(ARH) 2009, it is relevant to note that in Clause 36(4) Car Parking is not required to be provided in relation to development to which this Division applies.</p> <p>The Canterbury DCP 2012 specifies parking rates for residential units in residential flat buildings and for shops, business and retail premises in the table to Clause B1.3.1 in Part B of DCP 2012 General Controls. For the purpose of this Concept</p>	<p>Yes</p>

	<p>Plan application, the relevant parking rates in the Canterbury DCP 2012 have been adopted, as follows:</p> <ul style="list-style-type: none"> <li>• 290 parking spaces <ul style="list-style-type: none"> <li>o 223 residential</li> <li>o 29 commercial/retail/non-residential</li> <li>o 38 visitor spaces</li> </ul> </li> <li>• 60 bicycle spaces</li> <li>• 26 adaptable spaces</li> </ul>	
<b>B2 Landscaping</b>	<p>A Landscape Masterplan and Design Statement has been prepared by Geoscapes Landscape Architects and is included at <u>Appendix F</u>.</p> <p>The open space and landscape design seeks to achieve the following:</p> <ul style="list-style-type: none"> <li>• to provide generous setbacks to the northern boundary to facilitate a green buffer to lower density residential;</li> <li>• to create a large central easily accessible open space with excellent solar access;</li> <li>• to incorporate a selection of species from the Canterbury DCP; and</li> <li>• provide mature street trees along Canterbury Road to creates a soft street interface.</li> </ul>	Yes
<b>B3 Tree Preservation</b>	<p>This Concept application does not seek consent for demolition or removal of any vegetation. The site is substantially developed, but removal of trees and vegetation will be addressed in more detail at the relevant future stages of the development application process.</p>	N/A
<b>B4 Accessible and Adaptive Design</b>	<p>The design and layout of the three buildings has carefully considered accessibility to buildings, open space, communal areas and businesses. This includes the relevant Australian Standards, BCA and the Disability Discrimination Act 1992.</p> <p>The ground floor design in the Concept Design Report shows residential and business entries to Buildings A and B on Canterbury Road and through the open space along Drummond Street to Building C. Vehicle entries are on the two</p>	Yes

	<p>minor roads away from Canterbury Road. 26 adaptable car parking spaces are included.</p> <p>Open space is located on the ground floor accessible and safe to all residents.,</p>	
<b>B5 Stormwater and Flood Management</b>	<p>A stormwater drainage report has been prepared and is included at <a href="#">Appendix G</a>. The Report illustrates subsoil drainage and on-site detention to ensure future development will be supported by appropriate stormwater drainage measures.</p> <p>Further, the drainage design seeks to:</p> <ul style="list-style-type: none"> <li>• Maximise the use of water permeable surfaces;</li> <li>• Include on-site stormwater retention; and</li> <li>• Avoid adverse impacts of stormwater run-off.</li> </ul>	Yes
<b>B6 Energy and Water Conservation</b>	<p>The objectives of the energy and water conservation section of the DCP include encouraging a more sustainable urban environment and reducing the consumption of energy. This can be achieved through passive energy design, water and energy efficiency, active energy and the application of BASIX.</p> <p>As discussed, this concept development application does not seek consent for development. Therefore this will be addressed under a future application for development.</p>	N/A
<b>B7 Crime Prevention and Safety</b>	<p>The Concept application facilitates future development in accordance with the principles and objectives of crime prevention through Environmental design (CPTED).</p> <p>Specifically, the concept reduces the potential for crime through natural overlooking of buildings and units to streets and open space, creating a natural passive surveillance and making people safe to use the public and communal spaces.</p> <p>Business and retail activities front Canterbury Road activating the street and creating the perception of a safe environment. Units face directly to the communal open space through the centre of the site also making this a safe and desirable place for residents.</p>	Yes

<b>B8 Heritage</b>	The site does not fall within a heritage conservation zone and does not contain any items of heritage significance.	Yes
<b>B9 Waste</b>	Waste facilities for handling, storage, collection and disposal of waste are incorporated into the development concept and are compatible with the design of the development.  The ground floor plan in the Concept Design Report at <a href="#">Appendix B</a> illustrates the location and access arrangement. A Waste Management Report will accompany future staged development applications.	Yes
<b>B11 Bushfire Risk</b>	The site does not adjoin and is not within the vicinity of urban bushland that would if ignited present a risk of bushfire attack.	N/A
<b>Part C4 Residential Flat Buildings</b>		
<b>C4.1 General Objectives</b> <ol style="list-style-type: none"> <li>1. To ensure all neighbourhoods are safe and comfortable.</li> <li>2. To accommodate a mix of households in a diversity of well-designed dwellings that are sympathetic to the density and function of each neighbourhood.</li> <li>3. To ensure residential streets and yards are green and leafy, with substantial tree canopy.</li> <li>4. To ensure buildings are adequately separated to facilitate household activities and landscaping.</li> <li>5. To ensure that development achieves good amenity, sunlight and privacy for occupants of new and existing buildings.</li> <li>6. To ensure that development is of a high quality design, appearance and performance.</li> </ol>	<p>While the application does not seek consent for development, the Concept design that will facilitate the future development of the site has been designed to achieve the objectives for residential flat development in the City of Canterbury Bankstown under the Canterbury DCP 2012.</p> <p>The Concept Plan seeks to achieve these objectives as follows:</p> <ul style="list-style-type: none"> <li>• The layout, design and passive surveillance creates a safe and attractive urban environment, contributing to neighbourhood amenity.</li> <li>• The development will accommodate a mix of housing, including 50% affordable housing stock, terraces and apartments.</li> <li>• The Concept is sympathetic to the surrounding neighbourhood, transitioning height to lower density residential to the north in accordance with the site compatibility certificate, and consistent with the emerging pattern of development surrounding the site in accordance with surrounding zones.</li> <li>• The Landscape Plan supports and facilitates green and leafy streets and open space.</li> <li>• Buildings are well separated in accordance with the ADG but also facilitates generous open spaces between buildings.</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>• The Concept achieves excellent amenity for occupants of the future buildings, with good northern exposure.</li> <li>• The development will be of a high standard design and this will be addressed in more detail at the application for buildings stage.</li> </ul>	
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Assessment Criteria	Comment	Compliance
<b>C5 Shop Top Housing</b>		
<b>C5.1 General Objectives</b> <ol style="list-style-type: none"> <li>1. To encourage lively business centres capable of accommodating a mix of retail, commercial and community activities, that caters to the community, relative to their size and intended function.</li> <li>2. To ensure long-term social and economic viability of business centres is maintained and they remain significant to the community for their individual character, ease of access, and urbane appeal.</li> <li>3. To maintain commercial activity at ground level to promote pedestrian activity and contribute to lively streets in centres.</li> <li>4. To maintain facades in business centres where they contribute to the character of the streetscape.</li> <li>5. To ensure frontages are appropriate for the location and will maximise activity at the public/private interface, and provides weather protection for pedestrians.</li> <li>6. To minimise impacts of commercial activities on adjacent residential properties.</li> </ol>	<p>While the application does not seek consent for development, the Concept design that will facilitate the future development of the site has been designed to achieve the objectives for Shop Top Housing and residential flat development in the City of Canterbury Bankstown under the Canterbury DCP 2012. The concept contains six commercial/retail spaces along Canterbury Road across two buildings. The third building is completely residential. Further the site is zoned B6 Enterprise Corridor but the site compatibility certificate recognises that residential flat buildings are compatible with surrounding land uses, noting that the zone on either side is zoned B2 Local Centre.</p> <p>The Concept Plan seeks to facilitate the provision of six commercial tenancies at ground level to promote pedestrian activity and contribute to a lively Canterbury Road.</p>	Yes



<b>C5.2 SEPP 65 Applications</b>	The proposal will facilitate residential development and shop top housing greater than 3 storeys and therefore this section will apply.	Yes
<b>C5.2.1 Site Planning</b>	<p><u>C5.2.1.1 Isolated Sites</u> The Concept DA does not create isolated sites and does not prevent adjoining land from developing in accordance with the Canterbury LEP 2012.</p> <p><u>C5.2.1.2 Landscaping</u> A Landscape Masterplan and Design Statement has been prepared by Geoscapes Landscape Architects and is included at Appendix F.</p> <p>The open space and landscape design seeks to achieve the following:</p> <ul style="list-style-type: none"> <li>• to provide generous setbacks to the northern boundary to facilitate a green buffer to lower density residential;</li> <li>• to create a large central easily accessible open space with excellent solar access;</li> <li>• to incorporate a selection of species from the Canterbury DCP; and</li> <li>• provide mature street trees along Canterbury Road to creates a soft street interface.</li> </ul> <p><u>C5.2.1.3 Balconies and Open Space</u> 1,786m<sup>2</sup> or 25% of the site area is included for communal open space and achieves the minimum dimension. Balconies have been provided at full size at all levels. Appropriate screening will be provided to mitigate wind impacts. All ground floor apartments provide a minimum 15m<sup>2</sup> area and 3m depth in the proposed scheme.</p> <p><u>C5.2.1.4 Layout and Orientation</u> Proposed scheme ground floor apartments facing street frontages on Western &amp; Eastern ground floor boundaries. All other apartments facing the generous communal open space on the ground floor. Living rooms and private open space</p>	Yes

	<p>orientated to North to maximise solar access where possible.</p> <p>Matters related to sustainable building material and design will occur at future application stages.</p>	
<b>C5.2.2 Building Envelopes</b>	<p><u>C5.2.2.1 Floor Space Ratio</u></p> <p>The FSR control does not apply to the site. Notwithstanding, the site is subject to a site compatibility certificate related to a specific development concept. The dwelling yield has reduced as a consequence of the conditions of the certificate from 222 to 184.</p> <p><u>C5.2.2.2 Floor to Ceiling Heights</u></p> <p>Floor to ceiling heights complies with ADG. See ADG Compliance table at <a href="#">Appendix E</a>.</p> <p><u>C5.2.2.3 Setbacks</u></p> <p>The Canterbury Road frontage is setback 3.7 metres to levels 1-4 and 8.7 metres to levels 5-7 where relevant. Side setbacks are 3 metres along the Drummond Street and Anderson Street frontages for the first 4 levels. The DCP stipulates a 4.5 metre setback for the residential component in the B5 zone. While the site is zoned B6, it is subject to a site compatibility certificate that determines that the proposed development is compatible with its surroundings. The land is surrounded by R3 Medium Density Residential and B2 Local Centre land. The development is setback 6 metres and 9 metres to the ground level, and 18 metres to the 6<sup>th</sup> level. 3 metres to the ground floor is considered appropriate in this context and achieves the spatial proportions of the street and define the street edge.</p> <p>Upper level setbacks vary, particularly to lower density development to the north to provide an appropriate transition. All setbacks comply with the ADG.</p> <p><u>C5.2.2.4 Building Depth</u></p> <p>Building depth complies with ADG. See ADG Compliance table at <a href="#">Appendix E</a>.</p> <p><u>C5.2.2.5 Building Separation and Visual Privacy</u></p> <p>Building separation complies with ADG. See ADG Compliance table at <a href="#">Appendix E</a>.</p>	Yes

<b>C5.2.3 Building Design</b>	<p><u>C5.2.3.1 Built Form</u> This Concept DA does not seek consent for development. Detailed built form outcomes, façade treatments and roof features will be addressed in future staged DAs for development.</p> <p><u>C5.2.3.2 Roof Design and Features</u> This Concept DA does not seek to facilitate roof terraces in a future development. Open space is located on the ground floor, with apartments facing the communal spaces allowing views and passive surveillance.</p> <p><u>C5.2.3.3 Dwelling Layout &amp; Mix</u> While the Concept DA does not seek consent for development it does include a detailed Concept Design Report that includes a dwelling layout and mix, that demonstrates that the concept complies with the ADG. Minimum apartment size is achieved, including depth of habitable rooms, minimum width of living areas and minimum length of wardrobes. Adaptable number of dwellings will be clarified during assessment of development.</p> <p><u>C5.2.3.4 Building Services</u> To be addressed during future DA stages for development.</p>	<p>N/A</p>
<b>C5.2.4 Amenity</b>	<p><u>C5.2.4.1 Solar Access and Overshadowing</u> The proposed scheme achieves 75% overall solar access to private open space and living rooms across the development. Individually, each building exceeds the required 70%.</p> <p><u>C5.2.4.2 Acoustic Privacy</u> Noise transfer and impact can be achieved as per the requirements of the ADG and this will be further studied during the assessment process for development.</p>	<p>Yes</p>
<b>C5.2.5 Parking and Access</b>	<p>A Traffic and Parking Impact Assessment has been prepared by Lyle Marshall &amp; Partners and is included at <u>Appendix H</u>. The Report addresses the traffic and parking issues arising from the proposed Concept Plan development.</p>	<p>Yes</p>

	<p>As 50% of the residential units will be affordable rental units as permitted in the site compatibility certificate under SEPP(ARH) 2009, it is relevant to note that in Clause 36(4) Car Parking is not required to be provided in relation to development to which this Division applies.</p> <p>The Canterbury DCP 2012 specifies parking rates for residential units in residential flat buildings and for shops, business and retail premises in the table to Clause B1.3.1 in Part B of DCP 2012 General Controls. For the purpose of this Concept Plan application, the relevant parking rates in the Canterbury DCP 2012 have been adopted, as follows:</p> <ul style="list-style-type: none"> <li>• 290 parking spaces <ul style="list-style-type: none"> <li>o 223 residential</li> <li>o 29 commercial/retail/non-residential</li> <li>o 38 visitor spaces</li> </ul> </li> <li>• 60 bicycle spaces</li> <li>• 26 adaptable spaces</li> </ul>	
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Part D Business Centres		
D6 Canterbury Road Structure Plan		
<p><b>D6.1 Canterbury Road Corridor Objectives</b></p> <p>O1 To create attractive, vital and vibrant mixed-use environments via a rich network of publicly accessible spaces, walkable streets and places.</p> <p>O2 To provide improved open space / public domain within each node, where possible to serve the local community.</p>	<p>The Concept DA creates a mixed use development consistent with its surrounding development and/or zoning.</p> <p>The concept facilitates future development which includes ground floor commercial uses along Canterbury Road, with a 3 metre setback. This seeks to facilitate an attractive and vital mixed use environment with a vibrant public domain. Further detail of the public domain alignment will be considered under future applications for development.</p>	Yes
<p><b>Controls</b></p> <p>Development of the Canterbury Road Corridor is to be in accordance with the characteristics of the following five character areas:</p>	<p>As the Affordable Housing SEPP has determined that the proposed future mixed use development, as part of an affordable housing project, is compatible with its surroundings, the characteristics and outcome sought by the existing zone are not relevant. Therefore, for the purpose of this section of the DCP, it is considered that the B2 Local Centre zone is more</p>	Yes

<p>(b) Urban Centres (B2 – Local Centre):</p> <p>Comprise lower scale buildings, ranging in height from three (3) to five (5) storeys, and will likely be infill sites, additions to existing or heritage buildings, or buildings in sensitive locations. Urban development will provide an active mix of retail, employment, community and residential, with major areas of activation on cross streets. Active retail is desirable at ground level with commercial and residential above. Open space takes the form of regularly shaped streets, plazas, piazzas, paths and promenades. Transit nodes may include an open space feature where it provides significant public transport connections between Canterbury Road and the cross street bus network. Small floor space showrooms may be appropriate in secondary retail frontages to the movement economy.</p>	<p>appropriate, given these are the two zones that immediately adjoin the site.</p> <p>The heights identified in the Concept Plan range from 2 storeys along Drummond Street as it interfaces with lower density residential development to the north, to 7 storeys as it interfaces with Canterbury Road. It is noted that the DCP recommends 3 to 5 storeys. This isn't consistent with the provisions of the site compatibility certificate; the heights provided in the Canterbury LEP 2012 for B2 Local Centre zoned land (6 storeys) and the heights supported for 'junctions' and 'localities' in the Canterbury Road Review Report. While the Canterbury Road Review does not identify the site in a junction or locality, the site compatibility certificate has determined that it is compatible with its surroundings, will not have any adverse environmental impact and provides for the redevelopment to facilitate a significant public benefit. In that context, the Canterbury Road Corridor Review also seeks to encourage additional heights where development is aligned with public benefit. 50% affordable housing in an area identified as disadvantaged with a significantly high number in housing stress is a significant public benefit.</p> <p>The Concept DA provides for active retail at ground level along Canterbury Road with residential above. A 3.7 metre setback provides a significant public domain along the active frontage and open space around and through the site provides attractive and high standards of amenity.</p> <p><u>Note:</u> The Canterbury Road Corridor Review has not been endorsed by the NSW Government and the Greater Sydney Plan and South District Plan does not give weight to the review. Further, the Council's most recent resolution on the review stated "<i>Council adopt in-principle the Canterbury Road Review....subject to further work</i>", and "<i>Council confirm the junctions and localities between Canterbury and Campsie</i>".</p>	
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Table 6: Canterbury DCP 2012 Compliance Table



## 5.5 State Environmental Planning Policies

### 5.5.1 SEPP (Affordable Rental Housing) 2009

In June 2013, an application was made to the Department of Planning and Environment for a site compatibility certificate pursuant to the provisions of Division 5 of the Affordable Rental Housing SEPP 2009.

The original application lacked detail and the Department subsequently requested additional information regarding the development outcome sought for the site, including proposed building envelopes, building footprints, height of buildings, front rear and side setbacks, dwelling yield, indicative shadow diagrams and a statement of compatibility with surrounding land uses.

On 21 March 2014, the additional information was provided as an addendum to the application. The information included detail with regard to the proposal including a clear description, proposed elevations and floor plans and a SEPP 65 review of the proposal. The additional detail Addendum Report is included at Appendix N.

The development that supported and informed the site compatibility certificate application, and against which the site compatibility certificate was issued, included the following:

- **Block A:** A residential flat building of 6 storeys (18 metres) in height, stepping down to 2 storeys (8.5 metres) to the north. It comprised 78 units.
- **Block B:** Located on the corner of Drummond Street and Canterbury Road, with ground floor commercial tenancy (386m<sup>2</sup>) and 78 residential apartments. It is proposed to be 6 storeys (18 metres) in height, with four units partially providing a 7<sup>th</sup> storey (up to 21 metres).
- **Block C:** Located on the corner of Anderson Street and Canterbury Road with a ground floor commercial tenancy (412m<sup>2</sup>) and 66 residential apartments. It is proposed to be 6 storeys (18 metres) in height, with four units partially providing a 7<sup>th</sup> storey (21 metres).

The application was referred to Council on 19 August 2013 and again on 31 March 2014 following receipt of the application's Addendum Report.

On 15 July 2014, the Acting Secretary of the Department of Planning and Environment issued a Certificate under Clause 37(5) of the Affordable Housing SEPP as follows:

*I certify in my opinion, the development of the site described in Schedule 1:*

- *is compatible with the surrounding land uses, having regard to the matters specified in clause 37(6)(b), only if it satisfied certain requirements specific in Schedule 2 of this certificate; and*
- *is not likely to have an adverse effect on the environment and does not cause any unacceptable risks to the land.*

The development of the site described at Schedule 1 included:

*“The demolition of all existing buildings on the site and the construction of a mixed use development comprising three (3) buildings, with ground floor commercial space along Canterbury Road and residential development pursuant to the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009”.*

In accordance with the provisions of clause 37(7) of the Affordable Housing SEPP, the site compatibility certificate imposed the following requirements:

- (1) The proposed development is to be configured to ensure a transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north. Higher buildings should be located along Canterbury Road, stepping down in height towards the low density residential zone to the north.*
- (2) The final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application.*
- (3) The final scheme will be subject to the consent authority undertaking a detailed assessment of the proposal's building design and height, and its impact on solar access and overshadowing and the amenity of surrounding residential development as part of the development application.*
- (4) The proposed specific uses of the ground level commercial tenancies are to be to the satisfaction of the consent authority in determining the development application.*

The conditions of the site compatibility certificate have been addressed through the attached Concept Design Report at [Appendix B](#). The scheme has therefore been revised to create a better transition in height to lower density residential to the north while locating higher buildings along Canterbury Road, reducing the final dwelling number, and providing a detailed assessment of solar access and overshadowing and amenity impacts.

The development facilitated by the Concept DA is therefore revised as follows:

- **Building A:** Located on the corner of Drummond Street and Canterbury Road, with three ground floor commercial tenancies (508m<sup>2</sup>) and 80 residential apartments. It is proposed to be 7 storeys (up to 21 metres).
- **Block B:** Located on the corner of Anderson Street and Canterbury Road with three ground floor commercial tenancies (430m<sup>2</sup>) and 54 residential apartments. It is proposed to be 6 storeys (18 metres) in height.
- **Block C:** A residential flat building up to 6 storeys (18 metres) in height, stepping down to 2 storey terraces (8.5 metres) to the north. It comprised 50 units/terraces.

A detailed consideration of Division 5 of the Affordable Housing SEPP is included below:

SEPP (Affordable Housing) 2009	
Clause	Comment
<b>3 Aims of Policy</b> (a) to provide a consistent planning regime for the provision of affordable rental housing,	The Concept DA facilitates future staged development applications that will facilitate 92 affordable housing (50% of the development) to be managed by a social housing provider for a

<ul style="list-style-type: none"> <li>(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,</li> <li>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</li> <li>(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,</li> <li>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</li> <li>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</li> <li>(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.</li> </ul>	<p>minimum of 10 years in an area where it is urgently required.</p> <p>The Belmore area suffers from a high degree of disadvantage. In general, the population is less educated and less engaged with the labour market than the Canterbury-Bankstown as a whole, Sydney and NSW. Housing NSW's Affordable Housing Needs study indicates that Canterbury is in high need of affordable housing, with only 32.7% of rental stock affordable for households on low incomes. Affordable housing in this area would therefore be a significant social benefit.</p> <p>A site compatibility certificate was issued on 14 July 2014, and in doing so expanded the permissibility and development controls that apply to the site, subject to conditions, to facilitate the redevelopment of an underutilised site close to public transport to the benefit of the community.</p>
<p><u>34 Land to which Division applies</u></p> <p>This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:</p> <ul style="list-style-type: none"> <li>(a) land in the Sydney region that is within 800 metres of: <ul style="list-style-type: none"> <li>(i) a public entrance to a railway station or light rail station, or</li> <li>(ii) in the case of a light rail station with no entrance—a platform of the light rail station,</li> </ul> </li> <li>(b) land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:  Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.</li> </ul>	<p>As determined by the site compatibility certificate on 15 July 2014 the land is within 800 metres of the entrance to Belmore train railway station and is zoned part R3 Medium Density Residential and part B6 Enterprise Corridor under the Canterbury LEP 2012 under which 'residential flat buildings' are not permitted.</p>
<p><u>35 Development to which Division applies</u></p>	<p>The application is for a concept plan and does not seek development. Future development will be on behalf of Evolve Housing who will manage the</p>

<p>(1) This Division applies to development, on land to which this Division applies, for the purposes of a residential flat building:</p> <p>(a) by or on behalf of a public authority or social housing provider, or</p> <p>(b) by a person who is undertaking the development with the Land and Housing Corporation.</p> <p>(2) Despite subclause (1), this Division does not apply to development to which Division 1 applies.</p>	<p>affordable housing component of the future development for a period of 10 years. See <a href="#">Appendix K</a> for communication from the social housing provider.</p>
<p><u>36 Development may be carried out with consent</u></p> <p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies unless it is satisfied that:</p> <p>(a) the Director-General has certified in a site compatibility certificate that, in the Director-General's opinion, the development is compatible with the surrounding land uses, and</p> <p>(b) if the development is in respect of a building on land zoned primarily for commercial purposes, no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.</p> <p>(3) Nothing in this clause prevents a consent authority from:</p> <p>(a) consenting to development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or</p> <p>(b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or</p> <p>(c) having regard to any other matter in determining a development application.</p> <p>(3A) (Repealed)</p> <p>(4) Car parking is not required to be provided in relation to development to which this Division applies.</p>	<p>The Acting Secretary of the Department of Planning and Environment has certified in a site compatibility certificate of 14 July 2014 that <i>"the development of the site described in Schedule 1 is compatible with the surrounding land uses, having regard to the matters specified in clause 37(6)(b)"</i>.</p> <p>The land is zoned part B6 Enterprise Corridor and part R3 Medium Density Residential. The This Concept DA seeks to provide retail and commercial land uses along the Canterbury Road street frontage. No part of the ground floor of the building that fronts Canterbury Road will be used for residential purposes.</p> <p>The consent authority is the Sydney South Planning Panel.</p> <p>The Concept application has addressed the conditions of the site compatibility and relevant requirements under Section 4.15 of the EP&amp;A Act 1979.</p>

<p><u>37 Site compatibility certificates</u></p> <p>(1) An application for a site compatibility certificate under this Division may be made to the Director-General:</p> <p>(a) by the owner of the land on which the development is proposed to be carried out, or</p> <p>(b) by any other person with the consent of the owner of that land.</p> <p>(2) An application under this clause:</p> <p>(a) must be in writing in a form approved by the Director-General, and</p> <p>(b) must be accompanied by such documents and information as the Director-General may require, and</p> <p>(c) must be accompanied by such fee, if any, as is prescribed by the regulations.</p> <p>(3) The Director-General may request further documents and information to be furnished in connection with an application under this clause.</p> <p>(4) Within 7 days after the application is made, the Director-General must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the Director-General refuses, before those 7 days have elapsed, to issue a certificate.</p> <p>(5) The Director-General may determine the application by issuing a certificate or refusing to do so.</p> <p>(6) The Director-General must not issue a certificate unless the Director-General:</p> <p>(a) has taken into account any comments received from the council within 14 days after the application for the certificate was made, and</p> <p>(b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land,</p>	<p>In June 2013, an application was made in writing to the Department of Planning and Environment for a site compatibility certificate.</p> <p>Further documentation was provided in the form of a concept design Addendum Report.</p> <p>The application for a site compatibility certificate was referred to Council on 19 August 2013 and again, following submission of the application Addendum Report, on 31 March 2014.</p> <p>The Acting Secretary determined the application by issuing a certificate on 14 July 2014.</p> <p><i>“...the development of the site described in Schedule 1:</i></p> <ul style="list-style-type: none"> <li>- <i>is compatible with the surrounding land uses, having regard to the matters specified in clause 37(6)(b), only if it satisfied certain requirements specific in Schedule 2 of this certificate; and</i></li> <li>- <i>is not likely to have an adverse effect on the environment and does not cause any unacceptable risks to the land.</i></li> </ul> <p>The ownership of the land has changed since the certificate was issued. This does not impact the application of the certificate to the land.</p> <p>The certificate was issued on 14 July 2014 and is valid.</p>
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<p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and</p> <p>(c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.</p> <p>(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.</p> <p>(8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.</p> <p>(9) A certificate is valid for 5 years or such other period specified in the certificate.</p>	
<p><u>38 Must be used for affordable housing for 10 years</u></p> <p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and</p> <p>(ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and</p>	<p>It is proposed that 50% of the accommodation of the future development will be used for the purpose of affordable housing. The consent authority, being the Sydney South Planning Panel will condition an application for development accordingly.</p> <p>The community housing provider that will manage the affordable housing is Evolve Housing. See <a href="#">Appendix K</a> for confirmation.</p>

<p>(ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider.</p> <p>(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</p>	
<p><u>39 Continued application of SEPP 65</u></p> <p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</p>	<p>It is noted that SEPP 65 applies to any DA lodged against the site compatibility certificate as it relates to the land.</p> <p>This application is for a concept and does not involve development. However, as far as is relevant, SEPP 65 has been addressed in this application. Specifically <u>Appendix E</u> includes a SEPP 65 Compliance Statement prepared by Aleksandar Projects, the registered architect for the application.</p>

**Table 7:** Assessment of Affordable Housing SEPP

### 5.5.2 SEPP (State and Regional Development) 2011

This Concept DA is ‘regionally significant development’ under clause 20 of State Environmental Planning Policy (State and Regional Development) 2011 as the development is a type classified as private infrastructure and community facilities (affordable housing) with the value of works being greater than \$5 million. Therefore, the Sydney South Planning Panel is the consent authority in accordance with Section 4.5 of the EP&A Act.

### 5.5.3 SEPP 55 Remediation of Land

The site has historically been utilised for residential and commercial purposes. The majority portion of the site has been operating as a shoe factory since approximately 1979, with a clothing factory operating since approximately 1937. The Drummond Street frontage includes residential properties, which have been present since 1916 at the latest. The Canterbury Road/Drummond Street vacant corner building appears to have been utilised most recently for the purposes of a motor vehicle workshop and service station, since circa 1929. This former service station use represents the highest potential for contaminating activities on the site, and as such, Clause 7 of the SEPP is relevant to confirm if the site is contaminated.

A Stage 1 and Stage 2 Environmental Site Investigation was undertaken by Geo-Environmental Engineering in March 2014 to “*identify the potential for contamination from past and present activities, and possible constraints on future site development*”.

The Investigation concludes that, based on observations made during the field investigations, the sampling and analysis program conducted at the site and with respect to the proposed land use, there exists some localised soil contamination relating to lead. The Investigation concludes however, that the site can be made fit for the intended use by undertaking conventional remediation measures.

A Remediation Action Plan was subsequently prepared by Geo-Environmental Engineering, which *“outlined the remediation methodology proposed, including the process for the removal of existing underground fuel storage tanks and associated infrastructure and the remediation and validation of surrounding soils”*.

Sullivan Environmental Sciences also undertook a review in 2015 of the Stage 1 and 2 Environmental Site Investigation and Remediation Action Plan. The review discussed key issues related to lead contamination, groundwater quality, and waste classification. The Investigation, Remediation Action Plan and review are included at [Appendix I](#).

Having regard to the above, the concept application does not seek consent for development or demolition, and therefore further contamination investigations will be required to be undertaken at a development stage, including demolition when the site will be accessible. Notwithstanding, the site can be made suitable for actual development.

#### **5.3.4 SEPP 65 Design Quality of Residential Apartment Development**

Compliance with SEPP 65 and the Apartment Design Guidelines informed the building footprints and proposed massing envelopes sought by the subject concept plan.

A site analysis has been included that illustrates how the design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. This was included in the site compatibility Addendum Report at [Appendix N](#) and the current Concept Design Report at [Appendix B](#), the supported the layout and orientation of buildings.

A SEPP 65 Design Compliance Statement is included at [Appendix E](#), which demonstrates that the future development of the site complies with SEPP 65 Design Principles. This is also demonstrated by the indicative floor plans attached at [Appendix B](#) that demonstrate compliance. Additional detailed assessment against SEPP 65 and the Apartment Design Guidelines will support future staged applications for development.

## 6. Conclusion

The proposal involves a Concept Development Application submitted in accordance with the provisions of section 83A to 83D of Part 4, Division 2A of the EP&A Act. This Concept DA seeks consent for a Concept Plan under section 83B of the EP&A Act 1979, including:

- Building footprints and design parameters for the future development of the site;
- Building separations and setbacks;
- Boundary setbacks;
- Public footpath design and improvements; and
- Conceptual identification and location of:
  - Open space and communal gardens and courtyards;
  - Vehicular access arrangements and egress points;
  - Indicative basement car parking access locations;

The application seeks approval of the following Plans, which are in line with the site compatibility certificate:

1. Concept Plan
2. Massing Envelope
3. Indicative Basement Plan
4. Shadow Diagrams