



**Request to vary Clause 4.3 Height of buildings development  
standard in Canterbury Bankstown Local Environmental Plan 2023  
in accordance with Clause 4.6**

**Accompanying a development application for a  
Residential Flat Building Development**



**At**

**175-177 Wellington Road, Sefton NSW 2162  
Lots 1 & 2 in DP 35610**

**January 2025**

Published by Homes NSW  
[www.nsw.gov.au/homes-nsw](http://www.nsw.gov.au/homes-nsw)  
First published: August 2024  
Department reference number: D24/2362278

ABN 24 960 729 253

## Copyright and disclaimer

This document may only be used for the purposes associated with the development application it supports to the extent authorised under the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, for the express purposes set out under that legislation, and may not otherwise be copied, reproduced, distributed or used without the written permission of the authors.

## EXECUTIVE SUMMARY

Homes NSW (Land and Housing Corporation) requests that the City of Canterbury Bankstown Council recommend approval for the proposed development at 175-177 Wellington Road, Sefton, despite the proposed development contravening the *Height of buildings* development standard within Clause 4.3 of the *Canterbury Bankstown Local Environmental Plan 2023* (CBLEP 2023).

The request is reasonable and justified in that compliance with the standard is unnecessary on the grounds that:

- There are sufficient environmental planning grounds to justify the contravention of the development standard namely the provision of more social housing/affordable housing in an accessible location consistent with the NSW Government's plan *Future Directions for Social Housing in NSW*, the *Greater Sydney Region Plan 2018*, the *South District Plan 2018*, the City of Canterbury Bankstown Council's *Local Strategic Planning Statement (LSPS) - Connective City 2036*, Council's *Housing Strategy* and Council's *Affordable Rental Housing Strategy* and consistency with the relevant objectives of the development standard under CBLEP 2023;
- The proposed development is in the public interest, as the objectives of the land use zone and the standards are both achieved notwithstanding the non-compliance;
- The contravention achieves a better outcome for the development and the community without significant environmental impact by providing more social housing, better utilisation of well-located land, efficient use of existing serviced urban land; and
- The request satisfies the tests set by the Land and Environment Court for the justification and assessment of variations to development standards.

The extent of variation sought to the *Height of Buildings* development standard in Clause 4.3 of CBLEP, which prescribes a maximum building height of 10m, is 33.4% or 3.34m, with a building height of 13.34m proposed.

## 1 INTRODUCTION

### 1.1 Site Description

The site is located at 175-177 Wellington Road, Sefton, and is legally described as Lots 1 & 2 in DP 35610. It is located within the City of Canterbury Bankstown Local Government Area (LGA). The development site has a total area of 1,446m<sup>2</sup>. The site is rectangular in shape and has a 31.59m frontage to the southern side Wellington Road.

### 1.2 Proposed Development

Homes NSW (Land and Housing Corporation) proposes the construction of a 4-storey residential flat building with basement and a 2-storey residential flat building, comprising a total of 20 dwellings, basement car parking for 9 vehicles, associated landscaping and tree removal and consolidation of land into a single lot.

### 1.3 Permissibility

The site is zoned R3 Medium Density Residential (R3) under the CBLEP 2023. Residential Flat Buildings are not permissible in the R3 zone, however the site is subject to a Site Compatibility Certificate (SCC) (**Appendix F** of SEE) which was issued on 18 February 2022 pursuant to Clause 39(5) of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) for the construction of two residential flat buildings on the subject land. The Certificate certifies that the development:

- is compatible with the surrounding land uses having had regard to the matters specified in clause 39(6), 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 unacceptable environmental risks to the land

The concept plans on which the Site Compatibility Certificate was based are very similar in scale, height, density and layout as that currently proposed.

### 1.4 Nature of Non-Compliance and Authority to Vary Development

The Clause 4.6 submission relates only to a portion of the development, namely the 4<sup>th</sup> floor of the building at the front of the site, refer to **Figure 1** and **2** below. A portion of the 4-storey building is proposed with a building height of 13.34m. This exceeds the 10m maximum height limit prescribed by CBLEP 2023 Clause 4.3 *Height of buildings* by 33.4%.



Figure 1: Extract of Architectural Plans showing CBLEP 2023's prescribed maximum Building Height in relation to the proposed development

Clause 4.6 of the CBLEP 2023 provides Canterbury Bankstown Council with a degree of flexibility in applying the development standard to the proposed development. This is subject to a written request by the applicant justifying any contraventions and demonstrating that compliance is unreasonable or unnecessary in the circumstance of the case. In addition, the Land and Environment Court, in *Wehbe v Pittwater Council (2007) NSW LEC 827*, *Winten Developments Pty Ltd v North Sydney Council (2001) NSW LEC 46* and *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* has articulated principles and tests regarding the justification for, and assessment of, exceptions to development standards. The proposed development has been assessed against the established principles at **Section 3**.

- Addresses the matters required to be considered by Council in exercising its discretion to the numerical height development standard under the CBLEP 2023;
- Justifies the height of the proposed development and demonstrates why compliance with the development standard is unnecessary and unreasonable in this case in terms of the objectives of the standard and the zone, as well as the tests for assessment established by the Land and Environment Court; and

- Demonstrates why the City of Canterbury Bankstown Council should exercise its discretion by recommending approval for the proposed development, despite a non-compliance with the CBLEP 2023.

## 2 JUSTIFICATION FOR EXCEPTION TO THE DEVELOPMENT STANDARD

Clause 4.6 *Exceptions to development standards* of the CBLEP 2023 provides Council with a degree of flexibility in applying the height development standard to the subject development application (Clause 4.6(1)). This is provided that: the standards are not excluded from this discretion (Clause 4.6(2)); particular planning outcomes are achieved (Clause 4.6(3)); and that certain procedural requirements are met (Clauses 4.6(4)).

Each of these matters is addressed below.

### 2.1 Consistency with Objectives of the Clause

Clause 4.6 (1) states:

*“The objectives of this clause are as follows:*

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

The non-compliance with the CBLEP 2023 height of buildings development standard is driven by the goal of achieving better outcomes for and from the development. The proposed development aims to achieve the objects of the EP&A Act, as follows:

- *Promote the delivery and maintenance of affordable housing*

The delivery of affordable (social) housing to assist in combatting the national housing supply crisis. The provision of additional affordable housing will assist Canterbury Bankstown Council and Homes NSW in achieving the NSW Government’s and Council’s affordable housing targets as outlined in *Future Directions for Social Housing in NSW*, the *Greater Sydney Region Plan 2018*, the *South District Plan 2018* and the *Canterbury Bankstown Council Housing & Affordable Housing Strategies 2020*.

- *To promote the orderly and economic use and development of land*

The orderly and economic use and development of the land by redeveloping existing serviced urban land within close proximity to key transport nodes/corridors and services and facilities with higher residential densities i.e. the Sefton Train Station and Sefton local centre, consistent with the strategic intent of the NSW Government’s *Transport Orientated Development Program*, the proposed planning reforms outlined in the *Explanation of Intended Effect: Changes to create low-and mid-rise housing*, the *Greater Sydney Region Plan 2018* and the *South District Plan 2018*.

Despite the non-compliance with the standard, the proposed development will have no unacceptable adverse impacts on the amenity of the surrounding development with respect to overshadowing, views, visual impact and privacy.

### 2.2 Matters for consideration

In deciding whether or not to grant consent, Council is required to satisfy itself that the request for the variation demonstrates that:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances, (Clause 4.6(3)(a)); and
- There are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

These clauses are addressed below.



## 2.2.1 Clause 4.6(3)(a) – Development standard is unreasonable or unnecessary

Clause 4.6 (3)(a) states:

*“(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances,”*

Compliance with the maximum height of buildings development standard is considered unreasonable and unnecessary given the following circumstances of this case:

- The proposed development achieves the objectives of the height of buildings standard and is consistent with the objectives of the zone notwithstanding non-compliance with the standard (see further discussion below in **Section 2.2.2** of this report).
- The height variation is necessary to facilitate provision of an additional 4 affordable (social) housing dwellings, in accordance with Homes NSW’s plans for the site, on the top-most floor of the 4-storey building. Strict compliance with the standard would hinder the NSW Government, Homes NSW and the City of Canterbury Bankstown Council from achieving their affordable housing goals and targets and reduce the number of affordable housing dwellings available to the local community unnecessarily.
- There is a considerable public and social benefit arising from the provision of affordable housing. It is considered that the benefit of additional affordable housing allowed by the height variation far outweighs any minor perceived impacts associated with non-compliance with the height standard, especially in light of the current recognised housing supply crisis. The housing supply crisis in the Canterbury Bankstown LGA is well evidenced.

The City of Canterbury Bankstown Council has identified in their Housing Strategy and Affordable Housing Strategy that *“Housing stress is a significant issue in Canterbury Bankstown, as with many other parts of Greater Sydney, due to comparatively low income to Sydney’s high housing costs. Almost twenty-two thousand households experience housing stress in the city, or 18.6% compared to 11.8% in Greater Sydney. Households on moderate, low or very low incomes and key workers, who spend more than 30 per cent of their income on housing are impacted in their ability to pay for essential items like food, clothing, transport and utilities and are said to be experiencing housing stress.”*

It also notes that in the Canterbury Bankstown LGA there is an *“estimated population of 2,344 people experiencing homelessness (ABS, 2016). It is important that housing choice, particularly for affordable housing, is provided across the city to reduce the risk of vulnerable persons falling into homelessness.”*

Furthermore, in July 2024, the NSW Communities and Justice’s publically available figures for social housing waitlist times confirmed there were over 57,700 households on the waiting list for social housing in NSW. In the Bankstown Allocation Zone, in which the site is located, the waiting list for social housing is approximately 2,450 households with the wait time for 1-bedroom / studio apartments between 5 – 10 years, and 2-bedroom units 10 + years. It further noted that there were over 320 priority applicant households in the Bankstown Allocation Zone.

Recent statistics (February 2024) from Homelessness NSW indicate that the number of people experiencing homelessness are now more alarming than the figures above with the NSW Government stating in response: *“The analysis reveals that the top council areas that have seen increases in homelessness numbers are Inner West and Canterbury-Bankstown Council areas. These are also key areas that the NSW Government is focussed on in supporting increased access to housing.”*

- The non-compliance would not result in any unreasonable environmental or amenity impacts, for example:

Internal & external privacy, amenity & solar access:



The proposed development provides for outcomes which are consistent with the development standards which are relevant to the privacy, amenity and solar access as applicable to both the development site internally and externally.

Impacts associated with the proposed development's building height standard exceedance upon the privacy and amenity within the proposed development and to neighbouring properties are minimal due to careful considered design including: the achievement of required building separation distances; setting back the top floor of the 4 storey building from the front and side façades of the building; offsetting balconies and windows from others within the development and in adjoining properties; the orientation of windows toward the street frontage and public domain, away from neighbouring properties; provision of appropriate fencing, privacy screens, highlight windows and landscaping; and achievement of minimum acoustic standards through the adoption of Acoustic Assessment Report recommendations (**Appendix I** of the SEE).

Similarly, the proposed building height standard exceedance has not impacted upon the ability of the development or of neighbouring properties, to enjoy good solar access to living areas and private open space areas, with shadow diagrams, (**Appendix A** of the SEE), for the proposed development demonstrating the height exceedance has not caused unreasonable loss of solar access to adjoining properties. Nor has it impacted the development's ability to achieve natural and cross ventilation requirements.

The Canterbury Bankstown Design Review Panel (DRP) has reviewed the proposed development and *"feels the buildings' height and form minimise the potential impact of the development on its neighbours whilst presenting a quality benchmark for future development along this rail corridor"*.

#### Traffic and Car Parking:

The additional 3.34m in building height allows the provision of an additional storey in the development, which accommodates 4 dwellings. The parking required to cater for the increased yield has been provided and is accommodated within the basement and therefore does not contribute adversely by adding bulk or scale to the development. Specific rates for the provision of carparking for social housing developments are included in the Housing SEPP. Given these rates have been formulated to reflect the very specific and unique car ownership rates and patterns of social housing tenants, which Census data confirms are significantly lower than those of the general population, it has been considered appropriate to apply these rates to this development as Homes NSW (Land and Housing Corporation) is a social housing provider. Accordingly, car parking has been provided at a rate of at least 0.4 parking spaces for each dwelling containing 1 bedroom, and at least 0.5 parking spaces for each dwelling containing 2 bedrooms, in line with the rate applicable for social housing developments within 800m walking distance of a train station. The Traffic & Car Parking Impact Assessment (**Appendix O** of the SEE) confirmed that the proposed development will result only in negligible additional traffic generation compared to existing conditions.

#### Design Context:

Despite the partial building height exceedance, the proposal is considered a good contextual fit on the basis that it is an infill development which will make efficient use of existing serviced urban land and will assist in achieving the provision of additional needed housing in the locality whilst being complementary with the streetscape and consistent with the bulk and scale of nearby residential flat buildings. Furthermore, despite the building height exceedance of a portion of the 4 storey building, the development has been able to be designed to maintain a respectful relationship with the immediately adjoining development by transitioning building heights down gradually to adjoining development (further discussion regarding design methodology can be found in **Appendix G** of the SEE). The Canterbury Bankstown Design Review Panel (DRP) has reviewed the proposed development and commends the scheme for *"achieving a positive and contextually appropriate solution to increase the availability of quality social housing in Sefton."*

Views:

The development's partial height exceedance will not result in the loss, or disruption of any views. The site and surrounding area sits within gently undulating terrain, where no unique vistas dominate, or are required to be preserved.

Infrastructure Capacity:

The documentation submitted in support of the development application demonstrates that despite the building height exceedance the site will be able to be serviced by:

- all essential services including electricity, telecommunications and reticulated water and sewer;
- the National Broadband Network via Fibre to the Premises technology;
- Council's stormwater system in accordance with Council's requirements; and
- local road network without impact on traffic and parking.

Pedestrian amenity & access:

Pedestrian amenity and access will not be impacted by the proposed maximum building height standard exceedance.

Visual impact:

Careful and considered design has minimised the appearance and visual impact of the partial height exceedance of the development by:

- the stepping back of the uppermost storey from the front and side facades of the building;
- utilising lighter coloured building materials in the lower floors and a darker colour scheme on the upper floor;
- provision of increased articulation to lower floors such as curved screens and contrasting coloured balustrades on balconies and finishes in a variety of materials and colours, whilst a simpler understated design has been employed on the design of the 4th floor;
- through the adoption of flat roof design; and
- ensuring the proposal is considered a good contextual fit on the basis that it is an infill development which supports and reinforces the desire for higher density residential development in the locality. The proposed development is consistent with the streetscape and bulk and scale outcomes envisaged for the area.

Furthermore, as there is no development opposite the site, only the railway line and associated sound attenuation wall, the streetscape of Wellington Road is open in nature and therefore the focussing of the higher portion of the development toward the front of the site will not result in an overbearing visual impact on the street. The high-quality contemporary architectural design proposed, including the articulation of the front façade and the proposed landscaping will provide a visually pleasing outlook from the rail corridor.

Colours & materials:

As indicated on the Architectural Plans prepared by ShakeUp Architecture, (**Appendix A**), the proposed development will be finished in contemporary colours and materials complementary to existing development and consistent with the desired future character of the locality.

- Compliant comparative scheme

The proposed development generates a similar, or lesser degree of impact than a compliant development on the site. For comparison purposes, a multi-dwelling townhouse scheme designed in accordance with Part 2, Division 1 of the Housing SEPP has been prepared and is provided at **Attachment A**. Each townhouse would contain 3-bedrooms and for the purposes of the comparison exercise it has been assumed that parking will be in a basement. A summary of the key controls applied

to the comparison scheme are as follows:

- Height (LEP): 10m
- FSR: 1.25:1 (LEP FSR of 0.75:1 plus Housing SEPP bonus of 0.5:1)
- Setbacks (CBDP 2023 – Multi-dwelling Housing): 5.5m front setback; 0.9m side setback; 5m rear setback
- Max. number of storeys (CBDP 2023): 3 storeys for multi-dwelling development
- Private Open Space (CBDP 2023): 50m<sup>2</sup> per dwelling
- Landscaped area (Housing SEPP): 35m<sup>2</sup> per dwelling / 30% site area
- Deep Soil area (Housing SEPP): 15% site area
- Parking (Housing SEPP): 1-bedroom @ 0.4 spaces; 2-bedroom @ 0.5 spaces; 3-bedroom @ 1 space.

The comparison scheme results in a less favourable distribution of built form across the site, in particular 3-storey development at the rear which would generate additional overshadowing compared to the proposed RFB scheme and a worse outcome in terms of providing a transition in scale between zone boundaries as required by the Site Compatibility Certificate.

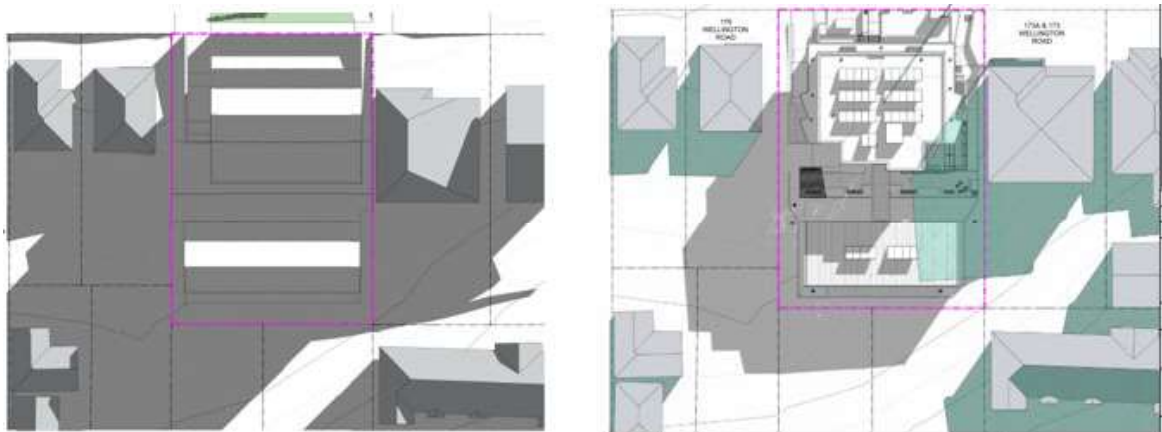
As identified in **Figure 3** to **Figure 5**, a scheme that was fully compliant with the permitted height limit has the potential to generate additional mid-winter overshadowing impacts to the proposed scheme from 9am to approximately 1pm, and a similar impact during the afternoon period.

The townhouse scheme has been designed to fit within the maximum allowable height but despite this, would result in substantially more building bulk and privacy impacts to adjoining properties due to the reduced side and rear setbacks allowable for this development type.

The comparison scheme does not achieve the required yield, providing 8 less units than the proposed RFB scheme which is inconsistent with councils Housing Strategy and Affordable Housing Strategy, and the identified urgent need to delivery affordable housing in the Canterbury Bankstown area.

A 3-bedroom townhouse development does not align with the identified housing demand for NSW LAHC tenants in the Canterbury-Bankstown LGA, which is predominantly for 1 to 2-bedroom units; and provide a much poorer level of accessibility for tenants due to dwellings being split across 3 levels rather than most units being provided with lift access as is in the case in the proposed scheme.

Further to the above, the proposed RFB scheme is of a lesser scale than the recent NSW government announcement regarding changes to housing policy, which envisages small-scale RFB developments of up to 6 storeys in the R3 zone where a site is located close to a transport hub, which is the case for the subject site.



*Figure 3: Comparison scheme (left) and proposed scheme (right) 9am shadow diagram*



Figure 4: Comparison scheme (left) and proposed scheme (right) 12pm shadow diagram

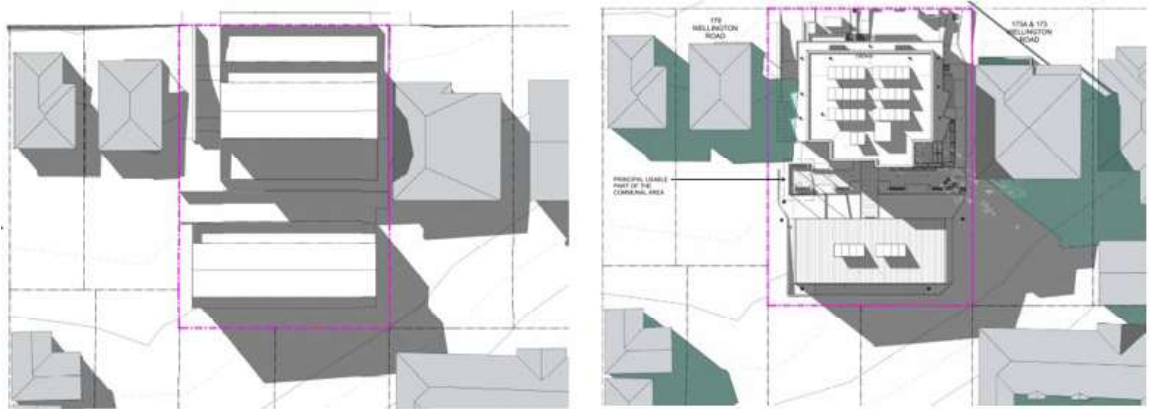


Figure 5: Comparison scheme (left) and proposed scheme (right) 3pm shadow diagram

## 2.2.2 Clause 4.6(3)(b) - Sufficient environmental planning grounds exist to justify the contravention

Clause 4.6 (3)(b) states:

*“(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.”*

It is considered that there are sufficient environmental planning grounds to justify contravening the height of buildings development standard under the CBLEP 2023. The development is considered to be consistent with:

- The objectives of *Clause 4.3 Height of buildings*;
- Objectives of the *R3 Medium Density Residential* zone;
- The requirements of the Site Compatibility Certificate; and
- Relevant legislation, plans and strategies

These matters are addressed below:

### 2.2.2.1 Objectives of Clause 4.3 Height of buildings:

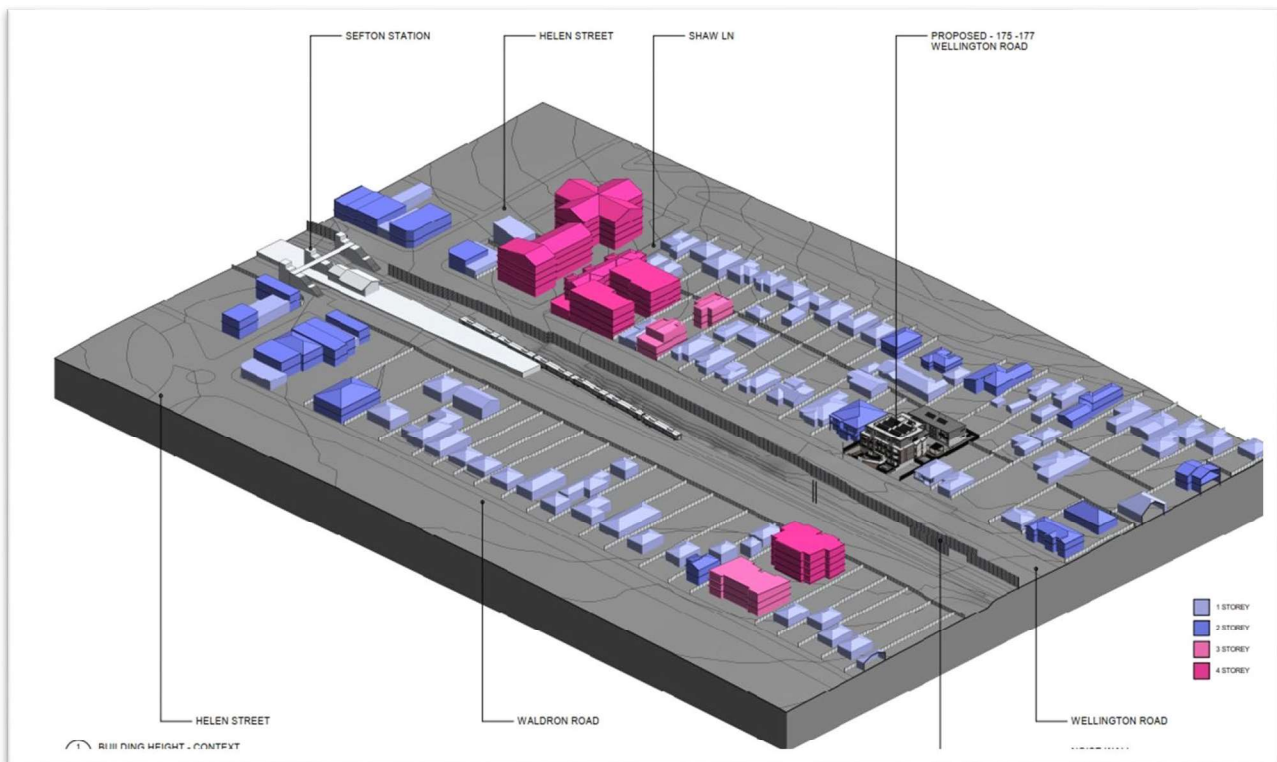
*(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,*

The proposed development is compatible with the height of existing, and desired future, development in

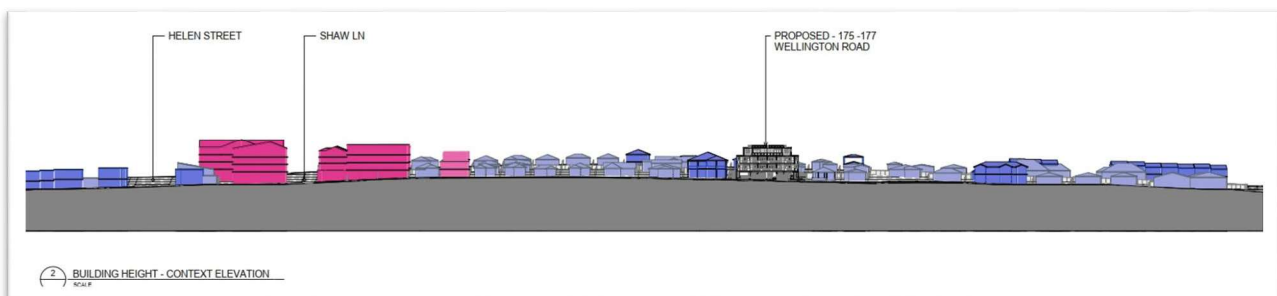
the surrounding area.

The height of the non-compliant portion of the proposed development is 13.34m, being 4 storeys in height. This is similar, and in some instances lower, than other residential flat buildings located near the site.

For example, the Figure below (**Figure 6**) provides an analysis of the height comparison between the proposed development and the surrounding locality. This figure in combination with the streetscape analyses in **Figure 7 & 8**, demonstrate that the development at 13.34m in height is compatible and consistent with recent and nearby developments in the surrounding area and transitions well in the street context. The proposed 2 storey building at the rear of the site allows for a gentle transition from the 4-storey element to the lower density development at the rear of the site.



**Figure 6: Analysis of building heights surrounding the site**  
(Source: Shake Up Architecture)

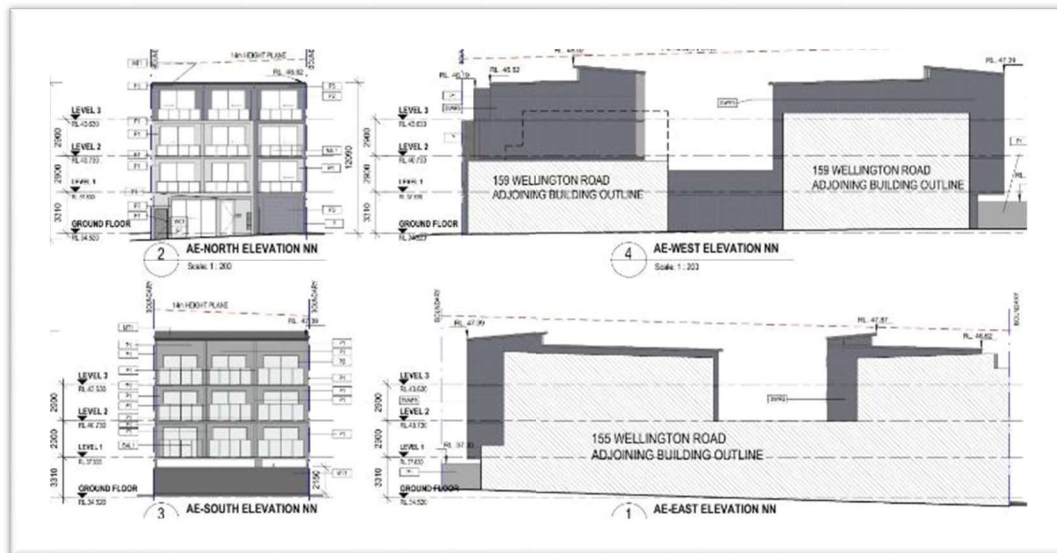


**Figure 7: Extract Architectural Plans: Street Context Elevation**



**Figure 8: Extract Architectural Plans: Street Elevation**

It should also be noted that in addition to the analysis above (**Figure 6**) two other development applications have been approved for 4 storey buildings in the immediate vicinity. For example, at 157 Wellington Road, 120m east of the site, and at 29 Waldron Road, 65m north of the site, refer to **Figure 9 & 10** below, with a locality plan found in **Figure 11**. This further reinforces the area's transition toward increased height and density development.

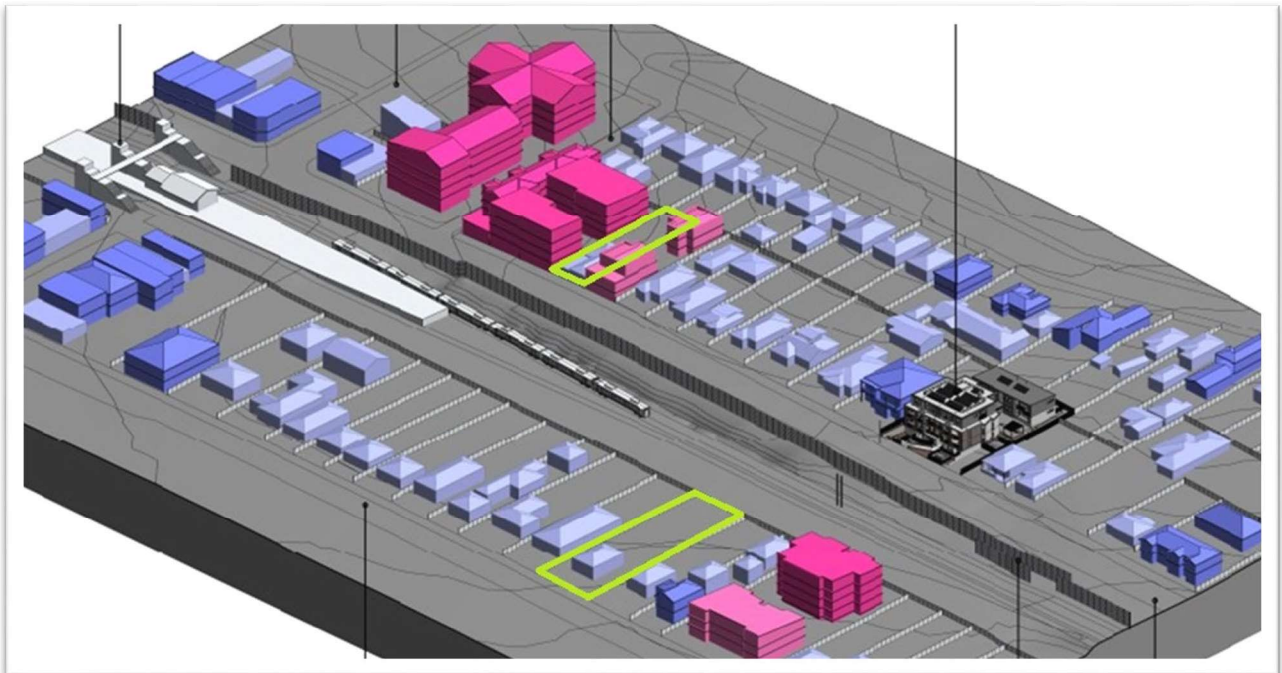


**Figure 9: Example of 4 storey development approved at 157 Wellington Rd.**





**Figure 10: Example of 4 storey development approved at 29 Waldron Rd.**



**Figure 11: Analysis of building height and scale surrounding the site. 4 storey developments with DA approvals highlighted in green**

The height of the building is also compatible with the desired future development in the surrounding area, which is identified for the purposes of higher density residential developments, such as that proposed.

Following a review of the CBLEP 2023 zoning and height of buildings maps, refer to **Figure 12 & 13** below, it is clear that the desired future character for the area is for higher density development than that which currently exists. Much of the lower density housing stock in the immediate area is older, and close to reaching the end of its lifespan becoming economically unviable to maintain. Given the age of the dwellings and the demand for increased housing, these dwellings will likely be demolished and replaced with newer, modern, higher density forms of residential development. The 0.75:1 FSR and 10m height limit will encourage this redevelopment and over time as this occurs the height difference between the proposed development on the subject site and other developments in the streetscape will be further



reduced. Furthermore, only 100m to the east of the site FSR and building height limits are further increased, with permissible heights of between 13-20m and FSRs of between 1:1-2.5:1. Whilst 60m to the north of the site and 200m to the west, density limits increase to 1:1 FSR and a 13m building height limit. In the context of these controls the proposed development will transition consistently in the streetscape with surrounding development.

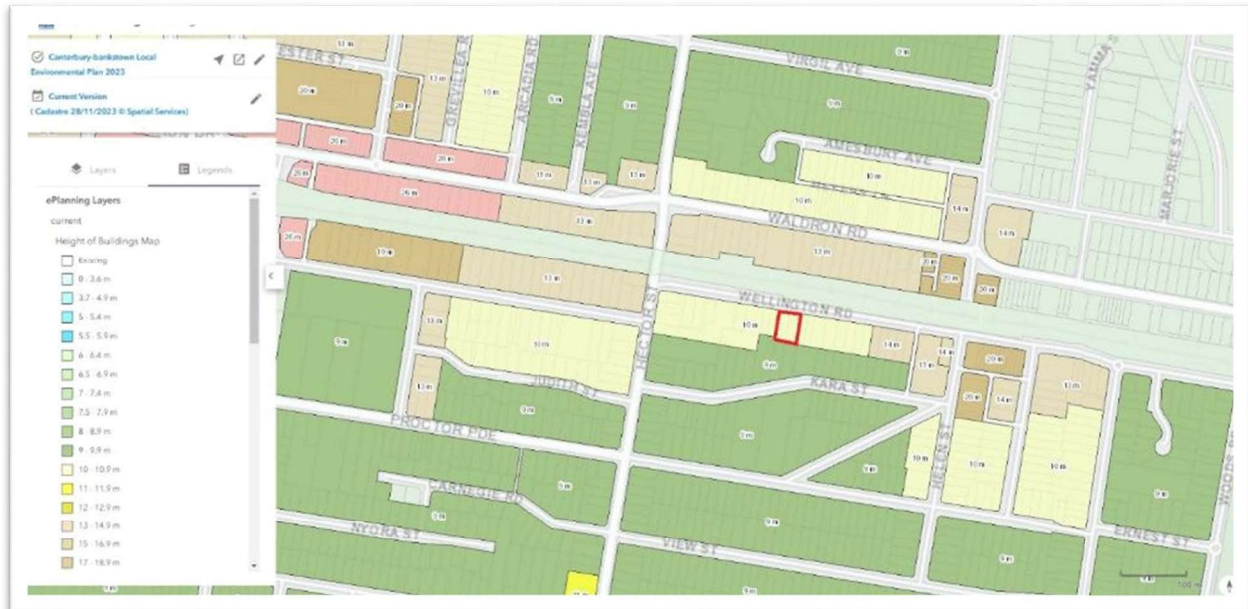


Figure 12: Extract of Height of Buildings Map

(Source: Canterbury Bankstown LEP)

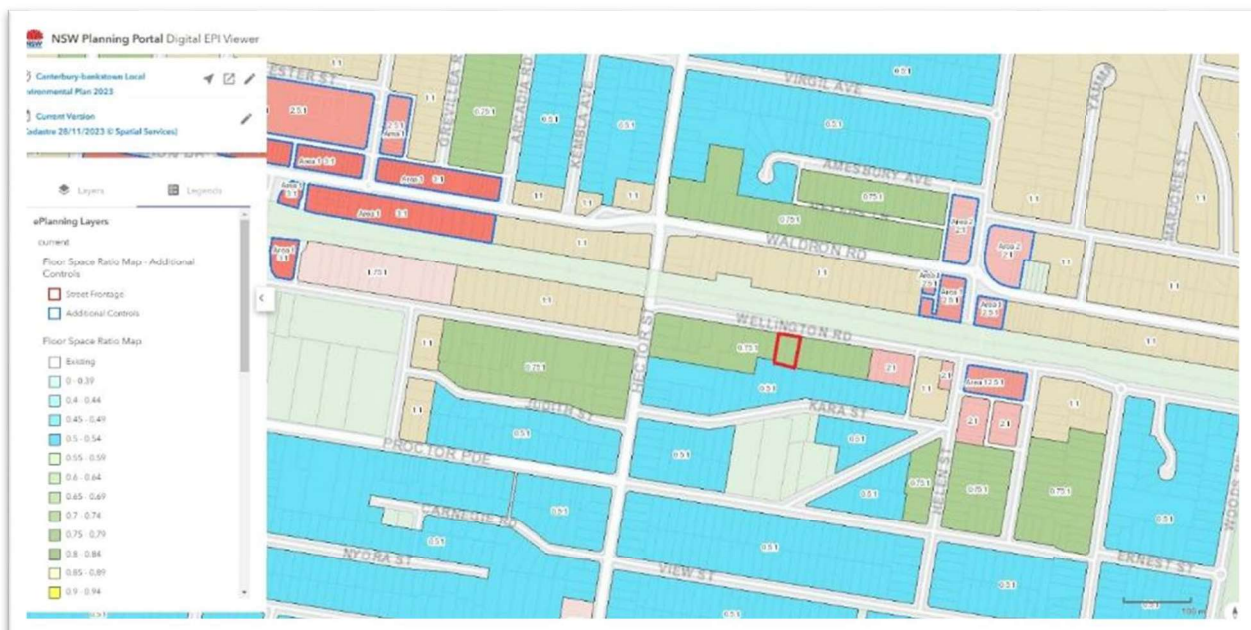


Figure 13: Extract of Floor Space Ratio Map

(Source: Canterbury Bankstown LEP)

(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,

Not applicable in this instance as the Zoning of the site is R3 Medium Density Residential.

(c) to provide appropriate height transitions between development, particularly at zone boundaries.

The proposed 4-storey building at the front of the site has been designed so that the top floor is recessed from the lower storey front and side façades. This has allowed for increased separation from adjoining properties and the front boundary, minimising the impact of the building height on adjoining properties and the streetscape, and allows for an appropriate transition in scale from the subject site to the adjoining properties, (refer to **Figure 6** to **Figure 8**). In addition, open style balconies have been incorporated along the front façade which further reduces the scale of the building on the streetscape by pushing the solid elements further back from the front of the site.

Whilst to the rear of the site the building height of the second building has been limited to 2 storeys to ensure no amenity impacts to adjoining properties and to allow for an appropriate transition in scale from the subject site to the lower density adjoining properties to the rear.

In considering whether the height transitions between existing buildings is appropriate it is pertinent to note that the aging housing stock in Wellington Road, will likely be demolished and redeveloped at much higher densities and heights than those existing, in the not-too-distant future. This can be attributed to the age of the buildings, approaching the end of their economic life, the close proximity of the site to the Sefton Train Station and local centre, and the applicable planning controls which will permit developments with higher densities and building heights to occur. The appropriateness of the height transition of the non-compliant portion of the building to the adjoining properties to the east and west and in the wider Wellington Road streetscape are demonstrated in **Figure 7** and **Figure 8** above.

(d) to minimise overshadowing to existing buildings and open space.

The Shadow diagrams in **Appendix A** of the SEE show that the adjoining dwellings will continue to receive a minimum of 2 hours of mid-winter solar access to primary living and open space areas. The shadow diagrams study show that the proposed development does not have significant impacts on the neighbouring property to the east (173/173A Wellington Rd). This property is only affected by shadows cast as a result of the proposed development after 2pm in mid-winter. The neighbouring property to the west (179 Wellington Rd) only receives additional shadows between 9 am and 10 am in mid-winter.

Despite a portion of the 4-storey building exceeding the maximum building height development standard overshadowing impacts to adjoining properties have been minimised as a result of:

- The orientation of the site, being north facing with a deep site depth of approximately 45m;
- The considered siting of the buildings on the site so that the 4-storey building is limited to the front half of the site (approximately 18m in depth) generally in line with neighbouring development, with the second building at the rear being limited to 2 storeys only in height;
- Designing the 4-storey building so that the 4th storey is recessed from the front and side façades, increasing this storey's separation from side boundaries. This separation is further enhanced at the rear of the building where the 4<sup>th</sup> storey is stepped in, further increasing the separation of the highest portion of the building to side boundaries, refer to **Figure 14** below.

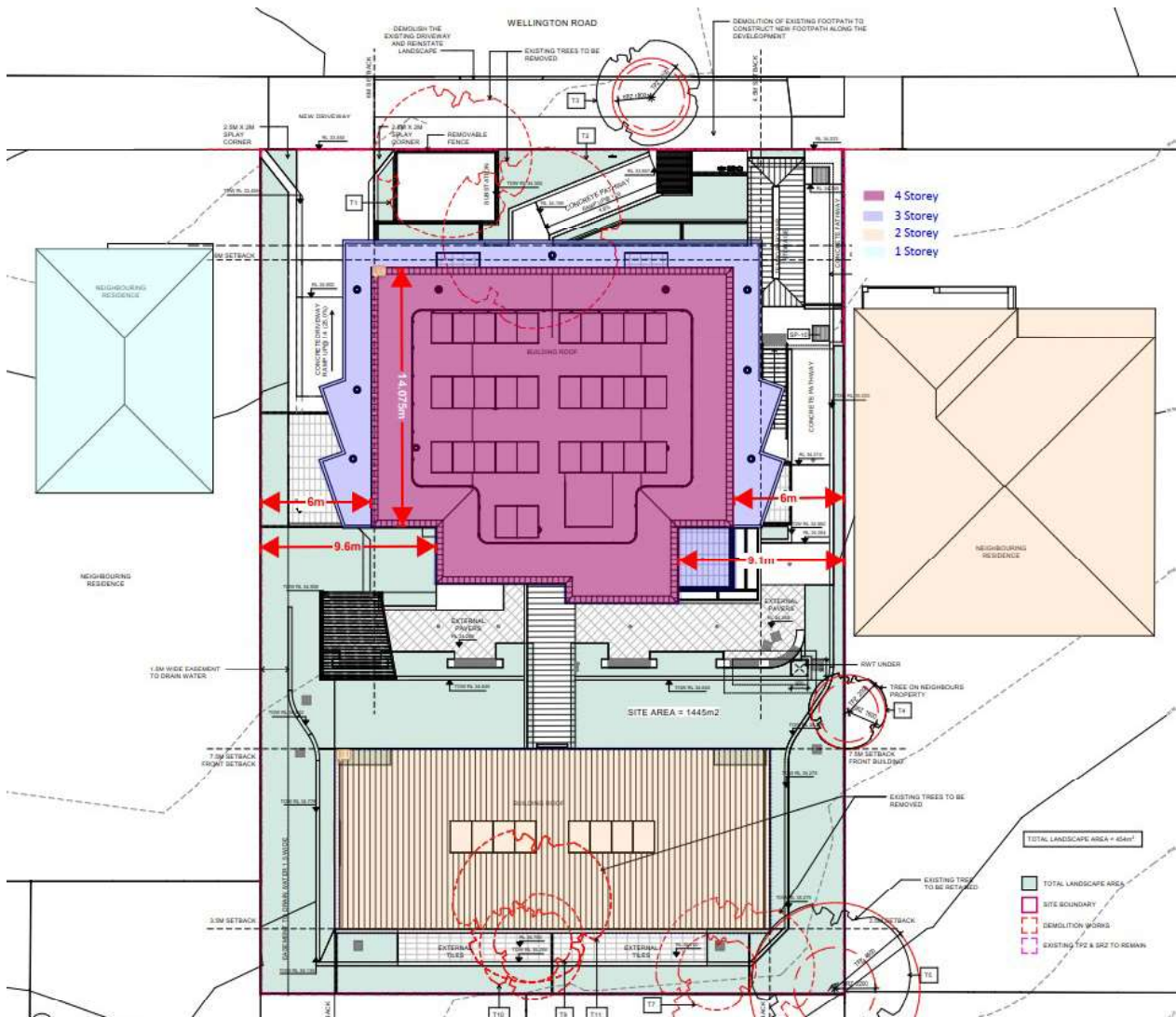


Figure 14: Extract Architectural Plans: Analysis of 4<sup>th</sup> Storey in relation to site boundaries and adjoining properties

(e) to minimise the visual impact of development on heritage items and heritage conservation areas,

The height of the development will have no impact on any heritage site, or its setting, owing to the large separation distances. The closest heritage listed item is approximately 950m east of the site (I228), being the Sefton Junction Substation. Owing to the distance, it is considered the site is not within the visual catchment of the heritage item, and the development will have no impact upon heritage settings. Accordingly, this objective is not considered to be relevant to the proposal in terms of the impact of the proposed additional building height.

(f) to support building design that contributes positively to the streetscape and visual amenity of an area.

Despite a portion of the 4-storey building exceeding the maximum building height limit, the building design and development contributes positively to the streetscape and the visual amenity of the area through:

- a contemporary architectural design that is consistent with the bulk, height, scale and setbacks of other modern residential flat building developments in the surrounding locality and which is consistent with the desired future character of the area.
- minimising the appearance and visual impact of the height of the 4-storey building through:
  - o the stepping back of the uppermost storey from the front and side facades of the

- building,
  - utilising lighter coloured building materials in the lower floors and a darker colour scheme on the upper floor,
  - provision of increased articulation to lower floors such as curved screens and contrasting coloured balustrades on balconies and finishes in a variety of materials and colours, whilst a simpler understated design has been employed on the design of the 4<sup>th</sup> floor, and
  - through the adoption of flat roof design.
- provision of a comprehensive landscaping scheme for the entire site, prepared in consideration of the streetscape and surrounding locality, incorporating both native and endemic species. The landscaping scheme will provide substantial shrub and tree planting along the front, side and rear boundaries, to improve the landscape setting and aide in assimilation of the development into the streetscape and surrounding locality. The landscaping will provide screening and a sense of separation between the subject development and neighbouring development, and in combination with the retention of existing mature trees, will enhance the appearance of both the site and streetscape, softening and buffering the visual impact of the development.
- provision of fencing that is appropriately located and designed (materials/height etc.), and common in the surrounding area.
- incorporation of open balconies and private open space areas in the frontage to actively address and activate the streetscape at a pedestrian level providing a sense of interaction with the street, common in lower density streetscapes. This will be further enhanced through the provision of multiple pedestrian entries to the site and the setting back of fencing from the front boundaries along sections of the development frontage.
- the development will not result in the loss, or disruption of any views. The site and surrounding area sits within gently undulating terrain, where no unique vistas dominate, or are required to be preserved.
- as there is no development opposite the site and only the railway line and associated sound attenuation wall, the streetscape of Wellington Road is open in nature and therefore the focussing of the higher portion of the development toward the front of the site will not result in an overbearing visual impact on the street. Furthermore, the high-quality contemporary architectural design proposed, including the articulation of the front façade and the proposed landscaping will provide a visually pleasing outlook from the rail corridor.

#### **2.2.2.2 Objectives of the R3 Medium Density Residential zone**

The site is identified within the *R3 Medium Density Residential* zone under the CBLEP 2023. The objectives of the R3 zone are addressed below:

##### *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.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.*
- *To ensure suitable landscaping in the medium density residential environment.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

The proposed development's non-compliant height raises no inconsistencies with the objectives of the R3 zone. For example, the development provides for the housing needs of the community in a medium density residential environment, offering a diversity of housing types, including 1 and 2 bedroom units, with 2 of the units being *adaptable* and 18 achieving a *Silver Level Liveability* rating. The development is proposed in direct response to the community's immediate need for social and affordable housing in the Canterbury Bankstown LGA.

The development will not hinder the ability of surrounding lands to be developed for the purposes of providing facilities or services to meet the day to day needs of residents.

At the front of the site the 4-storey building has been designed so that the top floor is stepped in from the lower storey front and side façades. This has allowed for increased separation from adjoining properties and the front boundary, minimising the impact of the building height on adjoining properties and the streetscape and allowing an appropriate transition in scale from the subject site to the adjoining properties. In addition, open style balconies have been incorporated along the front façade which further reduces the scale of the building on the streetscape by pushing the solid elements further back from the front of the site. Whilst to the rear of the site the building height of the second building has been limited to 2 storeys to ensure no amenity impacts to adjoining properties and to allow for an appropriate transition in scale from the subject site to the lower density adjoining properties to the rear.

A Landscaping Plan (**Appendix A** of the SEE) has been designed in accordance with the ADG Objectives found in 4O.1-2. The provision of this plan also generally satisfies the requirements the CBDP and the associated Landscape Guide. This design has incorporated 272m<sup>2</sup> (19% of the site area) of deep soil zone and dedicates 26% (376m<sup>2</sup>) of the site to soft landscaping. The landscape design utilises a diverse range of plantings, (including waterwise, locally endemic and native species) to create desirable microclimates across the site, increase biodiversity, provide privacy to and within the development and to adjoining properties and to soften the visual impact of the buildings in the streetscape and locality. Whilst paved areas, communal seating and a pergola area will allow for passive communal interactions in an attractive and inviting setting. Pedestrian pathways and ramps will allow for accessible and practical pedestrian circulation within the site.

The development is located in an accessible location that will maximise public transport patronage and encourage walking and cycling. The site is ideally located within convenient walking distance to the Sefton Train Station and bus stops and Chester Hill Train Station and their Local Centres. Specifically, it is located approximately 260m west of the Sefton Train Station and local town centre (B2 Local Centre Zone) which contains services and facilities such as grocery stores, butchers, medical centre, pharmacy, NDIS approved health services such as physiotherapy, occupational therapy, podiatry etc, hairdresser, and cafes.

Whilst additional facilities and services are located 730m northwest of the site in the Chester Hill central business district (B2 Local Centre Zone), including Post Office, banks, supermarkets, retail shops, dentist, accountant and solicitors.

The buildings, and development overall, are of a contemporary architectural design that is consistent with bulk, height, scale and setbacks of other modern residential flat building developments in the surrounding locality and which is consistent with the desired future character of the locality. The development has been carefully designed in consideration of its surrounding context and has resultantly minimised any potential for adverse impacts on the adjoining properties or the surrounding locality whilst maximising a high quality of amenity for the future occupants. Furthermore, the development has been designed to maximise sustainability through, achievement of good thermal performance, solar access, natural ventilation, energy and water efficiency, rainwater reuse and the provision of rooftop solar panels.

### 2.2.2.3 Site Compatibility Certificate

The Site Compatibility Certificate (SCC) certified that the development:

- *is compatible with the surrounding land uses having regard to the matters specified in clause 39(6), 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 unacceptable environmental risks to the land*

Despite the maximum building height development standard variation, the development has been able to be designed to ensure compliance with the specific requirements of Schedule 2 of the SCC being:

- (1) *The proposed development is to be configured to ensure a transition in height between the adjoining properties. Higher built form should be setback from Wellington Road, stepping down in height towards the adjoining properties and the low density residential zone to the rear of the site.*
- (2) *The proposed development 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.*

### 2.2.2.4 Relevant legislation, plans and strategies

In response to rising housing costs and a decline in housing affordability, the NSW Government amended the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 1999 to make 'provision and maintenance of affordable housing' a specific objective of the EP&A Act:

- (d) *to promote the delivery and maintenance of affordable housing.*

The proposed development is consistent with the Objects of the Act as it will provide affordable housing, which has been designed to be consistent with the intent of the state and local planning controls and environmental legislation. It will make best use of existing urban land and infrastructure and will support the social and economic wellbeing of the Canterbury Bankstown Local Government Area

The development provides for social housing and is therefore consistent with the NSW Government's plan *Future Directions for Social Housing in NSW*, the *Greater Sydney Region Plan 2018*, and the *South District Plan 2018*.

Furthermore, development of the subject site for the purposes of affordable (social) housing will assist Council in satisfying several of the key Evolutions of the *City of Canterbury Bankstown Connective City 2036 (Local Strategic Planning Statement)* including; *Evolution 6 Urban and Suburban Places*, *Housing the City*, *Evolution 8 Design Quality*, and *Evolution 9 Sustainable and Resilient Places*.

The proposed development is also considered to be consistent with the objectives of the *Canterbury Bankstown Housing Strategy 2020* and will assist Canterbury Bankstown Council in the achievement of the *Strategy's* Strategic Directions such as the efficient redevelopment of existing urban land in order to provide additional affordable (social) housing in a mix of dwelling types in an accessible location, close to frequent public transport, employment opportunities, services and community facilities. Supporting the *Strategy's* aims to focus at least 80% of new dwellings within walking distance of centres and places of high amenity. The proposed development will also assist Council to achieve its housing targets in the Canterbury Bankstown LGA by reducing the gap between the modelling yield and the net target of 25,000 dwellings by 2026 /50,000 dwellings by 2036.

The proposed development will provide housing to meet the needs of the community, assisting Homes NSW in meeting its significant, long-standing and continually growing demand for social housing in the City of Canterbury Bankstown local government and surrounding areas. For example, as noted above, in July 2024, the NSW Communities and Justice's publically available figures for social housing waitlist times confirmed there were over 57,700 households on the waiting list for social housing in NSW. In the Bankstown Allocation Zone, in which the site is located, the waiting list for social housing is approximately 2,450 households with

the wait time for 1-bedroom / studio apartment between 5 – 10 years, and 2-bedroom units 10 + years. It further noted that there were over 320 applicant households on the priority housing list.

## **2.3 Procedural Requirements**

The procedural requirements of Clause 4.6 of CBLEP 2023 are addressed below:

### **Clause 4.6(2)**

Clause 4.6(2) states that *“this clause does not apply to a development standard that is expressly excluded from the operation of this clause”*.

*Clause 4.3 Height of buildings* of the CBLEP 2023 is not expressly excluded from the operation of Clause 4.6, and therefore, variation to the maximum floor space ratio can be considered under this clause.

### **Clause 4.6(4)**

Clause 4.6(4) states that *“The consent authority must keep a record of its assessment carried out under subclause (3).”*



### 3 THE LAND AND ENVIRONMENT COURT PRINCIPLES/TESTS

*Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* is discussed below and addresses the correct approach to consider Clause 4.6 requests, see **Section 3.1**.

Two landmark cases articulate the Court's view on reasonable arguments for, and assessment of, requests for exceptions to development standards. These are discussed further below at **Section 3.2** and **Section 3.3**.

#### 3.1 Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118

In his decision in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118*, Chief Justice Preston clarified the correct interpretation of Clause 4.6 requests. A Cl 4.6 request must:

- Adequately address the matters required by subclause (3) – that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Cl 4.6(3)(a)), and
- that there are sufficient environmental planning grounds to justify contravening the development standard (Cl 4.6(3)(b)); and

These matters are addressed below.

With respect to the subject site, compliance with the 10m height of buildings development standard is considered unnecessary in this case because the proposed development complies with the objectives of the subject development standard (*Clause 4.3 Height of buildings*). The objectives of the development standards are addressed at **Section 2.2** above. Refer also to the five tests under *Wehbe v Pittwater Council* at **Section 3.2** below.

The development is considered to have sufficient environmental planning grounds given the development is permissible with consent by virtue of a Site Compatibility Certificate, enables Homes NSW to address severe housing shortages and deliver greater housing choices to those in need. The development will be in the public interest because it is consistent with the objectives of the R3 zone and achieves the objectives of the subject development standard. The proposed development has been designed to minimise any conflict with the adjoining properties such as overshadowing, privacy, sunlight, noise and view impacts. Refer to **Section 2.2** above.

The case also identifies that the outcome of the breach to a development standard does not necessarily need to be a *neutral* or *better* outcome, if the relevant environmental planning grounds to assess it against do not require such.

#### 3.2 Wehbe v Pittwater Council (2007) NSW LEC 827

In his decision in *Wehbe v Pittwater Council (2007) NSW LEC 827*, Chief Justice Preston expressed the view that there are five different ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. The five tests are considered in the table below.

|  |   |
|--|---|
| i. <i>The objectives of the standards are achieved notwithstanding non-compliance with the standard</i>                                      | The proposed development complies with the objectives of <i>Clause 4.3 Height of buildings</i> . The objectives of the standard are addressed at <b>Section 2.2</b> above.            |
| ii. <i>The underlying objectives or purposes of the standard are not relevant to the development and therefore compliance is unnecessary</i> | The underlying objectives of the standard are relevant to the development. However, as provided in this request, compliance with the standard is considered unnecessary in this case. |

|  |   |
|--|---|
| iii. <i>The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable</i>  | The underlying objective or purpose of the standard would not be defeated or thwarted if compliance was required. |
| iv. <i>The development standards have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standards and hence compliance with the standard is unnecessary and unreasonable; and</i>   | This exception to development standards request does not rely on this reason.                                     |
| v. <i>The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.</i> | This exception to development standards request does not rely on this reason.                                     |

### 3.3 Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46

The exception to development standard request is assessed below against the accepted test for the assessment of development standard variation established by *Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46*.

|   |  |
|---|--|
| a) Are the planning controls in question a development standard?  | Yes, Clause 4.3 of the CBLEP 2023 is a development standard.   |
| b) What is the underlying object or purpose of the standards?   | The objectives of the standard are addressed at <b>Section 2.2</b> above.  |
| c) Is compliance with the development standards unnecessary or unreasonable in the circumstances of the case?   | <b>Sections 2.2</b> and <b>3</b> demonstrate that compliance is unnecessary and unreasonable.  |
| d) Is compliance with the development standards consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standards tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979? | As demonstrated in <b>Section 2</b> , compliance with the standard would be inconsistent with the objectives of Clause 4.6 and would hinder the attainment of the objects of the Act as discussed in <b>Sections 2, 3</b> and <b>4</b> of this request.                          |
| e) Is the objection well founded?   | The objection is well founded on the grounds that the non-compliance: <ul style="list-style-type: none"> <li>– Enables the delivery of greater housing choices to those in the community that are most in need,</li> <li>– Allows for the delivery of an additional 4</li> </ul> |

|  |  |
|--|--|
|  | <p> dwellings than would otherwise be achievable, therefore providing critical infrastructure,</p> <ul style="list-style-type: none"><li>– Is required to address the housing supply crisis and the long waiting list for social housing,</li><li>– Has been demonstrated not to raise any issues of State or Regional planning significance,</li><li>– Achieves the objects of the EP&amp;A Act and will provide positive social impacts to the City of Canterbury Bankstown Local Government Area, and</li><li>– Enables a development that reflects the changing character of the locality without significant environmental impacts on the use and enjoyment of adjoining land uses, such as overshadowing, privacy, sunlight, noise and view impacts.</li><li>– It has been demonstrated that the proposed scheme has similar, or better visual and amenity outcome to a compliant multi-dwelling scheme on the site.</li></ul> |
|--|--|

## 4 CONCLUSION

The development proposes to vary Clause 4.3 *Height of buildings* development standard in CBLEP 2023 which sets a maximum permissible height of 10m. The development proposes a maximum height of 13.34m, which results in a 33.4% / 3.34m variation to the development standard. The additional height allows Homes NSW to deliver an extra storey within the development, comprising 4 units (4 x 1-bedroom dwellings). The additional dwellings will assist Homes NSW in meeting its significant, long-standing and continually growing demand for social housing in the City of Canterbury Bankstown local government area.

The proposed development, with a non-compliant building height, will not result in a built form that will be out of character with surrounding residential development. The additional 3.34m in building height does not give rise to any significant adverse impacts upon the surrounding natural or built environment, and as particularly relevant to the increased height request, the development does not give rise to any significant adverse overshadowing or overlooking impacts to adjoining neighbours. A comparison exercise has been undertaken which demonstrated that a 3-storey townhouse scheme on the site with a compliant height would generate the same, or worse amenity outcomes than the proposed scheme.

The development is otherwise generally compliant with relevant Local and State planning controls and Strategic Planning Framework.

Owing to the nature of the variation, the public benefit of an additional 4 dwellings that will result from the increased height, the absence of any adverse unacceptable impacts upon the surrounding natural or built environment, that the variation to Council's building height control is justified.

The proposed height is supported on environmental planning grounds and is in the public interest, as outlined in this report and as such in this instance compliance with the development standard is considered unnecessary and unreasonable.

It is therefore considered that the variation to the height of buildings development standard at 175-177 Wellington Road, Sefton does not undermine the objectives of the development standard or the zone. Despite the non-compliance, the development will provide a high quality of amenity for future tenants without any discernible internal or external impacts. Council is therefore requested to exercise its flexibility under Clause 4.6 by recommending approval for the proposed development.



**Request to vary Clause 4.4 Floor Space Ratio development  
standard in Canterbury Bankstown Local Environmental Plan 2023  
in accordance with Clause 4.6**

**Accompanying a development application for a  
Residential Flat Building Development**



**at**

**175-177 Wellington Road, Sefton NSW 2162  
Lots 1 & 2 in DP 35610**

**January 2025**

Published by Homes NSW  
[www.nsw.gov.au/homes-nsw](http://www.nsw.gov.au/homes-nsw)  
First published: August 2024  
Department reference number: D24/2362277

ABN 24 960 729 253

## **Copyright and disclaimer**

This document may only be used for the purposes associated with the development application it supports to the extent authorised under the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, for the express purposes set out under that legislation, and may not otherwise be copied, reproduced, distributed or used without the written permission of the authors.

## EXECUTIVE SUMMARY

Homes NSW (Land and Housing Corporation) requests that the City of Canterbury Bankstown Council recommend approval to the proposed development at 175-177 Wellington Road, Sefton, despite the proposed development contravening the *Floor Space Ratio* development standard within Clause 4.4 of the *Canterbury Bankstown Local Environmental Plan 2023* (CBLEP 2023).

The request is reasonable and justified in that compliance with the standard is unreasonable or unnecessary on the grounds that:

- There are sufficient environmental planning grounds to justify the contravention of the development standard, namely the provision of more social housing/affordable housing in an accessible location consistent with the NSW Government's plan *Future Directions for Social Housing in NSW*, the *Greater Sydney Region Plan 2018*, the *South District Plan 2018*, the City of Canterbury Bankstown Council's *Local Strategic Planning Statement (LSPS) - Connective City 2036*, Council's *Housing Strategy* and Council's *Affordable Rental Housing Strategy* and consistency with the relevant objectives of the development standard under CBLEP 2023;
- The proposed development is in the public interest, as the objectives of the land use zone and the standards are both achieved notwithstanding the non-compliance;
- The contravention achieves a better outcome for the development and the community without significant environmental impact by providing more social housing, better utilisation of well-located land, efficient use of existing serviced urban land; and
- The request satisfies the tests set by the Land and Environment Court for the justification and assessment of variations to development standards.

The extent of variation sought to the *Floor Space Ratio* development standard in Clause 4.4 of CBLEP 2023 (0.75:1) is 29.3% (0.97:1) which is equivalent to 318m<sup>2</sup> of gross floor area (GFA).



## 1 INTRODUCTION

### 1.1 Site Description

The site is located at 175-177 Wellington Road, Sefton, and is legally described as Lots 1 & 2 in DP 35610. It is located within the City of Canterbury Bankstown Local Government Area (LGA). The development site has a total area of 1,446m<sup>2</sup>. The site is rectangular in shape and has a 31.59m frontage to the southern side of Wellington Road.

### 1.2 Proposed Development

Homes NSW (Land and Housing Corporation) proposes the construction of a 4-storey residential flat building with basement and a 2-storey residential flat building, comprising a total of 20 dwellings, basement car parking for 9 vehicles, associated landscaping and tree removal and consolidation of land into a single lot.

### 1.3 Permissibility

The site is zoned R3 Medium Density Residential (R3) under the CBLEP 2023. The R3 zone does not permit Residential Flat Buildings; however the site is subject to a Site Compatibility Certificate (SCC) (**Appendix F** of SEE) which was issued on 18 February 2022 pursuant to Clause 39(5) of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) for the construction of two residential flat buildings on the subject land. The Certificate certifies that the development:

- *is compatible with the surrounding land uses having had regard to the matters specified in clause 39(6), 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 unacceptable environmental risks to the land.*

The concept plans on which the Site Compatibility Certificate was based are very similar in scale, height, density and layout as that currently proposed.

### 1.4 Nature of Non-Compliance and Authority to Vary Development

The development is proposed with a floor space ratio (FSR) of 0.97:1. This exceeds the maximum permissible FSR of 0.75:1 prescribed in Clause 4.4 *Floor space ratio* of the CBLEP 2023 by 29.3% or 318m<sup>2</sup> of GFA.

Clause 4.6 of the CBLEP 2023 provides Canterbury Bankstown Council with a degree of flexibility in applying the development standard to the proposed development. This is subject to a written request by the applicant justifying any contraventions and demonstrating that compliance is unreasonable or unnecessary in the circumstance of the case. In addition, the Land and Environment Court, in *Wehbe v Pittwater Council (2007) NSW LEC 827*, *Winten Developments Pty Ltd v North Sydney Council (2001) NSW LEC 46* and *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* has articulated principles and tests regarding the justification for, and assessment of, exceptions to development standards. The proposed development has been assessed against the established principles at **Section 3**.

This request therefore:

- Addresses the matters required to be considered by Council in exercising its discretion to the numerical floor space ratio development standard under the CBLEP 2023;
- Justifies the floor space ratio of the proposed development and demonstrates why compliance with the development standard is unnecessary and unreasonable in this case in terms of the objectives of the standard and the zone, as well as the tests for assessment established by the Land and Environment Court; and

- Demonstrates why the City of Canterbury Bankstown Council should exercise its discretion by recommending approval to the proposed development, despite a non-compliance with the CBLEP 2023.

## 2 JUSTIFICATION FOR EXCEPTION TO THE DEVELOPMENT STANDARD

Clause 4.6 *Exceptions to development standards* of the CBLEP 2023 provides Council with a degree of flexibility in applying the floor space ratio development standard to the subject development application (Clause 4.6(1)). This is provided that: the standards are not excluded from this discretion (Clause 4.6(2)); particular planning outcomes are achieved (Clause 4.6(3)); and that certain procedural requirements are met (Clauses 4.6(4)).

Each of these matters is addressed below.

### 2.1 Consistency with Objectives of the Clause

Clause 4.6 (1) states:

*“The objectives of this clause are as follows:*

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

The non-compliance with the CBLEP 2023 Floor Space Ratio development standard is driven by the goal of achieving better outcomes for and from the development. The proposed development aims to achieve the objects of the EP&A Act, as follows:

- *To promote the delivery and maintenance of affordable housing*

The delivery of affordable (social) housing to assist in combatting the national housing supply crisis. The provision of additional affordable housing will assist Canterbury Bankstown Council and Homes NSW in achieving the NSW Government’s and Council’s affordable housing targets as outlined in *Future Directions for Social Housing in NSW*, the *Greater Sydney Region Plan 2018*, the *South District Plan 2018* and the *Canterbury Bankstown Council Housing & Affordable Housing Strategies 2020*.

- *To promote the orderly and economic use and development of land*

The orderly and economic use and development of the land by redeveloping existing serviced urban land within close proximity to key transport nodes/corridors and services and facilities with higher residential densities, i.e. the Sefton Train Station and Sefton local centre, consistent with the strategic intent of the NSW Government’s *Transport Orientated Development Program*, the proposed planning reforms outlined in the *Explanation of Intended Effect: Changes to create low-and mid-rise housing*, the *Greater Sydney Region Plan 2018* and the *South District Plan 2018*.

Despite the non-compliance with the standard, the proposed development will have no unacceptable adverse impacts on the amenity of the surrounding development with respect to overshadowing, views, visual impact and privacy.

### 2.2 Matters for consideration

In deciding whether or not to recommend approval, Council is required to satisfy itself that the request for the variation demonstrates that:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances, (Clause 4.6(3)(a)); and
- There are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

These clauses are addressed below.

### 2.2.1 Clause 4.6(3)(a) – Development standard is unreasonable or unnecessary

Clause 4.6 (3)(a) states:

*“(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances,”*

Compliance with the maximum FSR development standard is considered unreasonable and unnecessary given the following circumstances of this case:

- The proposed development achieves the objectives of the FSR development standard and is consistent with the objectives of the zone notwithstanding non-compliance with the standard (see further discussion below in **Section 2.2.2** of this report).
- The FSR variation is necessary to facilitate provision of 20 affordable (social) housing dwellings which will directly support and assist in achieving the aims of the strategic planning framework that is endeavouring to increase affordable housing stock in the Canterbury Bankstown LGA. Strict compliance with the development standard would equate to the loss of approximately 5 dwellings, reducing the yield to 15 dwellings. This would hinder the NSW Government, Homes NSW and the City of Canterbury Bankstown Council from achieving their affordable housing goals and targets and reduce the number of affordable housing dwellings available to the local community unnecessarily.
- There is a considerable public and social benefit arising from the provision of affordable housing. It is considered that the benefit of additional affordable housing allowed by the FSR variation far outweighs any minor perceived impacts associated with non-compliance with the FSR standard, especially in light of the current recognised housing supply crisis. The housing supply crisis in the Canterbury Bankstown LGA is well evidenced:

The City of Canterbury Bankstown Council has identified in their Housing Strategy and Affordable Housing Strategy that *“Housing stress is a significant issue in Canterbury Bankstown, as with many other parts of Greater Sydney, due to comparatively low income to Sydney’s high housing costs. Almost twenty-two thousand households experience housing stress in the city, or 18.6% compared to 11.8% in Greater Sydney. Households on moderate, low or very low incomes and key workers, who spend more than 30 per cent of their income on housing are impacted in their ability to pay for essential items like food, clothing, transport and utilities and are said to be experiencing housing stress.”*

It also notes that in the Canterbury Bankstown LGA there is an *“estimated population of 2,344 people experiencing homelessness (ABS, 2016). It is important that housing choice, particularly for affordable housing, is provided across the city to reduce the risk of vulnerable persons falling into homelessness.”*

Furthermore, in July 2024, the NSW Communities and Justice’s publicly available figures for social housing waitlist times confirmed there were over 57,700 households on the waiting list for social housing in NSW. In the Bankstown Allocation Zone, in which the site is located, the waiting list for social housing is approximately 2,450 households with the wait time for 1-bedroom / studio apartments between 5 – 10 years, and 2-bedroom units 10 + years. It further noted that there were 321 priority applicant households in the Bankstown Allocation Zone.

Recent statistics (February 2024) from Homelessness NSW indicate that the number of people experiencing homelessness are now more alarming than the figures above with the NSW Government stating in response: *“The analysis reveals that the top council areas that have seen increases in homelessness numbers are Inner West and Canterbury-Bankstown Council areas. These are also key areas that the NSW Government is focussed on in supporting increased access to housing.”*

- The non-compliance would not result in any unreasonable environmental or amenity impacts, for example:

Internal & external privacy, amenity & solar access:

The proposed development provides for outcomes which are consistent with the development standards which are relevant to the privacy, amenity and solar access as applicable to both the development site internally and externally.

Impacts associated with the proposed development's FSR standard exceedance upon privacy and amenity within the proposed development and to neighbouring properties are minimal due to careful considered design including: the achievement of required building separation distances; setting back the top floor of the 4 storey building from the front and side façades of the building; offsetting balconies and windows from others within the development and in adjoining properties; the orientation of windows toward the street frontage and public domain, away from neighbouring properties; provision of appropriate fencing, privacy screens, highlight windows and landscaping; and achievement of minimum acoustic standards through the adoption of Acoustic Assessment Report recommendations (**Appendix I** of the SEE).

Similarly, the proposed FSR standard exceedance has not impacted upon the ability of the development or of neighbouring properties, to enjoy good solar access to living areas and private open space areas, with shadow diagrams, (**Appendix A** of the SEE), for the proposed development demonstrating the FSR exceedance has not caused unreasonable loss of solar access to adjoining properties. Nor has it impacted the development's ability to achieve natural and cross ventilation requirements.

Traffic and Car Parking:

The additional 318m<sup>2</sup> of GFA that results in the FSR exceedance, equates approximately to the provision of 5 dwellings. The parking required to cater for the increased yield has been provided and is accommodated within the basement and therefore does not contribute adversely by adding bulk or scale to the development. Specific rates for the provision of carparking for social housing developments are included in the Housing SEPP. Given these rates have been formulated to reflect the very specific and unique car ownership rates and patterns of social housing tenants, which Census data confirms are significantly lower than those of the general population, it has been considered appropriate to apply these rates to this development as Homes NSW (Land and Housing Corporation) is a social housing provider. Accordingly, car parking has been provided at a rate of at least 0.4 parking spaces for each dwelling containing 1 bedroom, and at least 0.5 parking spaces for each dwelling containing 2 bedrooms, in line with the rate applicable for social housing developments within 800m walking distance of a train station. The Traffic & Car Parking Impact Assessment (**Appendix O** of the SEE) confirmed that the proposed development will result only in negligible additional traffic generation compared to existing conditions.

Design Context:

Despite the FSR exceedance, the proposal is considered a good contextual fit on the basis that it is an infill development which will make efficient use of existing serviced urban land and will assist in achieving the provision of additional needed housing in the locality whilst being complementary with the streetscape and consistent with the bulk and scale of nearby residential flat buildings. Furthermore, despite the FSR exceedance the development has been able to be designed to maintain a respectful relationship with the immediately adjoining development by transitioning building heights down gradually to adjoining development (further discussion regarding design methodology can be found in **Appendix G** of the SEE). The Canterbury Bankstown Design Review Panel (DRP) has reviewed the proposed development and commends the scheme for "*achieving a positive and contextually appropriate solution to increase the availability of quality social housing in Sefton.*"

Views:

The development's FSR exceedance will not result in the loss or disruption of any views. The site and surrounding area sits within gently undulating terrain, where no unique vistas dominate, or are required to be preserved.

Infrastructure Capacity:

The documentation submitted in support of the development application demonstrates that despite the FSR exceedance the site will be able to be serviced by:

- all essential services including electricity, telecommunications and reticulated water and sewer;
- the National Broadband Network via Fibre to the Premises technology;
- Council's stormwater system in accordance with Council's requirements; and
- local road network without impact on traffic and parking.

*Pedestrian amenity & access:*

Pedestrian amenity and access will not be impacted by the proposed FSR standard exceedance.

*Visual impact:*

Careful and considered design has minimised the appearance and visual impact of the exceedance of FSR in the development by:

- the stepping back of the uppermost storey from the front and side facades of the building;
- utilising lighter coloured building materials in the lower floors and a darker colour scheme on the upper floor;
- provision of increased articulation to lower floors such as curved screens and contrasting coloured balustrades on balconies and finishes in a variety of materials and colours, whilst a simpler understated design has been employed on the design of the 4th floor;
- through the adoption of flat roof design; and
- ensuring the proposal is considered a good contextual fit on the basis that it is an infill development which supports and reinforces the desire for higher density residential development in the locality. The proposed development is consistent with the streetscape and bulk and scale outcomes envisaged for the area.

Furthermore, as there is no development opposite the site, only the railway line and associated sound attenuation wall, the streetscape of Wellington Road is open in nature and therefore the focussing of the higher portion of the development toward the front of the site will not result in an overbearing visual impact on the street. The high-quality contemporary architectural design proposed, including the articulation of the front façade and the proposed landscaping will provide a visually pleasing outlook from the rail corridor.

*Colours & materials:*

As indicated on the Architectural Plans prepared by ShakeUp Architecture, (**Appendix A**), the proposed development will be finished in contemporary colours and materials complementary to existing development and consistent with the desired future character of the locality.

- *Compliant comparative scheme*

The proposed development generates a similar, or lesser degree of impact than a compliant development on the site. For comparison purposes, a multi-dwelling townhouse scheme designed in accordance with Part 2, Division 1 of the Housing SEPP has been prepared and is provided at **Attachment A**. Each townhouse would contain 3-bedrooms and for the purposes of the comparison exercise it has been assumed that parking will be in a basement. A summary of the key controls applied to the comparison scheme are as follows:

- Height (LEP): 10m
- FSR: 1.25:1 (LEP FSR of 0.75:1 plus Housing SEPP bonus of 0.5:1)
- Setbacks (CBDCA 2023 – Multi-dwelling Housing): 5.5m front setback; 0.9m side setback; 5m rear setback
- Max. number of storeys (CBDCA 2023): 3 storeys for multi-dwelling development
- Private Open Space (CBDCA 2023): 50m<sup>2</sup> per dwelling

- Landscaped area (Housing SEPP): 35m<sup>2</sup> per dwelling / 30% site area
- Deep Soil area (Housing SEPP): 15% site area
- Parking (Housing SEPP): 1-bedroom @ 0.4 spaces; 2-bedroom @ 0.5 spaces; 3-bedroom @ 1 space.

The comparison scheme results in a less favourable distribution of built form across the site, in particular 3-storey development at the rear which would generate additional overshadowing to the proposed RFB scheme and a worse outcome in terms of providing a transition in scale between zone boundaries as required by the Site Compatibility Certificate.

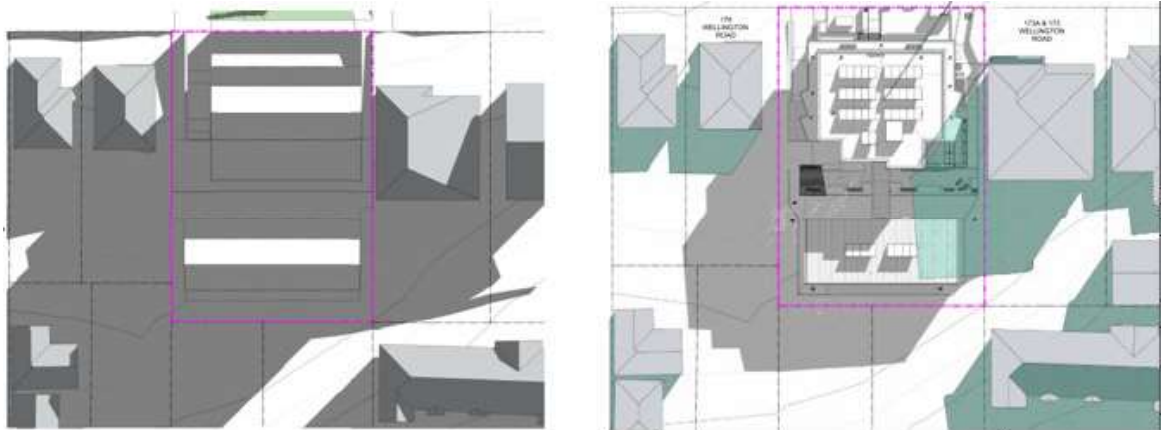
As identified in **Figure 1** to **Figure 3**, an FSR compliant scheme would generate additional mid-winter overshadowing impacts to the proposed scheme from 9am to approximately 1pm, and a similar impact during the afternoon period.

The townhouse scheme has been designed to fit within the maximum allowable FSR but despite this, would result in substantially more building bulk and privacy impacts to adjoining properties due to the reduced side and rear setbacks allowable for this development type.

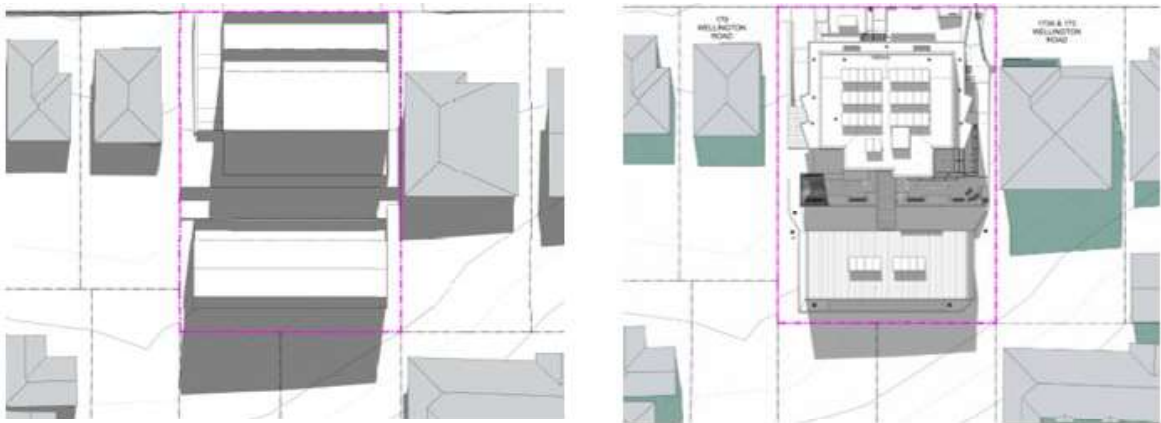
The comparison scheme does not achieve the required yield, providing 8 less units than the proposed RFB scheme which is inconsistent with councils Housing Strategy and Affordable Housing Strategy, and the identified urgent need to delivery affordable housing in the Canterbury Bankstown area.

A 3-bedroom townhouse development does not align with the identified housing demand for NSW LAHC tenants in the Canterbury-Bankstown LGA, which is predominantly for 1 to 2-bedroom units; and provide a much poorer level of accessibility for tenants due to dwellings being split across 3 levels rather than most units being provided with lift access as is in the case in the proposed scheme.

Further to the above, the proposed RFB scheme is of a lesser scale than the recent NSW government announcement regarding changes to housing policy, which envisages small-scale RFB developments of up to 6 storeys in the R3 zone where a site is located close to a transport hub, which is the case for the subject site.



*Figure 1 Comparison scheme (left) and proposed scheme (right) 9am shadow diagram*



*Figure 2 Comparison scheme (left) and proposed scheme (right) 12pm shadow diagram*



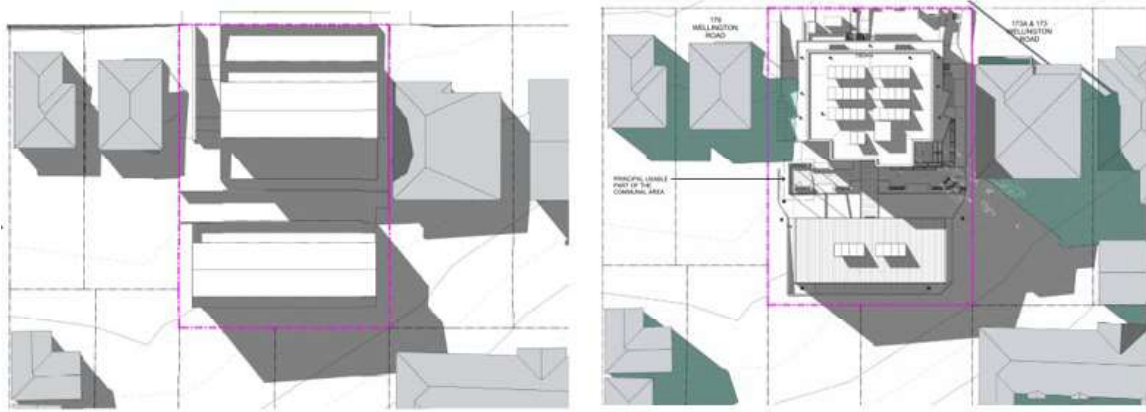


Figure 3 Comparison scheme (left) and proposed scheme (right) 3pm shadow diagram

## 2.2.2 Clause 4.6(3)(b) - Sufficient environmental planning grounds exist to justify the contravention

Clause 4.6 (3)(b) states:

*“(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.”*

It is considered that there are sufficient environmental planning grounds to justify contravening the floor space ratio development standard under the CBLEP 2023. The development is considered to be consistent with:

- The objectives of *Clause 4.4 Floor space ratio*;
- Objectives of the *R3 Medium Density Residential* zone;
- The requirements of the Site Compatibility Certificate; and
- Relevant legislation, plans and strategies

These matters are addressed below.

### 2.2.2.1 Objectives of Clause 4.4 Floor space ratio

(a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,

The proposed development is compatible with the scale and density of existing, and desired future development, in the surrounding area.

Whilst the proposed FSR is higher than the CBLEP 2023 prescribed maximum FSR for the site, it is similar in bulk and scale to other residential flat building developments located nearby to the site, approximately 60m to the north of the site and 100m to the east.

For example, the Figure below (**Figure 4**) provides an analysis of the bulk and scale of the proposed development in comparison with the surrounding locality. This figure in combination with the streetscape analyses in **Figure 5 & Figure 6**, demonstrate that the development at bulk and scale proposed, despite the FSR exceedance, is compatible and consistent with recent and nearby developments in the surrounding area and transitions well in the streetscape context. The bulk of the proposed development is similar to other residential flat buildings located near the site and has been designed to transition down in scale towards the lower density development to the rear by restricting the height of the building at the rear to 2-storeys.

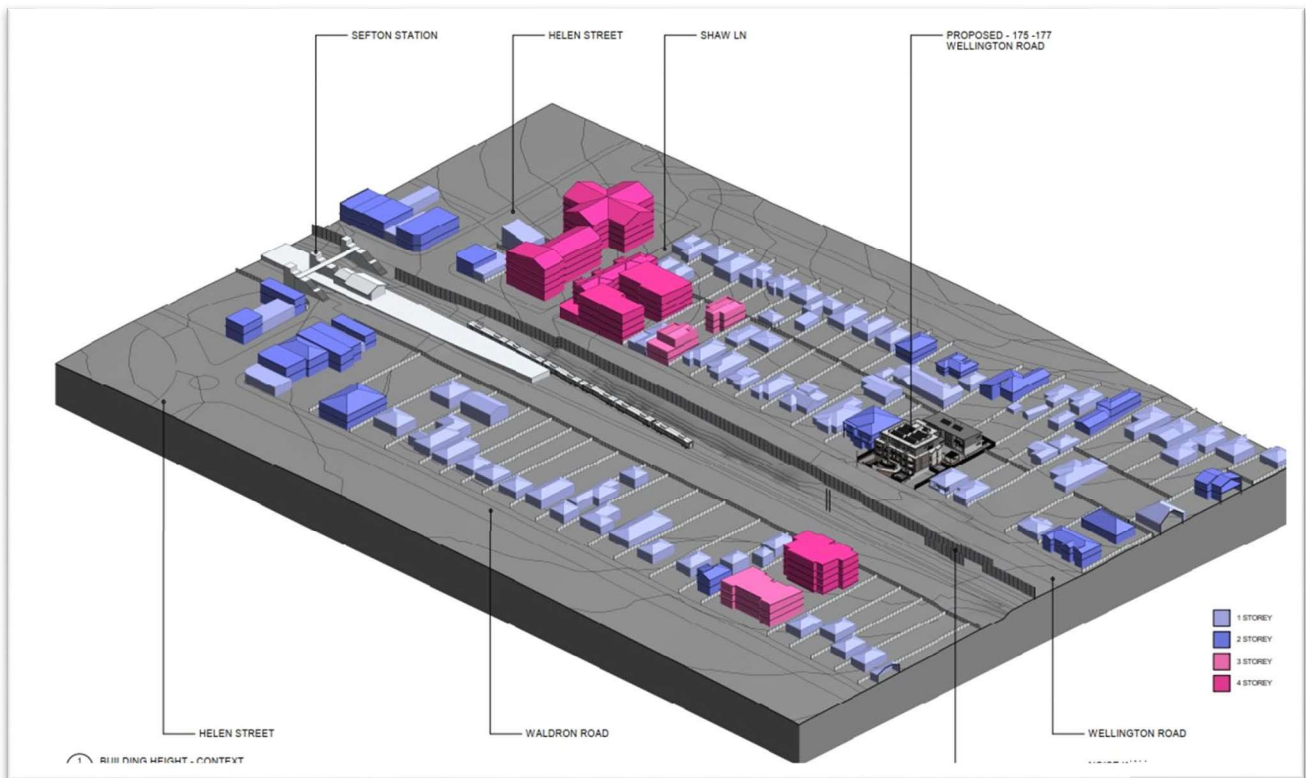
The proposed 2-storey building at the rear of the site allows for a gentle transition from the 4-storey element of the building at the front of the site to the lower density development at the rear of the site. Dividing the

development into two separate buildings, instead of one larger building, has further minimised the impact of bulk and scale on the surrounding residential neighbourhood and allowed the development to replicate the bulk and scale of surrounding buildings.

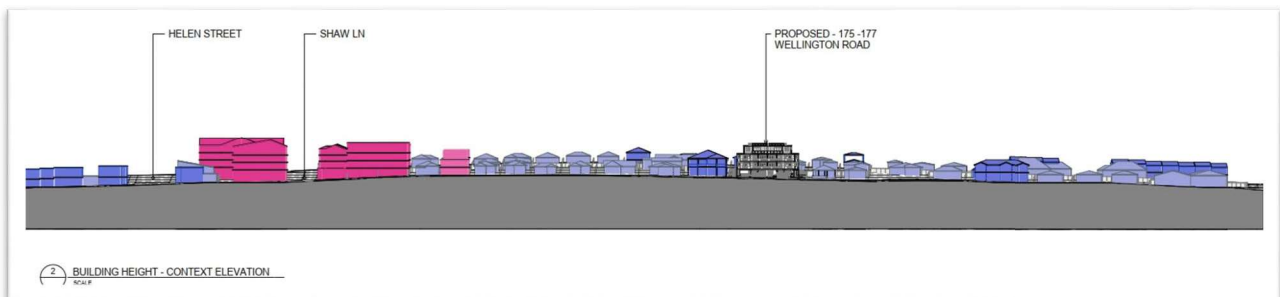
The development has also been designed to minimise any adverse amenity effects on adjoining properties and the public domain. This has been achieved through:

- the adoption of building setbacks and heights that do not result in any unreasonable adverse overshadowing onto adjoining properties. Refer to the Shadow Diagrams provided, in **Appendix A** of the SEE.
- adoption of appropriate building setbacks and considered dwelling layouts, including the careful placement and sizing of window/door openings, inclusion of highlight windows and balconies/courtyards with screens/fencing, and the positioning of private open space areas, to ensure no unacceptable overlooking.
- adoption of recommended indicative treatments, as recommended in the acoustic assessment, to control noise impacts at external receivers, refer to **Appendix I** of the SEE.
- provision of landscape plantings along common boundary lines, providing screening and a sense of separation between the subject site and neighbouring development. Refer to the Landscape Plans provided in **Appendix A** of the SEE.
- development of high quality architecturally designed buildings, where building form, design and siting relates to the topography of the site, the adoption of low roof profiles and staggering and modulation of elevation alignments have minimised the impact of the bulk and scale of the buildings on the streetscape and adjoining properties.
- provision of fencing that is appropriately located and designed with materials and heights that will be effective in maximising privacy for both the development internally and to neighbouring properties.

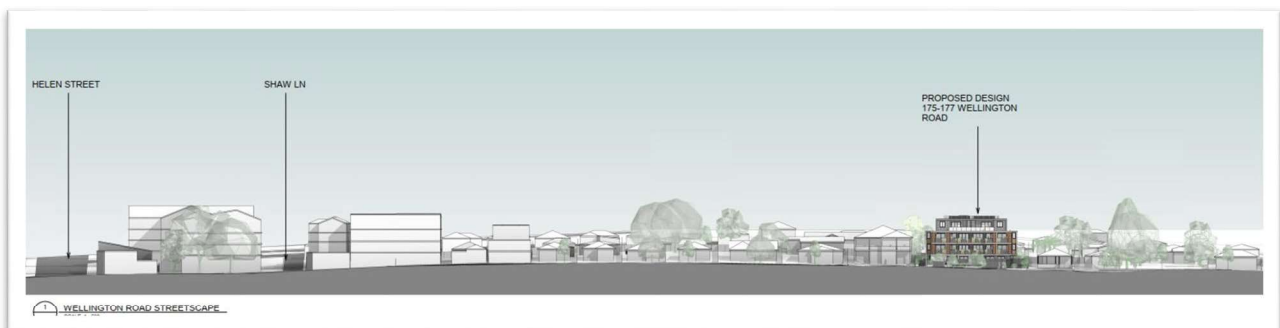
Further demonstration of the buildings' appropriate bulk and scale is evidenced through the Neighbour Views shown in the Architectural Plans in **Appendix A** of the SEE.



**Figure 4: Analysis of building densities surrounding the site**

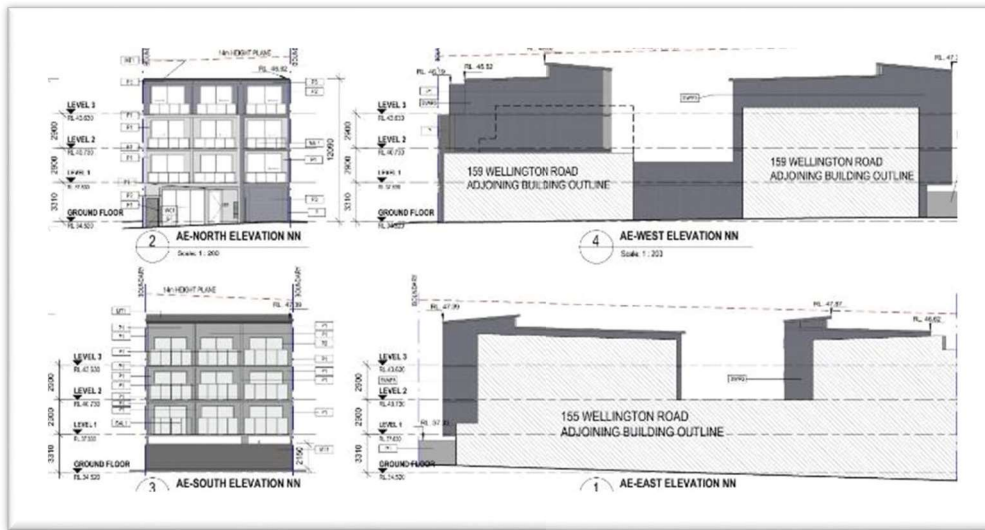


**Figure 5: Extract Architectural Plans: Street Context Elevation**



**Figure 6: Extract Architectural Plans: Street Elevation**

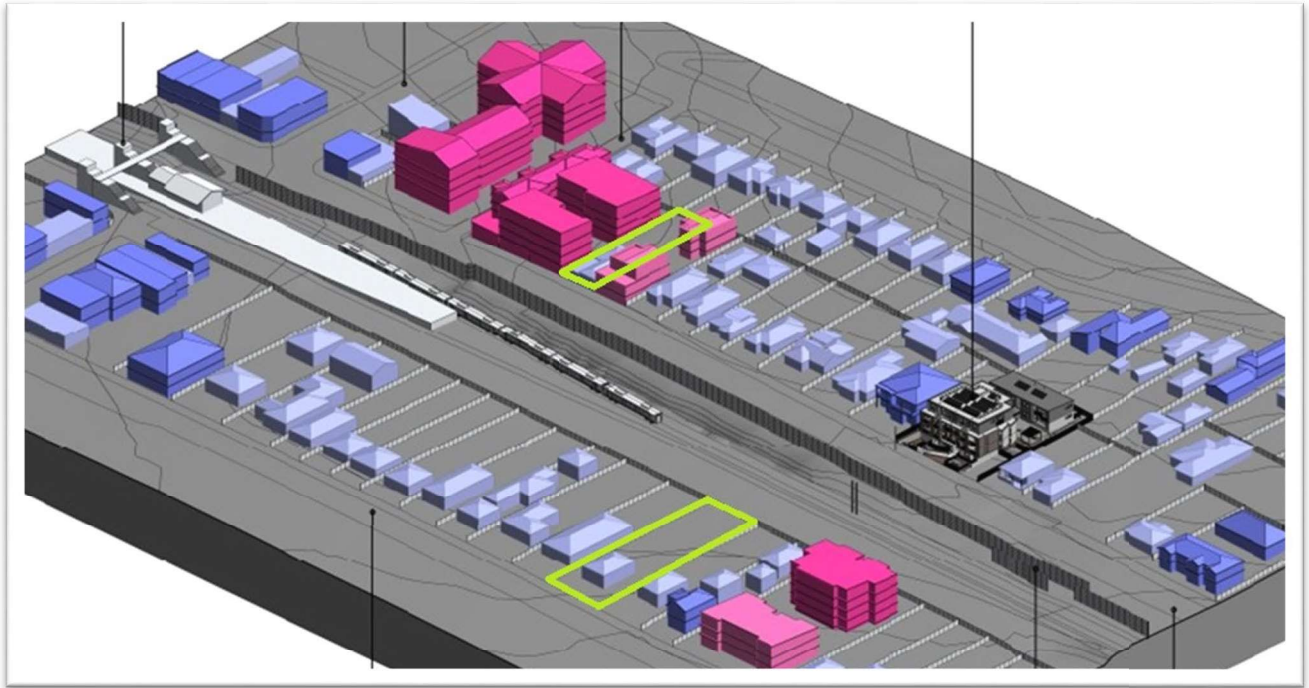
It should also be noted that in addition to the analysis above (**Figure 4**) two other development applications have been approved for 4-storey buildings in the immediate vicinity. For example, at 157 Wellington Road, 120m east of the site, and at 29 Waldron Road, 65m north of the site, refer to **Figures 4-6** below, with a locality plan found in **Figure 6**. This further reinforces the areas' transition toward increased height and density development.



**Figure 7: Example of 4 storey development approved at 157 Wellington Rd.**



**Figure 8: Example of 4 storey development approved at 29 Waldron Rd.**

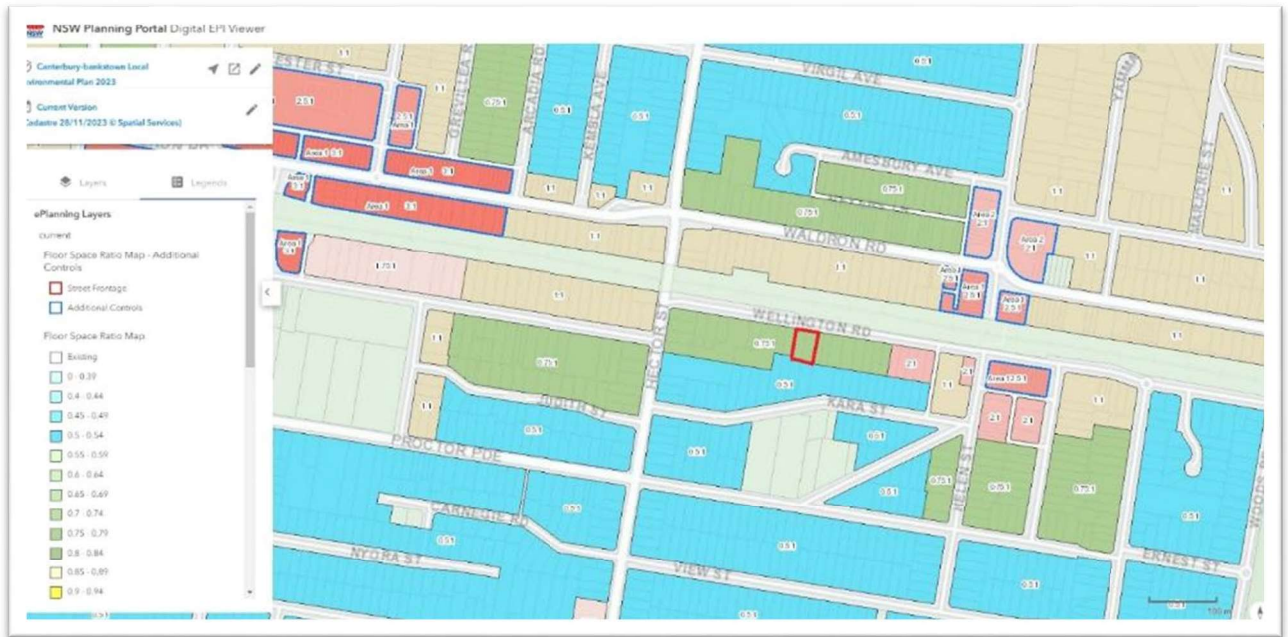


*Figure 9: Analysis of building scale surrounding the site 4 storey developments with DA approvals highlighted in green*

The bulk and scale of the proposed development is also compatible with the desired future development in the surrounding area, which is identified for the purposes of higher density residential developments, such as that proposed.

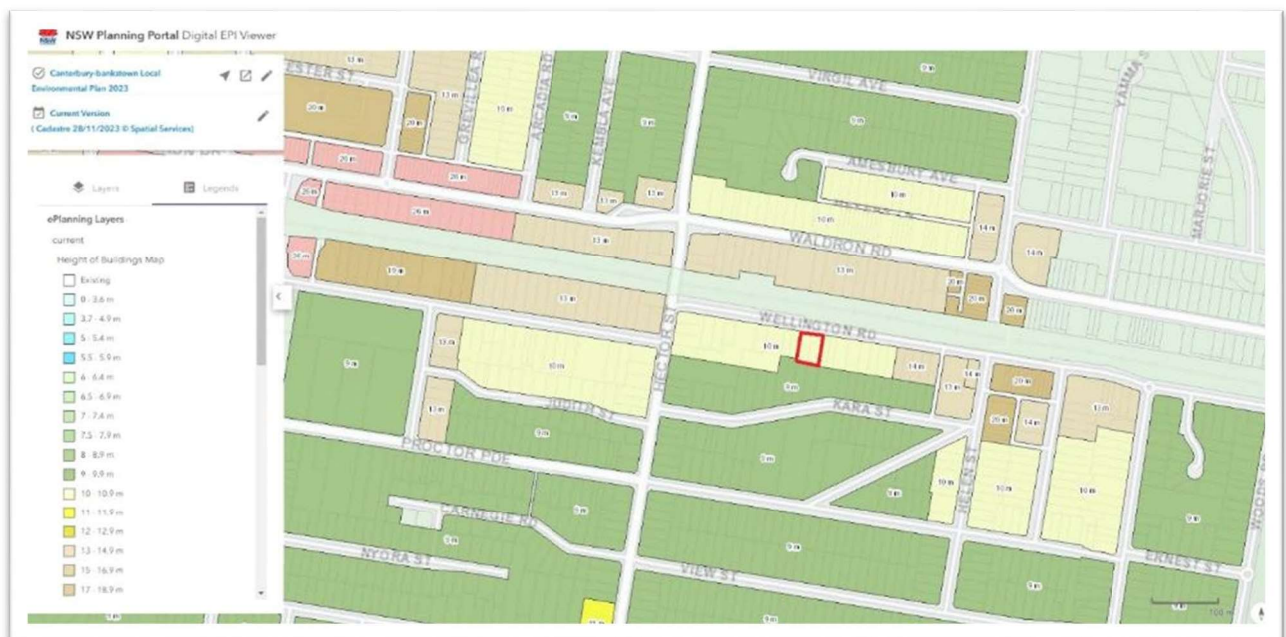
Following a review of the CBLEP 2023 zoning and height of buildings maps, refer to **Figure 10** & **Figure 11** below, it is clear that the desired future character for the area is for higher density development than that which currently exists. Much of the lower density housing stock in the immediate area is older, and close to reaching the end of its lifespan, becoming economically unviable to maintain. Given the age of the dwellings and the demand for increased housing, these properties will likely be demolished in the future and replaced with newer, modern, higher density forms of residential development. The 0.75:1 FSR and 10m height limit will encourage this redevelopment and over time as this occurs the height and scale difference between the proposed development on the subject site and other developments in the streetscape will be further reduced. Furthermore, only 100m to the east of the site FSR and building height limits are further increased, with permissible heights of between 13-20m and FSRs of between 1:1-2.5:1. Whilst 60m to the north of the site and 200m to the west, density limits increase to 1:1 FSR and a 13m building height limit. In the context of these controls the proposed development will transition seamlessly into the streetscape and with surrounding development.





**Figure 10: Extract of Floor Space Ratio Map**

(Source: Canterbury Bankstown LEP)



**Figure 11: Extract of Height of Buildings Map**

(Source: Canterbury Bankstown LEP)

The documentation submitted in support of the development application demonstrates that despite the FSR exceedance the site will be able to be serviced by:

- all essential services including electricity, telecommunications and reticulated water and sewer;
- the National Broadband Network via Fibre to the Premises technology;
- Council's stormwater system in accordance with Council's requirements; and
- local road network without impact on traffic and parking.

(b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone.

Not applicable in this instance – residential development is proposed.

(c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.

Not applicable in this instance – site not within a commercial centre.

(d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic.

The development's proposed FSR is appropriate to the site as the documentation submitted in support of the development application (refer to SEE & its Appendices), demonstrate that despite the FSR exceedance the site will be able to be serviced by:

- all essential services including electricity, telecommunications and reticulated water and sewer;
- the National Broadband Network via Fibre to the Premises technology;
- Council's stormwater system, in accordance with Council's requirements;
- regular public transport services, notably the Sefton Train Station and bus stops, approximately 260m east of the site;
- shops, services and facilities, all within less than 500m walking distance of the site; and
- local road network without impact on traffic and parking.

(e) to provide a suitable balance between landscaping and built form in residential areas.

Despite the proposed FSR exceedance the development still achieves the required applicable landscaping requirements.

A Landscaping Plan, prepared by a qualified Landscape Architect, has been designed in accordance with the ADG criteria and Objectives found in 40.1-2. The provision of this plan also generally satisfies the requirements of the Canterbury Bankstown Development Control Plan (CBDCP) and the associated Landscape Guide.

This design has incorporated 272m<sup>2</sup> (19% of the site area) of deep soil zone and dedicates 26% (376m<sup>2</sup>) of the site overall to soft landscaping.

The landscape design utilises a diverse range of plantings, (including waterwise, locally endemic and native species) to create desirable microclimates across the site, increase biodiversity, provide privacy to and within the development and to adjoining properties, and to soften the visual impact of the buildings in the streetscape and locality. Whilst paved areas, communal seating and a pergola area will allow for passive communal interactions in an attractive and inviting setting. Pedestrian pathways and ramps will allow for accessible and practical pedestrian circulation within the site.

#### **2.2.2.2 Objectives of the R3 Medium Density Residential zone**

The site is located within the *R3 Medium Density Residential* zone under the CBLEP 2023. The objectives of the R3 zone are addressed below:

##### *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.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.*
- *To ensure suitable landscaping in the medium density residential environment.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

The proposed development's non-compliant FSR raises no inconsistencies with the objectives of the R3 zone. For example, the development provides for the housing needs of the community in a medium density residential environment, offering a diversity of housing types, including one and two bedroom units, with two of the units being *adaptable* and 18 achieving a *Silver Level Liveability* rating. The development is proposed to directly address the community's immediate need for social and affordable housing in the Canterbury Bankstown LGA.

The development will not hinder the ability of surrounding lands to be developed for the purposes of providing facilities or services to meet the day to day needs of residents.

At the front of the site the 4-storey building has been designed so that the top floor is recessed from the lower storey front and side façades. This has allowed for increased separation from adjoining properties and the front boundary, minimising the impact of the building bulk on adjoining properties and the streetscape and allowing an appropriate transition in scale from the subject site to the adjoining properties. In addition, open style balconies have been incorporated along the front façade which further reduces the scale of the building on the streetscape by pushing the solid elements further back from the front of the site. Whilst to the rear of the site the building height of the second building has been limited to 2-storeys to ensure no amenity impacts to adjoining properties and to allow for an appropriate transition in scale from the subject site to the lower density adjoining properties to the rear.

A Landscaping Plan (**Appendix A** of the SEE) has been designed in accordance with the ADG Objectives found in 4O.1-2. The provision of this plan also generally satisfies the requirements the CBDP and the associated Landscape Guide. This design has incorporated 272m<sup>2</sup> (19% of the site area) of deep soil zone and dedicates 26% (376m<sup>2</sup>) of the site to soft landscaping. The landscape design utilises a diverse range of plantings, (including waterwise, locally endemic and native species) to create desirable microclimates across the site, increase biodiversity, provide privacy to and within the development and to adjoining properties, and to soften the visual impact of the buildings in the streetscape and locality. Whilst paved areas, communal seating and a pergola area will allow for passive communal interactions in an attractive and inviting setting. Pedestrian pathways and ramps will allow for accessible and practical pedestrian circulation within the site.

The development is located in an accessible location that will maximise public transport patronage and encourage walking and cycling. The site is ideally located within convenient walking distance to the Sefton Train Station and bus stops and Chester Hill Train Station and their local village centres. Specifically, it is located approximately 260m west of the Sefton Train Station and local town centre (B2 Local Centre Zone) which contains services and facilities such as grocery stores, butchers, medical centre, pharmacy, NDIS approved health services such as physiotherapy, occupational therapy, podiatry, hairdresser, and cafes.

Whilst additional facilities and services are located 730m northwest of the site in the Chester Hill central business district (B2 Local Centre Zone), including Post Office, banks, supermarkets, retail shops, dentist, accountant and solicitors.

The buildings, and development overall, are of a contemporary architectural design that is consistent with bulk,

height, scale and setbacks of other modern residential flat building developments in the surrounding locality and which is consistent with the desired future character of the locality. The development has been carefully designed in consideration of its surrounding context and has resultantly minimised any potential for adverse impacts on the adjoining properties or the surrounding locality whilst maximising a high quality of amenity for the future occupants. Furthermore, the development has been designed to maximise sustainability through, achievement of good thermal performance, solar access, natural ventilation, energy and water efficiency, rainwater reuse and the provision of rooftop solar panels.

#### **2.2.2.3 Site Compatibility Certificate**

The Site Compatibility Certificate (SCC) certified that the development:

- *is compatible with the surrounding land uses having had regard to the matters specified in clause 39(6), 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 unacceptable environmental risks to the land*

Despite the FSR development standard variation, the development has been able to be designed to ensure compliance with the specific requirements of Schedule 2 of the SCC being:

- (1) *The proposed development is to be configured to ensure a transition in height between the adjoining properties. Higher built form should be setback from Wellington Road, stepping down in height towards the adjoining properties and the low density residential zone to the rear of the site.*
- (2) *The proposed development 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.*

#### **2.2.2.4 Relevant legislation, plans and strategies**

In response to rising housing costs and a decline in housing affordability, the NSW Government amended the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 1999 to make 'provision and maintenance of affordable housing' a specific objective of the EP&A Act:

- (d) *to promote the delivery and maintenance of affordable housing.*

The proposed development is consistent with the Objects of the Act as it will provide affordable housing, which has been designed to be consistent with the intent of the state and local planning controls and environmental legislation. It will make best use of existing urban land and infrastructure and will support the social and economic wellbeing of the Canterbury Bankstown Local Government Area.

The development provides for social housing and is therefore consistent with the NSW Government's plan *Future Directions for Social Housing in NSW*, the *Greater Sydney Region Plan 2018*, and the *South District Plan 2018*.

Furthermore, development of the subject site for the purposes of affordable (social) housing will assist Council in satisfying several of the key Evolutions of the *City of Canterbury Bankstown Connective City 2036* (Local Strategic Planning Statement) including; *Evolution 6 Urban and Suburban Places*, *Housing the City*, *Evolution 8 Design Quality*, and *Evolution 9 Sustainable and Resilient Places*.

The proposed development is also considered to be consistent with the objectives of the *Canterbury Bankstown Housing Strategy 2020* and will assist Canterbury Bankstown Council in the achievement of the *Strategy's* Strategic Directions such as the efficient redevelopment of existing urban land in order to provide additional affordable (social) housing in a mix of dwelling types in an accessible location, close to frequent public transport, employment opportunities, services and community facilities. Supporting the *Strategy's* aims to focus at least 80% of new dwellings within walking distance of centres and places of high amenity. The proposed development

will also assist Council to achieve its housing targets in the Canterbury Bankstown LGA by reducing the gap between the modelling yield and the net target of 25,000 dwellings by 2026 /50,000 dwellings by 2036.

The proposed development will provide housing to meet the needs of the community, assisting Homes NSW in meeting its significant, long-standing and continually growing demand for social housing in the City of Canterbury Bankstown local government and surrounding areas. For example, as noted above, in July 2024, the NSW Communities and Justice's publicly available figures for social housing waitlist times confirmed there were over 57,700 households on the waiting list for social housing in NSW. In the Bankstown Allocation Zone, in which the site is located, the waiting list for social housing is approximately 2,450 households with the wait time for 1-bedroom / studio apartments between 5 – 10 years, and 2-bedroom units 10 + years. It further noted that there were 321 applicant households on the priority housing list.

## **2.3 Procedural Requirements**

The procedural requirements of Clause 4.6 of CBLEP 2023 are addressed below:

### **Clause 4.6(2)**

Clause 4.6(2) states that *“this clause does not apply to a development standard that is expressly excluded from the operation of this clause”*.

Clause 4.4 Floor space ratio of the CBLEP 2023 is not expressly excluded from the operation of Clause 4.6, and therefore, variation to the maximum floor space ratio can be considered under this clause.

### **Clause 4.6(4)**

Clause 4.6(4) states that *“The consent authority must keep a record of its assessment carried out under subclause (3).”*

### 3 THE LAND AND ENVIRONMENT COURT PRINCIPLES/TESTS

*Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* is discussed below and addresses the correct approach to consider Clause 4.6 requests, see **Section 3.1**.

Two landmark cases articulate the Court’s view on reasonable arguments for, and assessment of, requests for exceptions to development standards. These are discussed further below at **Section 3.2** and **Section 3.3**.

#### 3.1 Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118

In his decision in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118*, Chief Justice Preston clarified the correct interpretation of Clause 4.6 requests. A Cl 4.6 request must:

- Adequately address the matters required by subclause (3) – that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Cl 4.6(3)(a)), and
- that there are sufficient environmental planning grounds to justify contravening the development standard (Cl 4.6(3)(b)); and

These matters are addressed below.

With respect to the subject site, compliance with the 0.75:1 FSR development standard is considered unnecessary in this case because the proposed development complies with the objectives of the subject development standard (*Clause 4.4 Floor space ratio*). The objectives of the development standards are addressed at **Section 2.2.2.1** above. Refer also to the five tests under *Wehbe v Pittwater Council* at **Section 3.2** below.

The development is considered to have sufficient environmental planning grounds given the development is permissible with consent by virtue of a Site Compatibility Certificate, enables Homes NSW to address severe housing shortages and deliver greater housing choices to those in need. The development will be in the public interest because it is consistent with the objectives of the R3 zone and achieves the objectives of the subject development standard. The proposed development has been designed to minimise any conflict with the adjoining properties such as overshadowing, privacy, sunlight, noise and view impacts. Refer to **Section 2.2.1** above.

The case also identifies that the outcome of the breach to a development standard does not necessarily need to be a *neutral* or *better* outcome, if the relevant environmental planning grounds to assess it against do not require such.

#### 3.2 Wehbe v Pittwater Council (2007) NSW LEC 827

In his decision in *Wehbe v Pittwater Council (2007) NSW LEC 827*, Chief Justice Preston expressed the view that there are five different ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. The five tests are considered in the table below.

|  |   |
|--|---|
| i. <i>The objectives of the standards are achieved notwithstanding non-compliance with the standard</i>                                      | The proposed development complies with the objectives of <i>Clause 4.4 Floor space ratio</i> . The objectives of the standard are addressed at <b>Section 2.2.2.1</b> above.          |
| ii. <i>The underlying objectives or purposes of the standard are not relevant to the development and therefore compliance is unnecessary</i> | The underlying objectives of the standard are relevant to the development. However, as provided in this request, compliance with the standard is considered unnecessary in this case. |

|  |   |
|--|---|
| iii. <i>The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable</i>  | The underlying objective or purpose of the standard would not be defeated or thwarted if compliance was required. |
| iv. <i>The development standards have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standards and hence compliance with the standard is unnecessary and unreasonable; and</i>   | This exception to development standards request does not rely on this reason.                                     |
| v. <i>The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.</i> | This exception to development standards request does not rely on this reason.                                     |

### 3.3 Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46

The exception to development standard request is assessed below against the accepted test for the assessment of development standard variation established by *Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46*.

|   |  |
|---|--|
| a) Are the planning controls in question a development standard?  | Yes, Clause 4.4 of the CBLEP 2023 is a development standard.   |
| b) What is the underlying object or purpose of the standards?   | The objectives of the standard are addressed at <b>Section 2.2</b> above.  |
| c) Is compliance with the development standards unnecessary or unreasonable in the circumstances of the case?   | <b>Sections 2.2 and 3</b> demonstrate that compliance is unnecessary and unreasonable.   |
| d) Is compliance with the development standards consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standards tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979? | As demonstrated in <b>Section 2</b> , compliance with the standard would be inconsistent with the objectives of Clause 4.6 and would hinder the attainment of the objects of the Act as discussed in <b>Sections 2, 3 and 4</b> of this request.                                 |
| e) Is the objection well founded?   | The objection is well founded on the grounds that the non-compliance: <ul style="list-style-type: none"> <li>– Enables the delivery of greater housing choices to those in the community that are most in need,</li> <li>– Allows for the delivery of approximately 5</li> </ul> |

|  |  |
|--|--|
|  | <p>additional dwellings than would otherwise be achievable, therefore providing critical infrastructure,</p> <ul style="list-style-type: none"><li>– Is required to address the housing supply crisis and the long waiting list for social housing,</li><li>– Has been demonstrated not to raise any issues of State or Regional planning significance,</li><li>– Achieves the objects of the EP&amp;A Act and will provide positive social impacts to the City of Canterbury Bankstown Local Government Area, and</li><li>– Enables a development that reflects the changing character of the locality without significant environmental impacts on the use and enjoyment of adjoining land uses, such as overshadowing, privacy, sunlight, noise and view impacts.</li><li>– It has been demonstrated that the proposed scheme has similar, or better visual and amenity outcome to a compliant multi-dwelling scheme on the site.</li></ul> |
|--|--|

## 4 CONCLUSION

The proposed FSR of 0.97:1 represents a variation to Clause 4.4 *Floor Space Ratio* development standard prescribed in the CBLEP 2023 (0.75:1), constituting a 29.3%/318m<sup>2</sup> GFA exceedance. The additional FSR allows Homes NSW to deliver approximately 5 additional dwellings than would be permitted by the maximum permissible FSR under CBLEP 2023. The additional dwellings will assist Homes NSW in meeting its significant, long-standing and continually growing demand for social housing in the City of Canterbury Bankstown local government area.

The proposed development, with a non-compliant floor space ratio, will not result in a built form that will be out of character with surrounding residential development. The additional FSR does not give rise to any significant adverse impact upon the surrounding natural or built environment, and as particularly relevant to the increased FSR request, the development does not give rise to any significant adverse visual amenity, overshadowing or overlooking impacts to adjoining neighbours. A comparison exercise has been undertaken which demonstrated that a 3-storey townhouse scheme on the site with a compliant FSR would generate the same, or worse amenity outcomes than the proposed scheme.

The development is otherwise generally compliant with relevant Local and State planning controls and Strategic Planning Framework.

It is argued, owing to the nature of the variation, the public benefit of approximately 5 additional dwellings that will result from the increased FSR, the absence of any adverse impact upon the surrounding natural or built environment, that the variation to Council's FSR control is justified.

The proposed floor space ratio is supported on environmental planning grounds and is in the public interest, as outlined in this report and as such in this instance compliance with the development standard is considered unnecessary and unreasonable.

It is therefore considered that the variation to the floor space ratio development standard at 175-177 Wellington Road, Sefton, does not undermine the objectives of the development standard and the zone. Despite the non-compliance, the development will provide a high quality of amenity for future tenants without any discernible internal or external impacts. Council is therefore requested to exercise its flexibility under Clause 4.6 by recommending approval of the proposed development.



## **Attachment A – Compliant comparative scheme**





# SHAKEUP ARCHITECTURE

SHAKEUP ARCHITECTURE PTY LTD  
SUITE 7/AL LEVEL 7, DENISE PLACE  
1 MARLBURY STREET, SYDNEY NSW 2000  
T: 02 915 1155  
www.shakeuparchitecture.com  
info@shakeuparchitecture.com  
National Australia Bank  
New & Vale, NSW 2000



- NOTES
1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.
  2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
  3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK. SHAKEUP ARCHITECTURE SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.
  4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS.
  5. THE WORK IS TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, SAA CODES AND RELEVANT BY LAWS.
  6. THESE DRAWINGS HAVE BEEN PREPARED BY SHAKEUP ARCHITECTURE AND REMAIN THE PROPERTY OF THE ABOVE. NO PART OF THESE DRAWINGS IS TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF SHAKEUP ARCHITECTURE AND IS SUBJECT TO COPYRIGHT LAWS.



SHAKEUP ARCHITECTURE PTY LTD TO BODY CORPORATE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPP000006  
DESIGN PRACTITIONER REGISTRATION DE000024  
NAND ANTONIS MARTINO DO 15/01/2023  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPP000048  
DESIGN PRACTITIONER REGISTRATION DE000017

| DESCRIPTION                      | DATE       | NO. |
|----------------------------------|------------|-----|
| DRAFT ISSUED FOR CLIENT'S REVIEW | 29/10/2023 | A   |
| DRAFT ISSUED FOR CLIENT'S REVIEW | 29/10/2023 | A   |

|                      |     |
|----------------------|-----|
| DRAWN                | RSS |
| DESIGN COORDINATED   | SDV |
| AUTHORISED FOR ISSUE | NDV |

SCALE BAR

## FOR INFORMATION

WELLINGTON ROAD MULTI UNIT RESIDENTIAL

CLIENT  
LAND AND HOUSING CORPORATION  
175 - 177 WELLINGTON ROAD, SEFTON 2162  
Job Number : BGKN4

|                 |            |
|-----------------|------------|
| PRE-DA DRAWINGS | SCALE @ A1 |
| 3D VIEWS        | REVISION   |

Project Ref: 2023143  
20/11/2023 1:51:48 PM  
Original Sheet Size A1 594x840mm

23:00:00 2023/11/20 1:51:48 PM C:\Users\user\Documents\2023\143\_Wellington\_Road\_Multi\_Unit\_Residential\BKG\_NandAntonisMartino.dwg

# SHAKEUP ARCHITECTURE

SHAKEUP ARCHITECTURE PTY LTD  
SUITE 7/AL LEVEL 7, DENISE PLACE  
1 MARSDEN STREET, SYDNEY NSW 2000  
T 02 9515 1155  
www.shakeuparchitecture.com  
info@shakeuparchitecture.com  
Copyright © Shake Up Architecture  
Not to be used without written permission



- NOTES
1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.
  2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
  3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK. SHAKEUP ARCHITECTURE SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.
  4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS.
  5. THE WORK IS TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, SAA CODES AND RELEVANT BY LAWS.
  6. THESE DRAWINGS HAVE BEEN PREPARED BY SHAKEUP ARCHITECTURE AND REMAIN THE PROPERTY OF THE ABOVE. NO PART OF THESE DRAWINGS IS TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF SHAKEUP ARCHITECTURE AND IS SUBJECT TO COPYRIGHT LAWS.



SHAKEUP ARCHITECTURE PTY LTD TO BODY CORPORATE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPD000005  
DESIGN PRACTITIONER REGISTRATION DEPD000040  
NANDA NATURES MATTERING DO WHILE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPD000048  
DESIGN PRACTITIONER REGISTRATION DEPD000047

| DESCRIPTION          | DATE | NO. |
|----------------------|------|-----|
| DRAWN                | RSS  |     |
| DESIGN COORDINATED   | SDV  |     |
| AUTHORISED FOR ISSUE | NDV  |     |

|                             |                    |
|-----------------------------|--------------------|
| SCALE BAR                   | 0 1000 2000 4000mm |
| SCALE 1:100 @ ORIGINAL SIZE |                    |

## FOR INFORMATION

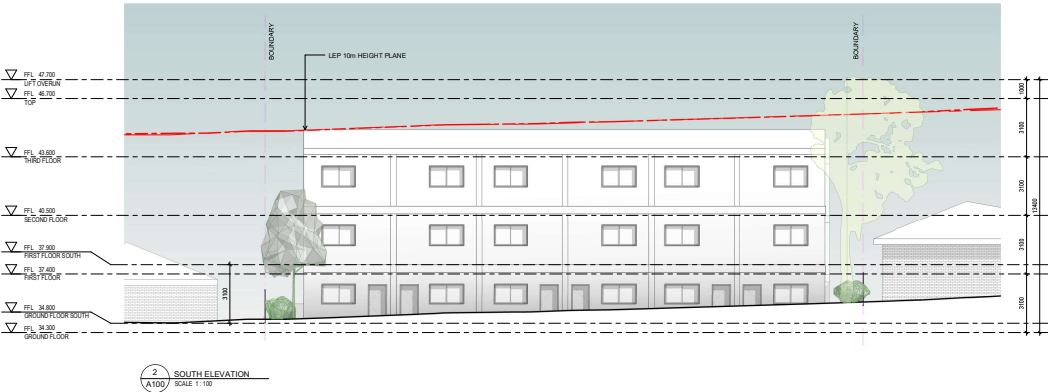
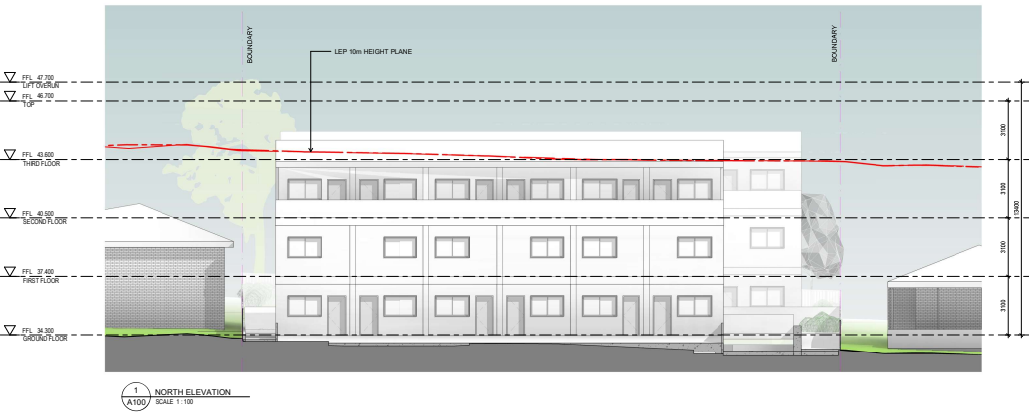
WELLINGTON ROAD MULTI UNIT RESIDENTIAL

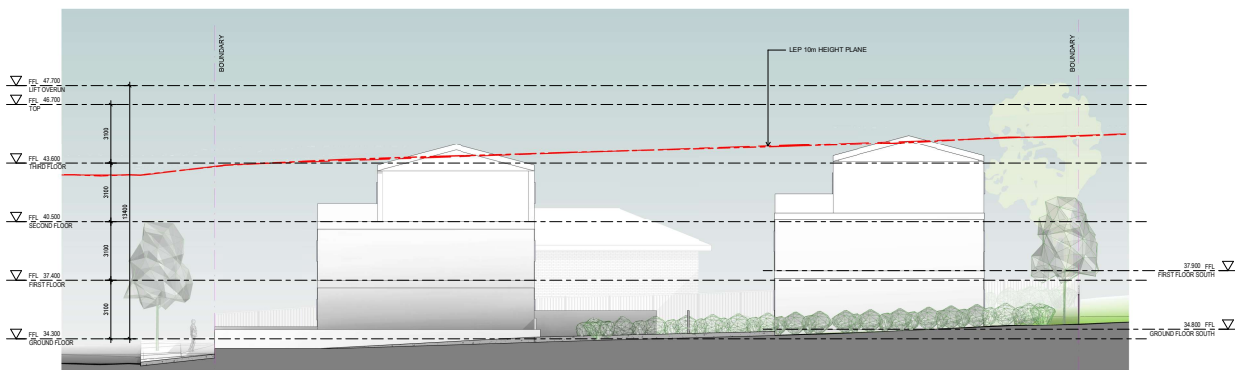
CLIENT  
LAND AND HOUSING CORPORATION  
175 - 177 WELLINGTON ROAD, SEFTON 2162  
Job Number : BGKH04

PRE-DA DRAWINGS  
GENERAL ARRANGEMENT  
ELEVATIONS 1

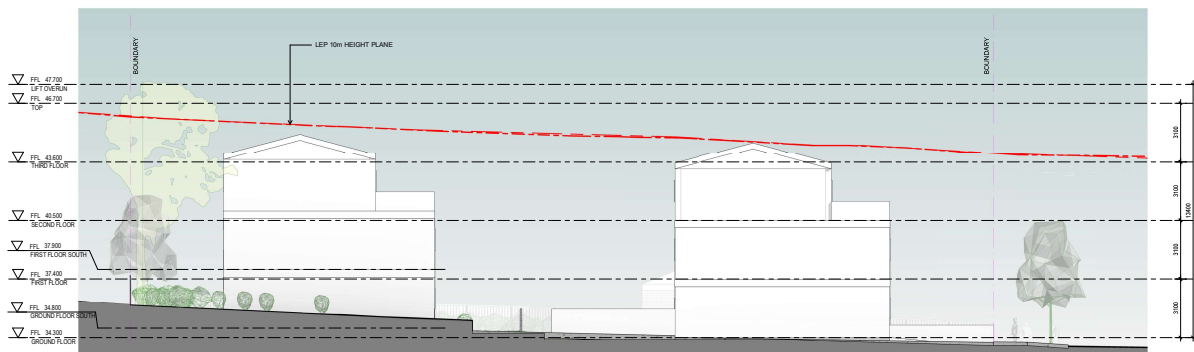
SCALE @ 1:100  
DATE  
REVISION  
B

Project Ref: 2022143  
20/11/2023 1:58:01 PM  
Original Sheet Size A1 594x840mm  
Dwg. No: SK102





1 WEST ELEVATION  
A100 SCALE 1:100



2 EAST ELEVATION  
A100 SCALE 1:100

**SHAKEUP ARCHITECTURE**

SHAKEUP ARCHITECTURE PTY LTD  
SUITE 7.01 LEVEL 7, DENISE PLACE  
1 MARSDEN STREET, SYDNEY NSW 2000  
T 02 9515 1155  
www.shakeuparchitecture.com  
info@shakeuparchitecture.com  
Notional Address  
None @ 7.01, NEWBORN PLACE



NOTES  
1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.  
2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK. SHAKEUP ARCHITECTURE SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.  
4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS.  
5. THE WORK IS TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, SAA CODES AND RELEVANT BY LAWS.  
6. THESE DRAWINGS HAVE BEEN PREPARED BY SHAKEUP ARCHITECTURE AND REMAIN THE PROPERTY OF THE ABOVE. NO PART OF THESE DRAWINGS IS TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF SHAKEUP ARCHITECTURE AND IS SUBJECT TO COPYRIGHT LAWS.



SHAKEUP ARCHITECTURE PTY LTD BODY CORPORATE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPP000005  
DESIGN PRACTITIONER REGISTRATION DEPO000740  
NATIONAL NOTING & MARKING DO WHILE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPP000048  
DESIGN PRACTITIONER REGISTRATION DEPO000747

| DESCRIPTION          | DATE | NO. |
|----------------------|------|-----|
| DRAWN                | RSS  |     |
| DESIGN COORDINATED   | SDV  |     |
| AUTHORISED FOR ISSUE | NDV  |     |

|                                   |            |   |
|-----------------------------------|------------|---|
| CLIENT ISSUED FOR CLIENT'S REVIEW | 29/11/2023 | A |
| DRAFT ISSUED FOR CLIENT'S REVIEW  | 29/11/2023 | A |

SCALE BAR  
0 1000 2000 4000mm  
SCALE 1:100 @ ORIGINAL SIZE

**FOR INFORMATION**

WELLINGTON ROAD MULTI UNIT RESIDENTIAL

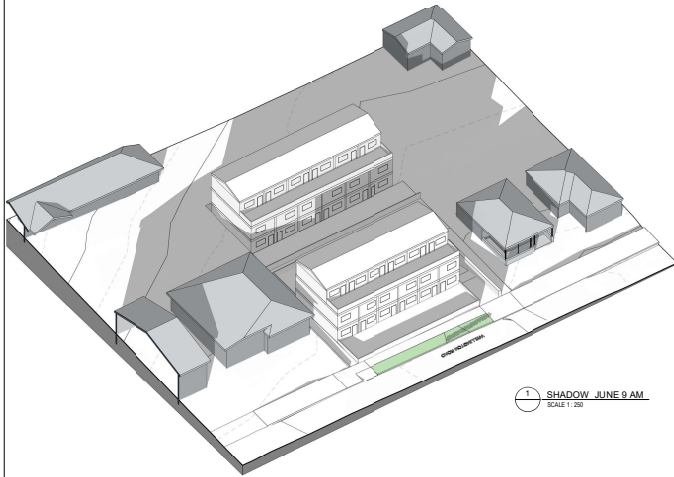
CLIENT  
LAND AND HOUSING CORPORATION  
175 - 177 WELLINGTON ROAD, SEFTON 2162  
Job Number: BGKH4

PRE-DA DRAWINGS  
GENERAL ARRANGEMENT  
ELEVATIONS 2

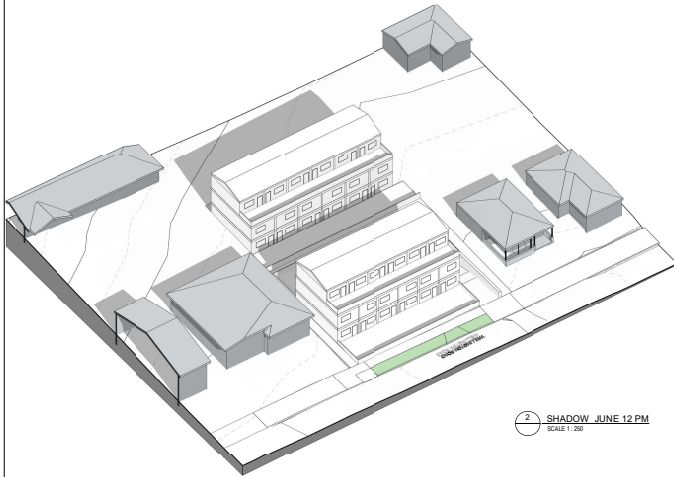
Project Ref: 2023143  
29/11/2023 1:58:17 PM  
Original Sheet Size A1 594x840mm

Scale @ 1:100  
DATE  
REVISION  
B

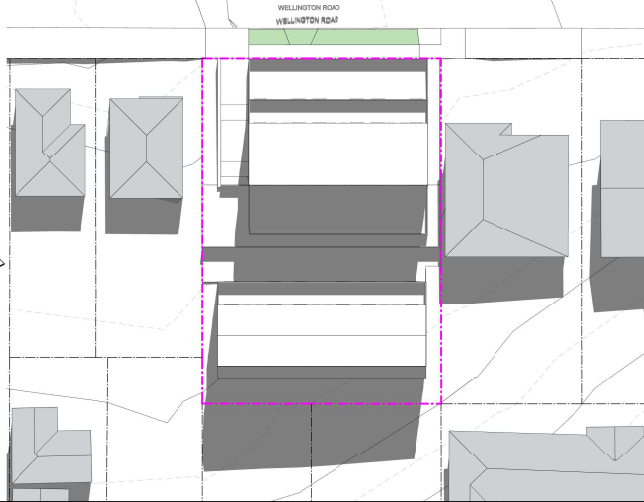
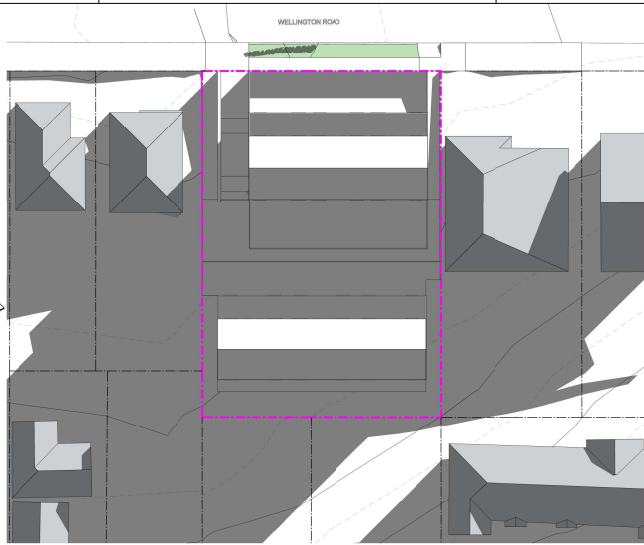
Dwg No: **SK103**



1 SHADOW JUNE 9 AM  
SCALE 1:250



2 SHADOW JUNE 12 PM  
SCALE 1:250



**SHAKEUP  
ARCHITECTURE**

SHAKEUP ARCHITECTURE PTY LTD  
SUITE 7/AL LEVEL 7, DENISE PLACE  
1 MARSHALL STREET, SYDNEY NSW 2000  
T 02 9515 1155  
www.shakeuparchitecture.com  
info@shakeuparchitecture.com  
Notional Address  
Not a Valid NSWARS Entry



NOTES  
1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.  
2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK. SHAKEUP ARCHITECTURE SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.  
4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS.  
5. THE WORK IS TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, SAA CODES AND RELEVANT BY LAWS.  
6. THESE DRAWINGS HAVE BEEN PREPARED BY SHAKEUP ARCHITECTURE AND REMAIN THE PROPERTY OF THE ABOVE. NO PART OF THESE DRAWINGS IS TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF SHAKEUP ARCHITECTURE AND IS SUBJECT TO COPYRIGHT LAWS.



SHAKEUP ARCHITECTURE PTY LTD TO BODY CORPORATE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPD000005  
DESIGN PRACTITIONER REGISTRATION RPD000070  
N/A AND NOTING SAVING DO FILE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION RPD000048  
DESIGN PRACTITIONER REGISTRATION RPD000017

| DESCRIPTION          | DATE | NO. |
|----------------------|------|-----|
| DRAWN                | ABC  |     |
| DESIGN COORDINATED   | SDV  |     |
| AUTHORISED FOR ISSUE | NDV  |     |

DRAFT ISSUED FOR CLIENT'S REVIEW 25/11/2023 A  
DRAFT ISSUED FOR CLIENT'S REVIEW 25/11/2023 B

SCALE BAR  
0 2500 5000 10000mm  
SCALE 1:250 @ ORIGINAL SIZE  
NORTH

**FOR INFORMATION**

WELLINGTON ROAD MULTI UNIT RESIDENTIAL

CLIENT  
LAND AND HOUSING CORPORATION  
175 - 177 WELLINGTON ROAD, SEFTON 2162  
JOB Number : BGRM4

PRE-DA DRAWINGS  
SHADOW DIAGRAMS 1

Project Ref: 2023143  
25/11/2023 1:58:01 PM  
Dwg No: **SK104**  
Original Sheet Size A1 594x840mm



SHAKEUP ARCHITECTURE PTY LTD  
SUITE 7.04, LEVEL 7, DEXUS PLACE  
1 MARGARET STREET, SYDNEY, NSW 2000  
T: 02 9310 1135  
[www.shakeuparchitecture.com](http://www.shakeuparchitecture.com)  
[info@shakeuparchitecture.com](mailto:info@shakeuparchitecture.com)  
Nominated Architect  
Nuno do Vale, NSWARB #5292



NOTE

- NOTES
1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.
  2. DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
  3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK. SHAKEUP ARCHITECTURE SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.
  4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACT SPECIFICATIONS, REPORTS AND NOTES.
  5. THE WORK IS TO COMPLY WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, SAA CODES AND RELEVANT BY LAWS.
  6. THESE DRAWINGS HAVE BEEN PREPARED BY SHAKEUP ARCHITECTURE AND REMAIN THE PROPERTY OF THE ABOVE. NO PART OF THIS DRAWING IS TO BE USED IN ANY WAY WITHOUT THE PERMISSION OF SHAKEUP ARCHITECTURE AND IS SUBJECT TO COPYRIGHT LAWS.



SHAKEUP ARCHITECTURE PTY LTD BODY CORPORATE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION PD0000996  
DESIGN PRACTITIONER REGISTRATION DEP002743  
MUNO ANTUNES MARTINS DO VALE  
PRINCIPAL DESIGN PRACTITIONER REGISTRATION PD0000648

[illegible]

|                                  |            |    |
|----------------------------------|------------|----|
|                                  |            |    |
| DRAFT ISSUED FOR CLIENT'S REVIEW | 29/11/2023 | B  |
| DRAFT ISSUED FOR CLIENT'S REVIEW | 23/11/2023 | A  |
| DESCRIPTION                      | DATE       | NO |

|                                  |      |            |   |
|----------------------------------|------|------------|---|
| DRAFT ISSUED FOR CLIENT'S REVIEW |      | 23/11/2023 | A |
| DESCRIPTION                      | DATE | NO.        |   |
| DRAWN                            | ABC  |            |   |
| DESIGN COORDINATED               | SDV  |            |   |
| AUTHORISED FOR ISSUE             | NDV  |            |   |

SCALE BAR

0 2500 5000 10000mm

SCALE 1:250 @ ORIGINAL SIZE

NORTH



FOR INFORMATION

WELLINGTON ROAD MULTI UNIT RESIDENTIAL

CLIENT  
LAND AND HOUSING CORPORATION  
175 - 177 WELLINGTON ROAD, SEFTON 2162  
Job Number : BGKW4

|                 |                 |
|-----------------|-----------------|
| PRE-DA DRAWINGS | SCALE @ A<br>1: |
|-----------------|-----------------|

SHADOW DIAGRAMS 2

|        |      |
|--------|------|
| Doc No | SK10 |
|--------|------|

29/11/2023 1:56:23 PM Original Sheet Size A1 594x842mm

---