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URBIS

280-300 LAKEMBA ST & 64-70 KING GEORGES ROAD, WILEY PARK

AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS

PREPARED FOR
**LAKEMBA STREET
DEVELOPMENTS PTY LTD**
OCTOBER 2021

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EXECUTIVE SUMMARY

This SEE has been prepared on behalf of Lakemba Street Developments Pty Ltd ('the applicant') and in support of an amended DA for shop top housing at 280-300 Lakemba Street and 64-70 King Georges Road, Wiley Park ('the site').

The amended scheme has been prepared pursuant to Clause 55 of the *Environmental Planning and Assessment Regulations 2000*. Clause 55 states that a development application may be amended prior to determination with the agreement of the consent authority.

Proposed Development

The amended DA proposes demolition of any remaining structures, excavation, construction, and operation of a shop top housing development generally comprising:

- 3 storey basement car parking including a mezzanine level and 242 car spaces.
- Basement and ground floor retail with a total area of 2,484.2sqm including a full line supermarket.
- Four residential podiums (maximum 7 storeys) with a total of 142 dwellings and 553.6sqm of rooftop communal open space and 47.2sqm of communal rooms.
- Removal of trees, augmentation of services and landscape works.
- Creation of a new 1,191sqm public plaza (which will also serve as communal open space for residents) and a service laneway.
- An FSR of 2.3:1 based on the existing site area (before land dedication).
- Construction of an 8.475m wide laneway (comprising 6.675 metre wide access lane and 1.8 metre footpath) along the eastern side of the site, extending from Lakemba Street to the southern boundary of the property.
- Construction of an additional traffic lane on Lakemba Street and extension of the existing central median island along the northern frontage of the site, facilitating the westbound left turn movement into King Georges Road.
- Construction of a 3 metre wide footpath along the site's Lakemba Street frontage.
- Relocation of in-ground services from within the current footpath alignment to the proposed footpath alignment.
- Torrens Title subdivision of land to enable dedication of the laneway and footpath areas to Council and result in amalgamation of the remaining land into a single lot.

Pursuant to Section 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), determination of the application will be by the Sydney South Planning Panel (the Panel) as the Capital Investment Value of the project exceeds \$30 million.

Background

A development application (DA) was lodged by the applicant seeking development approval for the redevelopment of the subject site for shop top housing. As submitted on the 8 December 2017, DA/484/2017 sought consent for:

Demolition of all existing onsite structures and removal of twelve (12) trees and the construction of two blocks of nine (9) storey shop top development, including a ground level plaza, three (3) levels of basement car parking and ground floor retail and residential apartments above.

After multiple RFIs, the DA was refused by the Sydney South Planning Panel on 16 December 2020 pursuant to section 4.16 of the EP&A Act for the following reasons:

- The Clause 4.6 Variation to building height was not accepted.
- A range of outstanding issues which were addressed in the Council Assessment Report.

An assessment of the reasons of refusal and the proposed changes to the design to reflect the assessment report form part of this application.

Assessment of Key Issues

The SEE identifies and assesses the key environmental, social and economic impacts of the proposal and recommended measures to mitigate, minimise or manage these impacts. These include:

The proposal is consistent with the objectives for redevelopment in Wiley Park and the specific controls for the Wiley Park Local Centre, as detailed in the Wiley Park Structure Plan (Section D7.8 of *Canterbury Development Control Plan 2012* (CDCP)). Specifically, the proposal represents a genuine opportunity to redevelop the Wiley Park local centre with a new public plaza, activated street frontages and a new laneway.

- The proposed residential podiums comply with the height of buildings control within the Canterbury LEP 2012 with a minor non-compliance relating to the weather protection elements on Buildings B01-A and B01-B on the King Georges Road frontage.
- The proposal includes non-compliances to the internal building separation controls for Buildings B01-A and B01-B (along King Georges Road) and B02-A and B02-B (along the rear laneway) with appropriate acoustic and visual privacy measures implemented into the overall design. All other setbacks and building separation requirements within the Apartment Design Guide (ADG) and CDCP are achieved, with increased separation provided to adjoining neighbours to the south.
- The proposal achieves the key numeric requirements of the ADG for residential amenity including natural cross ventilation and solar access.
- Parking rates are consistent with the *RMS Guide to Traffic Generating Developments* for residential development and Canterbury DCP controls for retail premises.
- Loading and waste management measures have been reviewed and are consistent with Council requirements including DCP controls and Engineering guidelines.
- Stormwater and sewerage services have been revised to reflect the amended Lakemba Street boundary as well as Council requirements including DCP controls and Engineering guidelines and ensure consistency is achieved between architectural and civil plans.

The assessment concludes that the proposal represents a design, quality and form that is consistent with the objectives of the applicable State and local planning policies and will have an acceptable environmental impact.

Conclusion

The SEE demonstrates the proposed development is appropriate for the site and the locality as summarised below:

- The proposal is consistent with the desired future character of Wiley Park.
- The proposal will deliver significant public benefit.
- The proposal is consistent with the applicable state and local planning controls.
- The proposal will offer a high standard of amenity.
- The proposal has social and economic benefits.
- The proposal will not result in any adverse environmental impacts.

Accordingly, it is submitted that the proposal is in the public interest and should be approved subject to appropriate consent conditions.

1. INTRODUCTION

This SEE has been prepared on behalf of Lakemba Street Developments Pty Ltd ('the applicant') and in support of an amended DA for shop top housing at 280-300 Lakemba Street and 64-70 King Georges Road, Wiley Park (the site).

The proposed development offers a genuine opportunity to redevelopment with Wiley Park town centre through the provision of a new public plaza, retail tenancies and residential accommodation in close proximity to Wiley Park train station.

The proposed works have an estimated cost of \$42,555,477.23 and development consent is sought in accordance with Part 4 of the EP&A Act.

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal including the demolition, construction and operational phases.
- **Section 5 – Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

2. SITE CONTEXT

2.1. LOCAL CONTEXT

The site is located within the suburb of Wiley Park in the Canterbury-Bankstown Local Government Area (LGA). The site is approximately 14km south-west from the Sydney CBD and 13km south-east of the Paramatta CBD. Wiley Park provides a variety of housing types, commercial space, public transport connections and employment opportunities within the South District. The site benefits from excellent access to Wiley Park Station and is located approximately 70 metres from the station entrance.

Wiley Park Station is currently undergoing upgrades in preparation for the Sydney Metro project, which will deliver fast and frequent train services between Bankstown and the CBD and north western Sydney making Wiley Park and the subject site more liveable, vibrant and connected.

Canterbury Bankstown Local Strategic Planning Statement (LSPS) notes that Council will continue to work with Department of Planning, Industry and Environment (DPIE) to investigate opportunities for further growth in the centres located along the Sydenham to Bankstown Corridor.

Figure 1 Site Aerial



Source: NearMap

2.2. SURROUNDING CONTEXT

The site is zoned B2 Local Centre under the *Canterbury Local Environmental Plan 2012* and sits at a zone interface, as the properties to the east are zoned R4 (High Density Residential). The site is not identified as a heritage item, nor is it located within a conservation area.

The site is immediately surrounded by the following:

- **North:** On the opposite side of Lakemba Street is a six storey shop top housing development which is surrounded by single storey residential dwellings.
- **East:** Along Lakemba Street there is a mix of two-three storey residential flat buildings and single storey residential dwellings. Buses are also accessible via Lakemba Street.
- **South:** A range of 3-4 storey residential buildings are located along King Georges Road to the south. Further to the south is Wiley Park train station which is accessible along the western side of King Georges Road.
- **West:** A range of low scale commercial buildings (Wiley Park Hotel, local services) are located on the opposite side of King Georges Road, accessible via a traffic light controlled pedestrian walkway adjacent to the south west corner of the site.

2.3. SITE DESCRIPTION

The site includes the land described as 280-300 Lakemba Street and 64-70 King Georges Road, Wiley Park and comprises 11 individual lots.

Table 1 Legal Description of The Site

Address	Legal Description
280 Lakemba Street, Wiley Park	Lot A DP962951
282-284 Lakemba Street, Wiley Park	Lot B DP402053
286 Lakemba Street, Wiley Park	Lot A DP402053
288 Lakemba Street, Wiley Park	Lot 1 DP 501587
288A Lakemba Street, Wiley Park	Lot 2 DP 501587
288 Lakemba Street, Wiley Park	Lot 3 DP 501587
290 Lakemba Street, Wiley Park	Lot 2 DP6970
300 Lakemba Street, Wiley Park	Lot 2 DP 206965
64-66 King Georges Road, Wiley Park	Lot 1 DP 124635
68 King Georges Road, Wiley Park	Lot 1 DP124613
70 King Georges Road, Wiley Park	Lot 1 DP 124636

The key features of the site are summarised in the following table.

Table 2 Site Description

Feature	Description
Site Area	5,851 sqm
Site Dimensions	The site has a primary frontage to King Georges Road of 67.285m and a secondary frontage to Lakemba Street of 64.605m with a splay at the corner measuring 3.44m.
Site Topography	The site falls moderately from its existing ground level of RL 42.78 at the southern portions of the site towards the Lakemba Street frontage at RL 38.65.
Existing Development	The site currently accommodates low scale single storey commercial developments fronting King Georges Road (vacant and operating tenancies) and 5 single storey dwelling houses.
Vegetation	Vegetation is scattered across the site and includes 21 trees.

Feature	Description
Services	<p>The following services are currently located within the site:</p> <ul style="list-style-type: none"> ▪ Sydney Water mains ▪ Jemena gas main ▪ Ausgrid below ground conduits and cables ▪ Telstra cables ▪ RMS traffic lights cables and signals
Access and Parking	<p>The site currently contains three left-in, left-out crossovers onto Lakemba Street, to the residential dwellings on the site. The primary access point is via Lakemba Street and connects to an on-site bitumen car park in the centre of the site. A left-in, left-out crossover is provided to a vacant portion of the site onto King Georges Road.</p>

3. PROJECT HISTORY

3.1. DA/484/2017

A development application (DA/484/2017) was lodged on 8 December 2017 seeking development approval for the redevelopment of the subject site for shop top housing. As submitted on the 8 December 2017, DA/484/2017 sought consent for:

Demolition of all existing onsite structures and removal of twelve (12) trees and the construction of two blocks of nine (9) storey shop top development, including a ground level plaza, three (3) levels of basement car parking and ground floor retail and residential apartments above.

The application was placed on public exhibition from 14 December 2017 to 2 January 2018.

On 20 June 2018, Council issued a request for additional information, including revised architectural plans. A request for additional information letter from RMS was also issued by Council at this time. Feedback from the Sydney South Planning Panel (SSPP) was issued in a separate letter dated 2 August 2018.

The proponent and design team met with Council planners and engineers on 8 August 2018 and 20 September 2018 to discuss the issues raised in the request for information letters. The proponent and design team met separately with RMS on 4 September 2018. The applicant agreed to undertake the following:

- Investigate site planning options to accommodate a public laneway from Lakemba Street, along the eastern boundary alignment to connect through to the side of 72-76 King Georges Road (the property immediately to the south of the subject site) and options allowing the widening of Lakemba Street; and
- Investigate design solutions to reduce the extent of the height non-compliance.

First Amended Scheme

An amended DA was lodged in December 2018 which included the reduction of one floor of residential accommodation and revised site planning to accommodate the construction of a rear laneway within the site to benefit adjacent sites. The proposal also included the widening of the Lakemba Street road reserve to accommodate a turning lane and relocated footpath. In-principle RMS support, was received for these works and was attached to the previous DA. Both public domain elements would result in the dedication of 811 sqm of land to Council.

Letters of Offer were submitted to Council in August 2019 to formalise the offer of delivery and dedication of land relating to:

- 7.7m wide laneway connecting Lakemba Street to the northern boundary of 72-76 King Georges Road; and
- Road widening for an additional dedicated left turn lane on Lakemba Street (turning into King Georges Road) and resultant relocated public footpath.

It is important to note that the laneway is not identified in the *Canterbury Local Environmental Plan 2012* as land reserved for acquisition. There is no statutory requirement for the land to be developed and dedicated to Council for the purpose of a laneway. The laneway is identified in Section D7.8 of the *Canterbury Development Control Plan 2012* as a “proposed laneway”. Development control plans provide guidance for development, they have no statutory weight.

On 30 September 2019, Council issued a request for additional information, including comments regarding the long street frontage length of the building fronting King Georges Road, the non-compliance with the CDCP 2012 building height plane control, in addition to other technical matters relating to waste and traffic.

The proponent and design team met with Council planners and engineers on 7 November 2019 to discuss the issues raised in the request for information letters. Council's letter did not contain feedback on Urban Design Related matters (these were outstanding), however Council's preliminary feedback was discussed in the meeting.

Additional feedback from Council was given relating to the eastern side setbacks and the introduction of a break in the western building form, to result in the presentation of two separate buildings on the King Georges Road frontage.

Second Amended Scheme

On 11 June 2020, a second amended scheme was submitted to Council which incorporated the following amendments:

- The implementation of the side setback height plane angle from the eastern boundary, as per the controls under the CDCP 2012. The revised building design provided a stepped transition to the eastern neighbouring lower density property on Lakemba Street. Setbacks ranged from 7.7m at ground level to 18.7m at the roof level.
- The implementation of a full 7m wide building break to the building fronting King Georges Road, creating two separate buildings on this road frontage. The building break provided visual separation and modulation to the street frontage and facilitated greater pedestrian connections to the publicly accessible plaza within the site at ground level.
- Increased upper level setbacks (from the fourth storey and above along King Georges Road) to ensure compliance with the CDCP 2012 front setback control.
- Revised materials palette to create distinctive materiality between the three storey podium level and storeys above.

On 19 August 2020, Council issued a request for additional information based on the June 2020 scheme, including comments regarding natural ventilation, the rear laneway and plan consistency.

Third Amended Scheme

On 2 October 2020, a third amended scheme was submitted to Council and incorporated the changes made to date, and also addressed Council's RFI of 19 August 2020.

The key design changes incorporated into the revised submission include:

- The relocation of vehicular access for residential and commercial parking from a crossing to Lakemba Street to being via the public laneway along the site's eastern boundary which is proposed to be dedicated to Council.
- The implementation of a full 7m wide building break to the eastern building, creating two separate buildings fronting the proposed laneway. The building break reduces the bulk of that building and facilitates greater pedestrian connections between the laneway and King Georges Road through the publicly accessible plaza within the site at ground level.
- Increased upper level setbacks (from the fourth storey and above) to the eastern building from the eastern boundary to ensure compliance with the Canterbury Development Control Plan (CDCP) setback control to other residential zones.
- Revision of apartment layouts to improve the overall amenity of apartments including improved natural ventilation and solar access to residential apartments.

These revisions and the previous revisions submitted in December 2018 and June 2020 resulted in a decrease in dwelling yield by 60 units from the original DA submission in 2017.

Despite the reductions to the dwelling yield, the proposal provided the following public benefits:

- A publicly accessible plaza within the centre of the site, framed by retail floorspace;
- Dedication of land and construction of a laneway within the eastern portion of the site to provide access between Lakemba Street and 72-76 King Georges Road,
- Dedication of land for the purpose of a left turn slip lane from Lakemba Street westbound into King Georges Road.

Sydney South Panel Meeting

The application determined to refuse the development application on 16 December 2020 pursuant to section 4.16 of the EP&A Act for the following reasons:

- The Clause 4.6 Variation to building height was not accepted; and
- A range of outstanding issues which were addressed in the Council Assessment Report.

The key issues raised in the recommendations of the Council Assessment Report are included in the table below with reference to where these issues have been addressed in this application. The Sydney South Panel did advise in the Panel Meeting that if these matters could be resolved then the applicant may apply for a review of determination pursuant to Section 8.2 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). However, in this instance a fresh DA has been lodged which addresses all the issues raised in the Council assessment report and detailed at **Section 7**.

Table 3 December 2020 Council Assessment Report

Assessment Report Recommendation	Reference
Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, the Sydney South Planning Panel, for the reasons set out below refuse Development Application No. 484/2017.	Council was generally supportive of the proposal given it will assist in revitalising the Wiley Park centre. However, the design sought departure from a number of key building design controls which have been considered within the new development scheme.
1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application does not comply with Clause 50(1AB)(a) of the Environmental Planning and Assessment Regulation 2000 as the Design Verification Statement submitted does not comprise a statement that the qualified designer verifies that he/she designed, or directed the design, of the development.	A Design Verification Statement has been prepared by Marchese Partners to reflect the update in legislation including the relevant provisions of the <i>Design and Building Practitioners Act 2020 No 7</i> . The Statement is enclosed in Appendix M .
2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.3 (2) of the Canterbury Local Environmental Plan 2012 relating to 'Height of buildings' and exceeds the allowable height of building of 27m.	The overall design of the building has been amended to be completely within the height of buildings permissible under the Canterbury LEP and draft Canterbury-Bankstown consolidated LEP. Communal open space is still located on the rooftop of all four podiums.
3. The Clause 4.6 Request to vary Clause 4.3(2) 'Height of buildings' of the <i>Canterbury Local Environmental Plan 2012</i> is not well founded and it has not been adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.	As stated above, the height of buildings has been reduced and a Clause 4.6 variation is no longer required for the proposed development.
4. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application is not consistent with State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development with respect to Schedule 1 Design Quality Principles. The proposed development does not meet Principle 1: Context and Neighbourhood Character,	The proposed development has been re-designed to better reflect the desired future character of the Wiley Park village centre through reduction of the overall height and improvements to the ground floor plane to ensure that retail tenancies provide useable space and are adequately managed. Amendments to apartment design have resulted in improved and compliant solar access and natural ventilation.

Assessment Report Recommendation	Reference
Principle 2: Built Form and Scale, Principle 3: Density and Principle 6: Amenity.	
5. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the solar access requirements contained within Part 4A of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.	As noted above, the proposed development has been re-designed and now meets the solar access requirements with a total of 103 out of 142 (72%) apartments achieving the ADG recommendation for solar access to primary living areas and private open space. The proposal is now compliant with the ADG in regards to solar access.
6. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the minimum natural ventilation requirements contained within Part 4B of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 –Design Quality of Residential Apartment Development.	As noted above, the proposed development has been re-designed and now meets the ADG requirements for natural ventilation with total of 86 out of 142 (60.6%) apartments achieving the ADG recommendation for natural cross ventilation. Natural ventilation was cross-checked by Windtech, a natural ventilation specialist to ensure that the natural ventilation requirements could still be meet while achieving visual privacy and acoustic requirements on site. The report recommended plenum ducts on the external façade of the building which have been implemented into the current design.
7. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the maximum habitable room depth requirements contained within Part 4D of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 –Design Quality of Residential Apartment Development.	All apartments continue to comply with the minimum internal area requirements. Amendments have been made in particular to ensure that kitchens are not located more than 8 metres from a window.
8. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to comply with the minimum master bedroom area requirements contained within Part 4D of the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 –Design Quality of Residential Apartment Development.	All apartments continue to comply with the minimum internal area requirements. Amendments have been made in particular to ensure that master bedrooms have a minimum area of 10sqm.
9. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to allow a proper and thorough assessment of the design against the provisions	Concern was raised by Council in regard to the inconsistency of OSD details in the plans, design of the OSD, rainwater tank, proposed connection to Council

Assessment Report Recommendation	Reference
outlined within Clause 6.4 – Stormwater Management of Canterbury Local Environmental Plan 2012	<p>drainage system, and design of stormwater pipe and supporting infrastructure.</p> <p>Civil Plans have been updated to provide adequate information in relation to stormwater design to reflect Council's requirements.</p>
10. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to allow a proper and thorough assessment of the design against the provisions outlined within Clause 6.6 –Essential Services of Canterbury Local Environmental Plan 2012.	<p>Council's Development Engineer, Traffic Team and Infrastructure Experts raised concern regarding the proposed stormwater design and vehicular access.</p> <p>Amendments to the design and plans submitted as part of this DA have occurred, including:</p> <ul style="list-style-type: none"> - Confirmation that finished floor levels are consistent between architectural plans and civil plans. - Additional details have been provided to demonstrate that the OSD reduces the potential for local flooding and damage to existing properties by limiting runoff from the new development.
<p>11. The proposed development is unsatisfactory, pursuant to the provisions Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls of the Canterbury Development Control Plan 2012 (CDCP 2012) including:</p> <p>a. Part B1 – Traffic and Parking</p> <p>Insufficient information has been submitted to allow a proper and thorough assessment of the application against the relevant traffic and parking controls outlined within Part B1 of CDCP 2012.</p> <p>b. Part B5 –Stormwater and Flood Management</p> <p>Insufficient information has been submitted to allow a proper and thorough assessment of the application against the relevant stormwater controls outlined within Part B5 of CDCP 2012.</p> <p>c. Part B9 – Waste</p> <p>Insufficient information has been submitted to allow a proper and thorough assessment of the application against the relevant waste controls outlined within Part B9 of CDCP 2012.</p> <p>d. Part C5 – Shop Top Housing</p>	<p>The proposed parking rates for both residential and retail development was considered compliant and acceptable by Council.</p> <p>Council raised concern regarding how the combined residential and commercial loading/unloading bay will be used to avoid any potential conflict between the two uses utilising it. The overall design of the loading dock has been amended to avoid any conflicts between the two uses. Separate storage areas are provided for residential, general retail and supermarket waste to ensure there is adequate room within the loading facilities for all uses. The management and loading of the site is outlined in the Loading Dock Management Plan prepared by Varga Traffic (Appendix F) and the Waste Management Plan prepared by Elephant's Foot (Appendix G).</p> <p>In relation to Stormwater and Flood Management, the application was referred to Council's Development Engineer who raised concerns with the design. Civil Plans have been updated to provide adequate information in relation to stormwater design to reflect Council's requirements.</p> <p>Apartment layouts have been reviewed and amended to ensure that the apartments receive adequate solar access and natural ventilation to reflect ADG controls.</p> <p>Retail tenancies have been reviewed and amended to ensure all tenancies meet the 10 metre minimum depth requirement.</p>

Assessment Report Recommendation	Reference
<p>The layout and orientation of the development requires further consideration to ensure the residential apartments within the design receive adequate solar access and natural ventilation pursuant to Part C5.2.1.4(C1) and (C5).</p> <p>e. Part D1 – Business Centres</p> <p>Majority of the ground floor retail tenancies (15 of the 19 tenancies) do not meet the minimum 10m depth requirement pursuant to Part D1.3.5(C1).</p>	
<p>12. Insufficient information has been submitted to address concerns raised by Council's Infrastructure Specialist and subsequently a detailed assessment of the likely impacts of the development pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 could not be determined.</p>	<p>As described above further information has been prepared to reflect Council's comments and engineering requirements.</p>
<p>13. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.</p>	<p>As a result of the number of variations sought as part of the previous application, the site was not considered suitable for development.</p> <p>This proposal is considered highly suitable for the site for the following reasons:</p> <ul style="list-style-type: none"> - The site is zoned B2 Local Centre, permitting the proposed shop top housing. - The site is well serviced by public transport, located in proximity to Wiley Park train station and bus stops along Lakemba Street. - The built form solution is consistent with Council's planning intent for the area and meets the objectives of building height controls. - Technical reports, including those addressing traffic, acoustic and natural ventilation requirements have been provided and demonstrate the site is capable of being developed in the manner proposed without adverse impacts. - The proposal responds to Council's objectives to strengthen the Wiley Park village.
<p>14. Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the</p>	<p>The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by ensuring that any adverse</p>

Assessment Report Recommendation	Reference
development application is not in the public interest.	<p>impacts on the surrounding area and the environment are avoided.</p> <p>The proposed development is considered in the public interest for the following reasons:</p> <ul style="list-style-type: none"> - The proposal achieves a high level of planning compliance, noting where variations are proposed, these are in response to the site constraints including the provision of active frontages and the location of the site along two busy roads. - The proposed development has considered the potential environmental, social and economic impacts of the proposed development on the surrounding area. As summarised in Section 8.6 of this report, the potential impacts resulting from the proposed development are appropriate for the scale of development anticipated on the site by the relevant planning controls and provisions. - The proposal supports a significant increase of employment opportunities within the precinct, with the provision of 2,195.2sqm of retail floor space. - The proposed development will greatly contribute to the urban regeneration of the Wiley Park village centre and will provide a new meeting place for existing and future residents of the locality. - The proposal includes a public plaza at ground level, enhancing pedestrian connections between Lakemba Street and Wiley Park train station.

3.2. DA/452/2021

A new development application (DA/452/2021) was lodged on 21 June 2021 seeking development approval for the redevelopment of the subject site for shop top housing.

The application was placed on public exhibition from 7 July to 3 August 2021. No public submissions were received during this period.

On 9 September 2021, Council issued a request for additional information, including revised architectural plans. A request for additional information letter from Water NSW was also issued by Council at this time.

The proponent and design team met with Council planners and engineers on 23 September 2021 to discuss the issues raised in the request for information letters. Additional meetings were held with members of Council's traffic and waste teams to discuss specific comments including a meeting with the engineering team on 14 September 2021. Following these discussions, the applicant agreed to undertake the following:

- Incorporate shade structures and amend the communal roof top facilities to provide weather protection on all four rooftops. It was discussed with Council that all four rooftops are accessible to all residents but Council's position was that weather protection must be provided on each rooftop. Due to the topography of the site, the additional shade structures on Building 01-A and B01-B will result in a minor non-compliance with the height of buildings development standard. This was agreed by Council to provide an

improved outcome for residents if the shade structures were designed to ensure no impacts on neighbouring properties. Nevertheless, a Clause 4.6 would be required by Council.

- Minor updates to apartment layouts and the overall building to ensure ADG compliance is being met.
- Changes to the current waste management for residential and retail uses including the supermarket to reflect Council's comments
- Further information on the use of ground floor retail tenancies to ensure the correct parking rates are being incorporated into the overall proposal.
- Confirmation that a VPA is no longer required to subdivide and dedicate the slip lane and public laneway to Council.

These amendments have been incorporated in the DA package. An assessment of the application against Council's comments is enclosed in **Appendix AA**.

The amended scheme has been prepared pursuant to Clause 55 of the *Environmental Planning and Assessment Regulations 2000*. Clause 55 states that a development application may be amended prior to determination with the agreement of the consent authority.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

The amended development application specifically seeks consent for the following works:

- Demolition of all existing buildings and structures on site.
- Removal of 20 trees, augmentation of services and landscape works;
- Excavation to allow three levels of basement car parking and a mezzanine level.
- Erection of a shop top housing, comprising:
 - 3 storey basement car parking with a mezzanine level including 242 car spaces with vehicle access from a newly constructed service laneway off the Lakemba Street frontage.
 - Basement and ground floor retail with a total area of 2,484.2sqm including a full line supermarket.
 - Four residential podiums (maximum 8 storeys) with a total of 142 dwellings and 553.6sqm of rooftop communal open space and 47.2sqm of communal rooms;
- Associated landscaping including the creation of a new 1,191.2sqm public plaza which will also serve as communal open space for residents.
- Ancillary works including:
 - Construction of an 8.475m wide laneway (comprising a 6.675 metre wide access lane and 1.8 metre footpath) along the eastern side of the site, extending from Lakemba Street to the southern boundary of the property.
 - Construction of an additional traffic lane and extension of the existing central median island on Lakemba Street along the northern frontage of the site, facilitating the westbound left turn movement into King Georges Road to be dedicated to Council.
 - Construction of a 3 metre wide footpath along the site's Lakemba Street frontage to be dedicated to Council.
 - Relocation of in-ground services from within the current footpath alignment to the proposed footpath alignment.
 - Torrens Title subdivision of land into two lots to enable dedication of the laneway and footpath areas to Council and result in amalgamation of the remaining land into a single lot.

A set of architectural drawings is attached as **Appendix C. Figure 2** shows the relative building locations in plan form, with building reference names which are use throughout this report.

Figure 2 Site Plan with Building References



Key numeric aspects of the amended proposal are summarised below. The amended proposal is described in further detail within the following sections of this report.

Table 4 Numeric Overview of Proposal

Descriptor	Proposed			
New Site Area	4,889 sqm (962 sqm to be dedicated to Council)			
Land Use Activity	<p>This application proposed 'shop top housing'; as defined by the Canterbury LEP 2012 means:</p> <p><i>'one or more dwellings located above ground floor retail premises or business premises.'</i></p>			
Height of Building	Building B01-A: 28.02 metres	Building B01-B: 28.99 metres	Building B01-A: 26.564 metres	Building B01-B: 26.13 metres
Gross Floor Area	<p>Residential: 11,081.8sqm</p> <p>Supermarket: 1030.6sqm</p> <p>Retail premises/other specialities: 11,64.6sqm</p> <p>Total: 13,566.0sqm</p>			
Public Plaza	1180.6sqm (to be also used as residents as shared communal open space)			
Communal Open Space	642.2sqm of communal open space is provided on the four rooftops and on Level 6.			
Number of Apartments	<p>Studio: 18 apartments (12%)</p> <p>1 Bedroom: 40 apartments (28%)</p> <p>2 Bedroom: 80 apartments (56%)</p> <p>3 Bedroom: 4 apartments (3%)</p> <p>Total: 142 apartments</p>			
Car Parking Spaces	Use	Resident	Visitor	Retail
	Total	122	29	92
Motorbike Parking	27 spaces			
Bicycle Parking	Use	Resident	Visitor	Retail
	Total	37	15	22

The estimated cost of the development is \$42,555,477.23. A Quantity Surveyor's certificate is attached as **Appendix A**.

4.2. BUILT FORM

The massing approach responds positively to Council's planning intent for the site and presents as four podiums above an activated public plaza. Retail tenancies also located along both King Georges Road and Lakemba Street frontages to ensure that street activation is achieved across the site. The overall design has considered a range of options and criteria, including the amenity and activation of public space, solar access and natural ventilation requirements, bulk and scale and through site links.

The articulation and use of different materials on the façade generate a positive response to the desired future character of the site and the Wiley Park precinct in relation to aesthetics, scale, and bulk. The materials and finishes provide a distinctive street edge and podium expression through the combination of brick tones and timber louvres at the podium level and rendering and dark metal window frames above the podium.

Figure 3 Photomontage of proposed development



Source: Marchese Partners

4.3. LANDSCAPE CHARACTER

The landscaping strategy for the site includes landscaping and planting for the use of residents and the general public. The key elements of the landscape strategy and communal open space include:

- Landscaped deep soil zone of 332.6 sqm (6.8% of the revised site area) along the southern site boundary comprising the planting of 7 new trees and the retention of three existing native trees in the south western corner of the site.
- Significant landscaping throughout the public plaza including new trees and seating elements to create gathering spaces within the plaza.
- Significant planting along the fourth storey setback area and communal facilities located on the rooftop of all buildings for communal open space.

The landscape of the planters on Level 3 will be maintained by the adjacent residential owners as the planter will be included as part of the property. This has been included in the landscape maintenance plan

4.3.1. Public Plaza

Public domain improvements include the provision of a 1,191sqm public plaza at ground level for public use (**Figure 8**). The plaza has been designed by TaylorBrammer and is further described in the amended Landscape Plans enclosed in **Appendix D**. Subject to future leasing, restaurants and shops will line the

plaza and will activate the site and the Wiley Park village. This provides an opportunity for residents to interact with the public domain and introduces multiple site links to connect the site with the surrounding street network providing an alternative accessible route for pedestrians to the train station which is protected from noise and the car dominated environment of King Georges Road.

Figure 4 Public Plaza



Source: Marchese Partners

The proposed public plaza will be shared with residents as accessible and usable open space. The plaza will provide opportunities for social interaction, as well as additional amenity for residents and the general public. The public plaza will be supplemented by additional private communal open space for residents on the rooftops. High quality open space being available at both ground (shared with the public) and at the upper levels (private) is important and beneficial in higher density developments.

An amended Plaza Management Plan prepared by Urbis is enclosed in **Appendix X** which includes details regarding access, occupational health and safety as well as ongoing operational details. This plan will be reviewed intermittently and amended when necessary, particularly with regard to any conditions of consent specified as part of any approval.

4.3.2. Rooftop communal facilities

Private communal open space for residents is also located on the rooftop of all four podiums. All residents have access to all four rooftop areas to ensure equitable access to facilities is provided for all residents.

The rooftop communal facilities consist of four separate spaces over the four roofs:

- Buildings B01-A and B01-B:– BBQ area, seating alcoves and children’s play area
- Buildings B02-A and B02-B: – Children’s water play area, sun beds, BBQ area and communal garden

Plantings are proposed to provide a wind buffer to reflect the recommendations of the wind report prepared by Windtech (**Appendix J**). To ensure all rooftops provide adequate weather protection, lightweight shade structures have been incorporated onto the amended landscape design of Buildings B01-A and B01-B. A larger roof structure is provided on Buildings B02-A and B02-B.

An amended Rooftop Management Plan prepared by Urbis is enclosed in **Appendix Y** which includes details regarding access, occupational health and safety as well as ongoing operational details. This plan will be reviewed intermittently and amended when necessary, particularly with regard to any conditions of consent as specified as part of any approval.

4.4. PUBLIC DOMAIN WORKS AND LAND DEDICATION

4.4.1. Public Laneway

A two-way laneway and footpath is located along the north-east boundary of the site and provides access to both the shared basement car parking and ground level loading facilities. The laneway is 8.475 metres wide, including a 6.675 metre access lane and 1.8 metre pedestrian footpath along the eastern boundary of the site. The width and use of the laneway has been previously agreed upon by Council's engineering team as part of the discussions during the assessment of the previous DA/484/2017.

This land is to be dedicated Council to ensure access to adjacent development (76 King Georges Road) is not impeded on by the proposed development. The laneway is identified in Section D7.8 of the Canterbury Development Control Plan 2012 as a "proposed laneway". It is important to note that whilst development control plans provide guidance for development, they have no statutory weight. It is also important to note that the laneway is not identified in the *Canterbury Local Environmental Plan 2012* as land reserved for acquisition. There is therefore no statutory requirement for the land to be developed and dedicated to Council for a laneway.

4.4.2. Lakemba Street

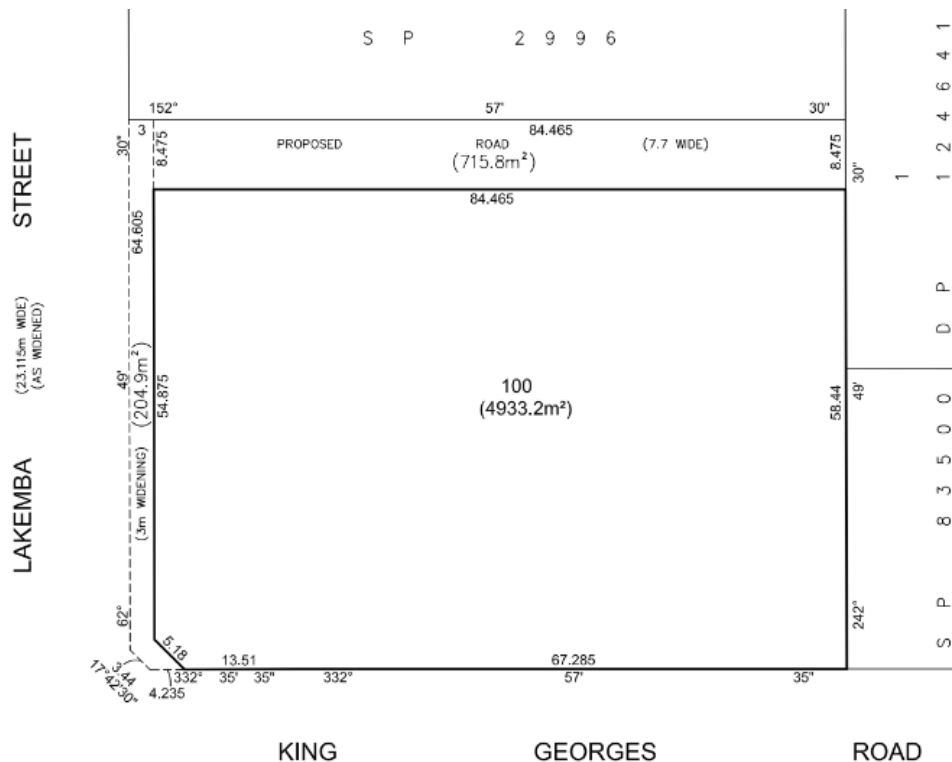
Revised site planning has been undertaken along the Lakemba Street frontage to allow for road widening works to Lakemba Street. The Lakemba Street footpath will be relocated onto the subject site. The footpath will be constructed and then dedicated to Council.

A 3 metre wide slip lane will also be constructed as part of the development to accommodate a new dedicated left-turn only slip lane extending along the entire Lakemba Street site frontage on approach to the King Georges Road traffic signals. This approach has been discussed and agreed to by RMS.

4.4.3. Land Dedication

The land comprising the public laneway and the Lakemba Street footpath identified in **Figure 5** is to be subdivided and dedicated to Council prior to release of any Occupation Certificate (including an interim certificate) in accordance with Council requirements. This land has a total area of 962sqm. A Plan of Subdivision prepared by Higgins Surveyors is enclosed in **Appendix BB**.

Figure 5 Proposed Plan of Subdivision



Source: Higgins Surveyor

4.5. SITE PREPARATION AND CIVIL WORKS

4.5.1. Demolition and Excavation

The proposal will demolish the existing buildings on the site and all ancillary improvements including at grade vehicle parking. Excavation is required to accommodate the proposed development including the three storey basement.

A Geotechnical Report has been prepared by JK Geotechnics which provides preliminary comments on subsurface conditions and which has informed recommendations regarding excavation conditions, retention, footings, on-grade slabs, and hydrogeology. The report is included at **Appendix P** and assesses the geotechnical findings for the site and provides recommendations to be implemented at the commencement of demolition and excavation works.

A Construction Waste Management Plan has been prepared by Caverstock Group and is included at **Appendix H**. The plan includes demolition and construction phase waste management in accordance with the Canterbury DCP 2012.

4.5.2. Tree Removal

An amended Arboricultural Impact Assessment Report has been prepared by Birds Tree Consultancy and is enclosed at **Appendix L**. The report identifies that 18 trees are required to be removed, 8 of which are considered exempt species and do not require approval for removal.

The report recommends that the 20 trees are suitable for removal based on the following:

- Five trees (Trees 4, 5, 6, 7 and 8) were identified as being environmental pests (*Ligustrum lucidum*) and will be removed.
- One tree (Tree 11) was identified for bark inclusion (a structural defect) and will be removed.
- Eight trees (Trees 1-3, 9, 10, 12, 16 and 17) are not viable for retention given the encroachment by the basement excavation of the proposed development.
- Four trees (Trees 18-21) along King Georges Road were assessed as not able to be retained as their TPZs will be encroached by pedestrian pavement works.
- Two trees (Trees 13-14) located at the south-west site boundary fall within the proposed road alignment required by Council and are not viable for retention.

It is noted that one existing tree (Tree 15) will be retained at the south western corner of the site. The tree is a Crepe Myrtle which is native to the east coast of Australia and will form part of the deep soil zone.

An additional 7 trees are proposed to be planted along the deep soil zone, with other plantings within planter boxes in the central plaza area. Both the public plaza and communal rooftop space provide high quality landscaping with mature plantings, seating, children's play areas and a high level of green coverage.

4.6. PARKING, ACCESS AND WASTE COLLECTION

4.6.1. Parking

The proposed development includes provision of 248 on-site parking spaces across three levels, including the following:

- 142 spaces for residents
- 29 spaces for visitors
- 92 spaces for retail tenants and customers.
- 1 dedicated car wash bay

4.6.2. Access and Loading Arrangements

Access to the site is available via a laneway to be constructed along the eastern site boundary. Vehicular access to the car parking facilities is located via a driveway located off the new public laneway to remove

potential queuing on Lakemba Street. All current driveway crossovers on both street frontages will be closed and restored to kerb and gutter. The width of the driveway access into the basement has been increased to 11 metres at the entry to reflect comments received from Council as part of their September 2021 RFI.

The existing 250mm wide central island dividing the two-way traffic flows along Lakemba Street will be extended along the entire Lakemba Street frontage, thereby restricting all turning movements to left-in/left-out only, in accordance with RMS/TfNSW and Council's requirements.

Vehicular access to the loading bay is to be provided via the abovementioned proposed new public laneway off Lakemba Street.

Two loading bays accessible via a mechanical turntable are located within the loading dock area, allowing all service vehicles to enter & exit the loading dock in a forward direction at all times. The loading area has been designed in accordance with the relevant Australian Standards (AS2890.2:2018) and will allow service vehicles to enter and exit the site in a forward direction. Emergency vehicles will be able to access the site and frontage streets to ensure practical use.

Loading and servicing for the proposed development is expected to be undertaken by a variety of commercial vehicles ranging from courier vans and utilities up to and including 12.5m long heavy rigid trucks. An amended Loading Dock Management Plan has been prepared by Varga Traffic (**Appendix F**) to ensure there are no potential issues with the shared use of the loading dock by residential and commercial vehicles.

4.6.3. Waste Collection

An amended Waste Management Plan (WMP) has been prepared by Elephant's Foot and is enclosed in **Appendix G**. The WMP outlines the proposed waste management system including the handling, separation, and collection of waste in addition to design requirements for the proposal to accommodate the generated waste volumes. The key features of waste management for the proposal include the following:

- Residential waste will be collected by Council with both garbage and recycling being collected on a twice weekly basis. Waste chutes will be installed on all residential levels of each core for the disposal of garbage only with all buildings providing capacity for at least 3 days waste via a linear track system. Two recycling bins will be situated in the waste compartment on each residential level for collection of recyclable items.
- A separated bulky waste room and electronic waste room are accessible to all residents from the lobby of Building B02-B. Key card access will be available for all residents to access both rooms. Access directly from the bulky waste room to the loading dock is available to building management to ensure waste can be managed.
- Collection of waste from the waste chute discharge rooms within the basement mezzanine to the loading dock will be the responsibility of the building manager. Recycling bins from the compartments on each level will be transferred to the loading dock area using the regular lifts. The building manager will ensure that bins are neatly arranged and evenly spaced for ease of servicing within the dedicated residential waste area. No residential waste facilities are to be accessible to the retail tenants or the general public.
- Retail waste will be collected by a private contractor to an agreed schedule (the WMP assumes collection will be undertaken three times a week). On completion of each trading day or as required, nominated staff or contracted cleaners will transport all general waste, comingled recycling and paper/cardboard recycling to the nearest retail waste room (either in Building B01-A or directly into the dedicated retail waste area adjacent to the loading dock) and place it into the appropriate collection bins. The building manager will be required to move waste from Building B01-A waste room to the loading dock with a bin carting plan incorporated into the Architectural Plans prepared by Marchese Partners (Appendix C). It is anticipated that bins will be transferred across the plaza outside of ordinary trading hours, generally either from 6.30am - 7.30am, or after 5pm. No retail waste facilities are to be accessible to the residential tenants or the general public.
- Supermarket waste will be stored within a separate garbage collection room on B1 with direct lift access to the loading dock. It is envisaged that garbage will be collected by a nationally appointed private waste contractors. The supermarket waste room will contain all of the bins required for the supermarket, as well as a baler and designated areas for bale and pallet storage. Room for forklifts to transfer waste has also been incorporated into the waste room and loading dock design.

- Lobbies, retail tenancies and circulation areas will also be supplied with waste and recycling bins, where considered appropriate. Building management will monitor use and ensure bins are exchanged and cleaned.

4.7. INFRASTRUCTURE DELIVERY

4.7.1. Utilities and Services

The site has access to existing services, which are generally located under the current footpath on Lakemba Street. To ensure that the proposed slip lane does not impact on these services, relocation of existing in-ground services from within the current footpath alignment is proposed to reflect the proposed footpath alignment.

4.7.2. Stormwater Management

Stormwater will be captured and conveyed across the site via an in-ground and suspended stormwater pit and pipe network. A new stormwater pipe shall be constructed under a new kerb alignment, and in accordance with Council engineering standards. New pit and lintel shall be coordinated with the civil design for the driveway crossing with additional longitudinal sections incorporated to ensure that the gradient of the driveway is accessible for all vehicles.

As shown on the civil plans at **Appendix E**, the existing sewer line is required to be diverted along eastern boundary to accommodate the development and will connect to Council's drainage system on the Lakemba Street. The development proposes stormwater quality controls and the provision of on-site stormwater detention (OSD) as detailed within the Site Stormwater Drainage drawings at **Appendix E** in accordance with Council's Development Engineering Guidelines.

5. STRATEGIC CONTEXT

5.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the proposed development:

- It will contribute to housing supply in the Sydney Metropolitan Region through the construction of 142 new apartments in an area with excellent access to public transport, employment opportunities and local services.
- It will contribute to housing choice, through the provision of studio, 1 bedroom, 2 bedroom, and 3 bedroom apartments including 15 adaptable apartments.
- It will contribute to the urban renewal of Wiley Park and the Sydenham to Bankstown corridor along a major transit corridor.
- It will facilitate a healthy built environment through good design and the construction of an open central publicly accessible plaza and landscaping.

5.2. OUR GREATER SYDNEY 2056: SOUTH CITY DISTRICT PLAN

The South City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The proposed development will assist in meeting local housing targets with 142 new dwellings, in addition to 2,484.2sqm of retail floor space, to support a growing local population and renewal of the identified urban renewal corridor.

5.3. SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR

The draft Sydenham to Bankstown Urban Renewal Corridor Strategy was released by the NSW Department of Planning and Environment (The Department) for public notification in October 2015. The Strategy has since been revised based on feedback received and was re-released for public notification to 3 September 2017.

The draft strategy provides the framework for future development within the Sydenham to Bankstown Corridor, which comprises of 12 station precincts surrounding each existing railway station between Sydenham and Bankstown and plans for 35,400 new homes and 8,700 jobs over the next 20 years.

The draft strategy identifies Wiley Park as a station precinct.

In January 2020, the Department of Planning, Industry and Environment (DPIE) announced a new approach to precinct planning, whereby the Sydenham to Bankstown Urban Renewal Corridor was identified as a strategic project to be undertaken collaboratively between DPIE and Council. It is understood that DPIE and Council will be developing a high-level, principle-based planning strategy for the corridor to address the community's and Council's visions for the area, which will inform Councils' future amendment of their local planning controls.

Whilst the strategic planning for the Sydenham to Bankstown Urban Renewal Corridor is yet to be finalised, the proposal will ensure good planning outcomes are achieved along the Sydenham to Bankstown corridor, as it will:

- Contribute to the diversity of housing opportunities with studio, 1 bedroom, 2 bedroom and 3 bedroom units.
- Enhance the public domain with a central public plaza and additional pedestrian access routes.
- Encourage the co-location of local jobs, housing and transport to reduce time and travel costs for future residents.
- Provides high quality design within the village centre to reflect the desired future character of Wiley Park.

The draft strategy provides the framework for future development within the Sydenham to Bankstown Corridor, which comprises of 12 station precincts surrounding each existing railway station between Sydenham and Bankstown and plans for 35,400 new homes and 8,700 jobs over the next 20 years.

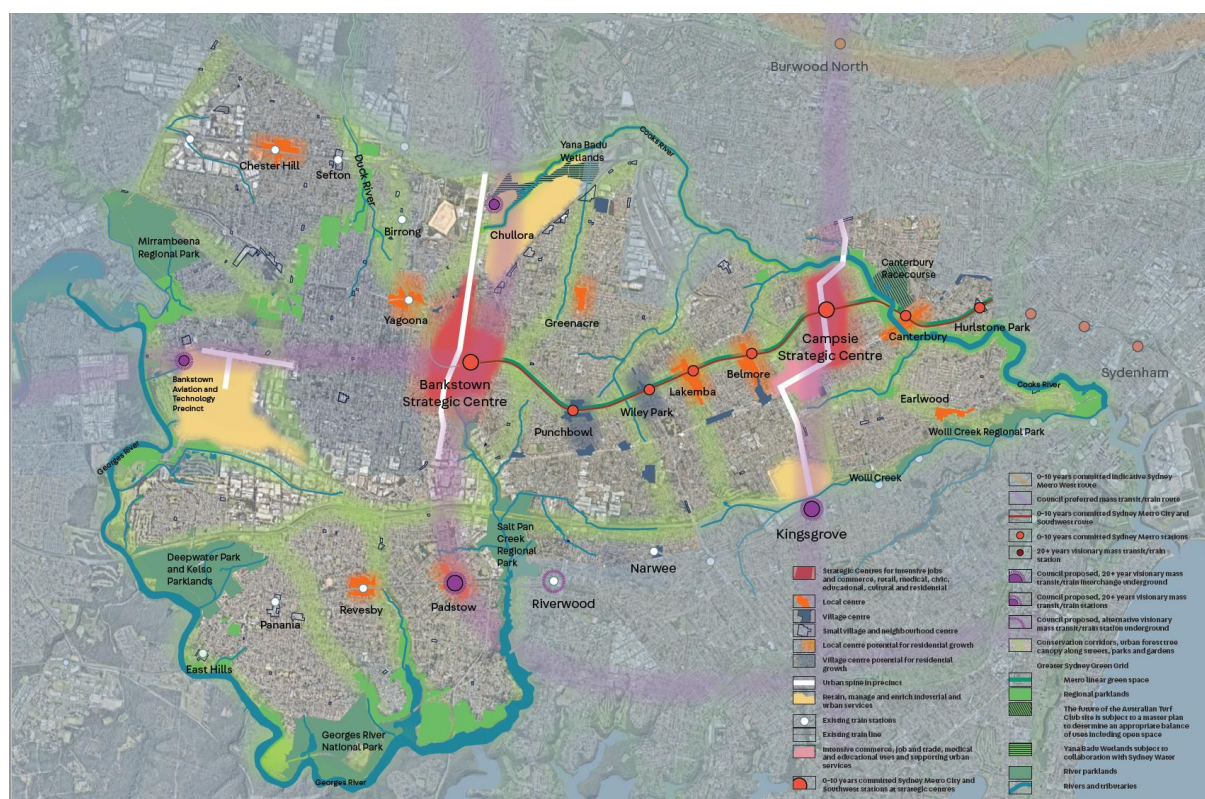
5.4. CANTERBURY BANKSTOWN LSPS

Connective City 2036, is the Canterbury Bankstown Local Strategic Planning Statement, which sets out a 20-year vision for land use in the local area including special characteristics which contribute to local identity; shared community values to be maintained and enhanced and how growth and change will be managed into the future.

For the first time there is a consolidated vision for Canterbury-Bankstown areas since the amalgamations of the two previous LGAS. The LSPS has informed the current amendments to the Canterbury Local Environmental Plan identified in **Sections 6.3** and **6.4** of this report.

Wiley Park is identified as a Village Centre which will service the local community. The proposed development reflects the intentions of the LSPS through the redevelopment of the Wiley Park village centre within the intention to provide a hub of community life, with high quality public, civic and community spaces and places. Wiley Park will be investigated for additional housing (subject to master planning, structure planning, community consultation, and environmental and urban design studies).

Figure 6 Canterbury-Bankstown Strategic Plan



Source: Canterbury Bankstown Council

5.5. CANTERBURY BANKSTOWN HOUSING STRATEGY

As part of the strategic framework for the LSPS, the Canterbury-Bankstown Housing Strategy was prepared by Council. The proposed development reflects the intentions of the Strategy by providing new housing within walking distance of centres and places of high amenity which is also compatible with the local character of Wiley Park.

6. STATUTORY CONTEXT

6.1. WATER MANAGEMENT ACT 2000

A Geotechnical Investigation Report prepared by JK Geotechnics was submitted with the previous DA (DA/484/2017) for the site. The report noted that groundwater seepage was encountered in the boreholes during auger drilling. The report concluded that it did not consider that there is a likelihood of the construction of the basement causing any significant interference to the regional groundwater flow due to the relatively impermeable nature of the subsurface profile as well as given proper drainage systems are to be designed and installed in the basement by a qualified hydraulic/drainage engineer.

Notwithstanding the above, DA/484/2017 was referred to NSW Natural Resources Access Regulator (NRAR) pursuant to Clause 91 of the Water Management Act 2000. Based on written correspondence received from NRAR on 30 June 2020, the proposed works were exempt from the need to obtain a controlled activity approval and no further comment was required. The current application does not result in any changes to the findings of the previous geotechnical assessment.

Comments were received from WaterNSW in September 2021 which required the perimeter walls and floor of the basement to be constructed using a 'tanked' (waterproof) construction method. An amended Geotechnical Report has been prepared by JK Geotechnics (Appendix P) to reflect these comments and ensure a 'tanked' basement is proposed. This approach was discussed with Council with confirmation provided on 21 September that the amended methodology is acceptable for the development application. It was also noted that a Dewatering Management Plan will be required at the post DA stage to obtain the dewatering approval prior to construction.

Considering the above, the proposal satisfies the requirements of the *Water Management Act 2000* and does not require referral to NRAR. Noting that this will be at the discretion of Council.

6.2. STATE ENVIRONMENTAL PLANNING POLICIES

6.2.1. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 came into force in December 2007 and aims to facilitate the effective delivery of infrastructure across the State. The SEPP identifies matters for consideration in the assessment of types of infrastructure development, including all new development that generates large amounts of traffic in a local area.

The following table assesses the compliance of the proposal in accordance with the relevant clauses within the SEPP.

Table 5 Assessment against relevant ISEPP provisions

Clause	Comment
CI 45 Determination of development applications—other development <i>(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i> <i>(b) development carried out—</i> <i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>(ii) immediately adjacent to an electricity substation, or</i> <i>(iii) within 5m of an exposed overhead electricity power line,</i>	Under the terms of this clause, Endeavour Energy will be notified of the proposal as part of the development assessment process.

Clause	Comment
<p>CI 101 Development with frontage to classified road</p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>King Georges Road is identified as a 'classified road' by RMS. As such, RMS will be notified of the proposal as part of the development assessment process.</p> <p>As part of the previous DA for the site, RMS provided their 'in principle' support for the proposal and the delivery of a dedicated turning lane on Lakemba Street.</p> <p>The proposal removes existing vehicular access driveways on King Georges Road. Vehicular access will be available only from Lakemba Street via the proposed laneway which will be dedicated to Council. The vehicular access arrangements result in a favourable outcome with regards to the safety, efficiency, and ongoing operation of King Georges Road.</p> <p>An Acoustic Report has been prepared by Renzo Tonin to support this DA and is attached at Appendix I. The report concludes that the proposal can meet the noise requirements under the Infrastructure SEPP and the Australian Standards.</p> <p>An amended Traffic and Parking Report has also been undertaken by Varga Traffic for the proposed development (Appendix F). The assessment concludes that the anticipated traffic generation resulting from the proposal is considered acceptable within the context of the Wiley Park train station and nature of uses and demand peak periods. Traffic generation is further discussed in Section 7.2.1 of this SEE.</p>
<p>CI 102 Impact of road noise or vibration on non-road development</p> <p><i>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i></p> <p><i>(a) residential accommodation,</i></p>	<p>King Georges Road is a State classified road. The Acoustic Report prepared by Renzo Tonin (Appendix I) concludes that the proposal can meet the noise requirements under the Infrastructure SEPP and the Australian Standards.</p>

Clause	Comment
<p>...</p> <p>(3) <i>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i></p> <p>(a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p>(b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	
<p>CI 104 Traffic-generating development</p> <p>Under Schedule 3 of the ISEPP, the proposed development is considered 'traffic generating development' as it will provide more the 75 dwellings on a site with access to classified road or to road that connects to classified road</p>	<p>The proposed development is traffic generating development for the purposes of the SEPP. Written notice of the application will be provided to TfNSW for comment.</p>

6.2.2. State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health or the environment. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to the consent of a development application.

A Limited Stage 1 Environmental Site Assessment with Soil Sampling (**Appendix Q**) prepared by Environmental Investigation Services outlines that the Contaminants of Potential Concern identified at the site could pose a risk to receptors. The assessment concluded that a Stage 2 ESA to address data gaps and to include soil and groundwater sampling be undertaken.

A Stage 2 ESA has subsequently been carried out over the site and is included at **Appendix Q**. This assessment identified that elevated concentrations of contaminants, above the Health Investigation Level criteria were not encountered in the soil or groundwater analysed, however minor elevations of copper, nickel and zinc were identified.

The areas of concern pose a relatively low risk to the site receptors and the site is considered to be suitable for development subject to the following:

- Undertake some additional analysis to assess whether the fill in the south section can remain on-site;
- If the concentrations remain elevated after the additional analysis the fill should be removed as part of the basement excavation; and
- Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work. It is anticipated this will form part of the Conditions of Consent.

We note that Council's Environmental Health Officer reviewed the previous application (DA/484/2017) which included the abovementioned reports and supported the previous DA subject to conditions of consent, including conditioning the recommendations of the Stage 2 report.

In the September 2021 RFI prepared by Council, Council's Environmental Health Officer required a revised Detailed Site Contamination Investigation (Stage 2) Report to address 'data gaps' identified by Council. This report has been discussed further with Council and is currently being prepared for Council's review.

6.2.3. State Environmental Planning (Building Sustainability Index: Basix) 2004

A BASIX Certificate have been provided in **Appendix R** and confirm that the proposed development meets the NSW government's requirements for sustainability. The BASIX assessment indicates that the proposal achieves the water and thermal performance ratings required.

6.2.4. State Environmental Planning Policy No. 65 — Design Quality of Residential Apartment Development

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings. In determining a development application for residential flat development, a consent authority is to consider:

- (a) the advice (if any) obtained from the design review panel.
- (b) the design quality of the development when evaluated in accordance with the design quality principles.
- (c) the Apartment Design Guide.

An amended Design Verification Statement and ADG Compliance Table (**Appendix M**) prepared by Marchese Partners outlines how the design quality principles are achieved and demonstrates how the objectives of Parts 3 and 4 of the ADG have been addressed. A compliance summary against the key amenity criteria of the ADG is provided below:

- **Minimum apartment size:** All apartments meet the minimum requirements of the ADG.
- **Solar access:** A total of 104 out of 142 (73.24%) apartments achieve the ADG recommendation for solar access to primary living areas and private open space. The proposal is therefore compliant with the ADG.
- **Natural ventilation:** A total of 80 apartments achieve the ADG recommendation for natural cross ventilation on the first 9 storeys of the residential towers with an additional 6 units (2A304, 2B303, 2A404, 2B403, 2A504 and 2B503) achieving natural ventilation via cross-over plenum ducts connecting the rear of the single aspect apartments to the opposite external façade of apartments.

This results in a total of 86 apartments (60.5%) of apartments achieving natural ventilation which is compliant with the ADG. The assessment of natural ventilation has been cross checked by Wind Tech and is enclosed in **Appendix J** which confirms that natural ventilation is achieved without impacting the acoustic privacy of residents.

- **Building separation:** The proposal achieves a high degree of compliance with the setbacks to neighbouring properties under the ADG. Architectural features are proposed to encroach into the building separation on the eastern and southern site boundaries by 500mm. This has been discussed with Council and is considered to reflect the intentions of the design criteria and does not result in any trafficable area or negligible impacts including visual privacy or overshadowing on neighbouring properties.

The internal building separation does not achieve strict compliance with the 12m guideline for facing habitable rooms for internal separation between Buildings B01-A and B01-B and B02-A and B02-B, this approach has been proposed to ensure there are breaks in the building form and also provides a pedestrian link from King Georges Road into the public plaza. Whilst, this is a minor non-compliance with the ADG requirement for building separation and visual privacy, it is considered acceptable given:

- Visual privacy will be afforded to future residents of the affected apartments through the incorporation of the following mitigation measures which have been incorporated into the proposed design:
 - Frosted glass windows will be applied to affected habitable windows.
 - 1.8m high frosted glass screens will be applied to the relevant elevation of affected balconies.
- In addition to the above, the Acoustic Report prepared by Renzo Tonin and Associates. considered the potential acoustic impacts on the affected residential apartments resulting from the proposed internal building separation variation. In summary, the report concluded that through the

incorporation of building recesses, solid fin walls and acoustic plenums (as required), adequate acoustic privacy will be maintained to the affected apartments.

- As the site has a shared basement across the site, there is precedent for considering the site as one building with 4 residential podiums above, this would not require full compliance with building separation requirements.

It is important to note that Council was previously supportive of this design (i.e. 7m internal building separation) from a visual privacy and acoustic perspective in their assessment of the previous DA for the site (DA/484/2017), despite the variation as they considered that the objective of the control was still met if natural ventilation could also be amended as part of a new design.

- **Communal open space:** The proposal includes 553.6sqm of communal open space, totalling 11.3% of the new site area. While this is short of the ADG requirement of 25%, it is considered acceptable given the development is mixed use development incorporating a 1,191sqm public plaza on the ground floor which will be shared with residents as accessible and usable open space. Whilst the plaza is designated for public use with a public pattern of activities (restaurants, shops, playing area etc), it will provide the residents with opportunities for social interaction, as will provide additional amenity for residents. In this sense, it is considered the objectives of the communal open space requirement of the DCP is achieved based on merit as outlined below:
 - High quality open space being available at both ground (shared with the public) and at the upper levels (private) is important and beneficial in higher density developments.
 - An additional 47.2sqm of communal space is located on Level 6 of Buildings B02-A and B02-B to provide enclosed space for the use of all residents.
 - The proposed rooftop communal space caters for a diverse range of uses and activities. The spaces have been designed to include landscaped and seating areas, children's play areas and BBQ areas.
 - If strict compliance of the design criteria were to be applied, the delivery of the publicly accessible plaza would not be possible noting that a public plaza is identified as desirable on the site in Section 7.8 of CDCP). It is considered that the public benefits of the plaza at the ground plane strongly outweigh the requirement for strict compliance with the ADG for communal open space.
 - If the public plaza was to be incorporated into the calculation of communal open space, the development would provide 1,744.6sqm (35.6% of the new site area) of communal open space which exceeds the design criteria for communal open space.
 - The proposal is considered to provide a sufficient mix of private communal open space coupled with the benefits of the activated publicly accessible plaza, and therefore will provide residents with sufficient open space, with diverse offerings of amenity.

It is important to note that this approach was agreed to in the previous DA for the site (DA/484/2017) given that even though there was a non-compliance with the amount of communal open space on site, when calculated with the public plaza it exceeded the 25% requirement for communal open space.

- **Private open space:** All apartments exceed the ADG recommended areas for balconies.
- **Deep soil zone:** 332.6 sqm (6.8%) of the site accounts for deep soil planting. While this is slightly short of the ADG requirement of 7%, it is considered acceptable for the following reasons:
 - The proposal is located in a business zone and provides retail uses on the ground floor where deep soil planting is generally located.
 - The development also provides alternative forms of planting including within the public plaza and within the rooftop communal space.

Overall, the proposal is considered to provide a sufficient extent of deep soil landscaping given the site location and context, the extent of publicly accessible plaza area with landscape planters, and rooftop communal spaces.

- **Storage:** Apartments are provided with storage facilities meeting or exceeding the ADG criteria, as shown in the amended Architectural Plans provided at **Appendix C**.

6.3. CANTERBURY LOCAL ENVIRONMENTAL PLAN 2021

Canterbury Local Environmental Plan 2012 (the LEP) is the primary environmental planning instrument applying to the site and the proposed development.

The site is zoned B2 Local Centre in accordance with the LEP. The proposed development is defined as 'shop top housing' in accordance with the LEP. Shop top housing is permitted with development consent in the B2 zone.

The proposed amended development is consistent with the zone objectives as outlined in the below table. It is important to note that in accordance with relevant case law, notably *Hrsto v Canterbury City Council*, that the residential accommodation is not at or below the retail level.

Table 6 Consistency with B2 Local Centre objectives

Objective	Consistency
<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. 	<p>The proposal will provide a mix of retail and residential uses that are appropriate for the site and meet the desired future character of the Wiley Park village centre.</p> <p>The land uses will stimulate the local economy and will be a catalyst for urban renewal around the station.</p>
<ul style="list-style-type: none"> To encourage employment opportunities in accessible locations. 	<p>The proposal will locate jobs within the development, and close to transport connections to other centres and employment opportunities.</p>
<ul style="list-style-type: none"> To maximise public transport patronage and encourage walking and cycling. 	<p>The proposal will include a vital pedestrian link/connection between the train station and Wiley Park village centre through the creation of a new public plaza. Pedestrians will be encouraged to walk through the site which is protected from noise and the car dominated environment of King Georges Road.</p>
<ul style="list-style-type: none"> To facilitate and support investment, economic growth and development for active, diverse and well-designed centres. 	<p>The proposal provides ground floor activation and public domain improvement works, which will create a vibrant, active and safe environment for the benefit of residents and the broader community.</p>

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 7 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.1 – Minimum Subdivision Lot Size	No minimum lot size provision for the site.	The proposal will consolidate lots for the use of shop top housing. The site will be partially subdivided to dedicate land to Council.	Yes
Clause 4.3 – Height of Buildings	27 metres	The amended proposal has a maximum height of 28.99 metres which results in a minor non-compliance with the development standard.	Minor non-compliance, refer to Appendix Z

Clause	Provision	Proposed	Complies
		A Clause 4.6 Variation to the Height of Buildings Standard has been prepared by Urbis and is enclosed in Appendix Z .	
Clause 4.4 – Floor Space Ratio	No Floor Space Ratio (FSR) provision for the site.	The proposal results in a total gross floor area (GFA) of 13,639 sqm.	N/A
Clause 5.10 – Heritage Conservation	No heritage items are located within the site or surrounding area.	The proposed development has no impact on any items of heritage significance	Yes
Clause 6.1 – Acid Sulfate Soils	No acid sulfate soils are identified within 100 metres of the site.	Not applicable.	N/A
Clause 6.2 – Earthworks	The consent authority must be satisfied that the proposed works will not have any detrimental impacts on the site and neighbouring properties.	<p>An amended Geotechnical Report prepared by JK Geotechnics is enclosed in Appendix P. This report outlines that the proposed cut and fill necessary for the basement excavation is unlikely to impact on the water table or impact future development on surrounding properties. Initial investigations found that the soil onsite is a mix of high strength sandstone and shale.</p> <p>The report recommends specific mitigation measures for construction to ensure that the proposed works have no detrimental impacts on the site and surrounding properties including:</p> <ul style="list-style-type: none"> ▪ Continuous vibration monitoring should be undertaken particularly during excavation of large rocks ▪ Installation of batter slopes and shoring systems to anchor cut and fill ▪ All footing excavations should be inspected by a geotechnical engineer 	Yes
Clause 6.4 – Stormwater Management	The consent authority must be satisfied that the development maximises water permeable surfaces, includes on site stormwater retention for use as alternative supply means and avoids adverse impacts of stormwater	Stormwater will be captured and conveyed across the site via an in-ground and suspended stormwater pit and pipe network. The pit, pipe and roof drainage systems collect/convey site runoff and control discharge a specific point of connection to Council's drainage system. As shown on the plans at Appendix E , the existing sewer line	Yes

Clause	Provision	Proposed	Complies
	runoff on adjoining properties.	is required to be diverted along the site boundary to accommodate the development. The development proposes stormwater quality controls and the provision of on-site stormwater detention (OSD) as detailed within the Site Stormwater Drainage drawings at Appendix E .	
Clause 6.6 – Essential Services	The consent authority must be satisfied that the development has adequate arrangements for: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The subject site is serviced by water, electricity, sewerage, stormwater drainage and will provide adequate vehicular access from Lakemba Street via the proposed laneway. A Utility and Services Report is provided at Appendix T . Services currently located within the site will be moved as part of the land dedication of the Lakemba Street slipway.	Yes
Clause 6.7 – Mixed use development in business zones	Despite any other provision of the LEP, development consent may be granted to a mixed use development in the B2 Local Centre, incorporating residential accommodation and a medical centre.	The proposal does not seek consent for a medical centre.	Yes

Based on the above, it is considered that the proposal complies with the relevant provisions within the LEP.

6.4. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

6.4.1. Draft Canterbury Bankstown Local Environmental Plan 2021

At the Canterbury Bankstown Local Planning Panel meeting on 30 June 2020, the Panel adopted the *Draft Consolidated Local Environmental Plan* (draft LEP) to produce a single set of planning rules for the Canterbury Bankstown Local Government Area (LGA). Council is awaiting the finalisation of the draft LEP by the Department of Planning, Industry and Environment (DPIE). The draft LEP has been considered as part of this application and does not propose any changes to the current development standards for the site or the permissibility of the amended proposal.

6.4.2. Design and Place SEPP

The Explanation of Intended Effect (EIE) for the *Design and Place State Environmental Planning Policy* (Design and Place SEPP) was released by DPIE in February 2021. In the Design and Place SEPP FAQ released in July 2021, DPIE confirmed that the SEPP and related guidance is still 'work in progress' and is

not yet state government policy. As such, it is not a relevant consideration for any development application until it is considered government policy.

6.5. DEVELOPMENT CONTROL PLANS

6.5.1. Canterbury Development Control Plan 2012

Canterbury Development Control Plan 2012 (CDCP 2012) provides detailed planning controls relevant to the site and the proposal. A detailed compliance assessment has been undertaken and is attached at **Appendix N**.

The proposal is generally compliant with the objectives and controls of the CDCP 2012. Minor non-compliances still occur with DCP car parking rates and setbacks. These are addressed below.

Parking Provision Rates

Part B1.3 Parking Provision Rates of the DCP requires specific off-street parking rates for residential and commercial development within the B2 zone. Shop Top Housing in accessible local centres are required to meet the following rates.

Table 8 CDCP Parking Rates for residential development

Canterbury DCP Rate	DCP Requirement (based on proposed scheme)	Proposed Development
Studio: 0.5 spaces per dwelling	9 residential car spaces	122 residential car spaces
1-3 bedrooms: 1 space per dwelling	124 residential car spaces	
Visitor Parking: 0.15 per dwelling	22 visitor spaces	28 visitors
Total	155 car spaces	150 car spaces

Overall, the proposed scheme results in a minor non-compliance of 5 car spaces for residential purposes with the DCP rates. However, given the site's proximity to the Wiley Park train station under Section 3J of the ADG, developments within 800m of a railway station, may provide parking in accordance with the *RMS Guide to Traffic Generating Developments* if these rates are less than the DCP. This approach was considered acceptable for the previous DA/484/2017.

Based on the RMS Guidelines there is a requirement for 107 residential car parking spaces and 29 visitor spaces based on the proposed apartment number and mix. In summary, while the proposed development is non-complaint with the DCP rate, it exceeds the RMS Guidelines for residential development within 800 metres of train stations.

Retail car spaces are based on the following DCP rates provided for types of retail premises:

- Supermarkets – 1 space required for every 27sqm of GFA
- Retail premises – 1 space required for every 27sqm of GFA
- Restaurants (food and drink premises) – 1 space required for every 30sqm of GFA

Based on the retail GFA of 1,842.8sqm for the supermarket and retail premises across the site and 245.4sqm for restaurants, the proposed amended development requires 77 car spaces for retail development. The proposed development exceeds this requirement and provides 92 car spaces for retail premises to ensure that visitors and staff have sufficient and available parking on site.

Further, electrical vehicle charging stations and carsharing spaces are allocated in the retail carpark for additional amenity and use by residents and public.

While the proposal results in a minor non-compliance in car parking rates from the residential DCP rate, the proposed development exceeds the car parking rates based on the RMS Guidelines for residential developments.

Due to the close proximity to public transport, including Wiley Park train station, the RMS Guidelines are considered the appropriate guidelines for car parking for the site and the minor non-compliance with parking is considered an appropriate outcome for the site. This approach was supported by Council as part of the assessment of the previous application for the site (DA/484/2017).

Front Setbacks

Part D1.3.4 Setbacks requires that development in the B2 zone provide:

- Zero setback for 1-3 storeys
- 5 metre setback for level 4 and above

Due to the amended site boundary of Lakemba Street constraining the site, the setbacks do not comply with the proposed site boundary.

To allow for architectural features to protrude from the building façade to the zero setback line, the development is setback 0.7m from the site boundary along Lakemba Street and King Georges Road at the ground level to the third storey. The fourth storey provides plantings and balconies to break up the built form to present a 2.5 metre upper level setback along Lakemba Street (from the new site boundary) and a 5 metre upper level setback along King Georges Road. If the Lakemba Street setback was measured from the existing site boundary it would exceed the 5 metre upper level requirement.

The fifth storey and above retain the setbacks set by the fourth storey with minor protrusions for architectural features.

Overall, the proposed development is generally consistent with the proposed setbacks along the primary frontage of King Georges Road with a minor non-compliance on the secondary frontage of Lakemba Street generally due to the dedication of the new footpath. The non-compliance on Lakemba Street is considered acceptable as the proposal provides a consistent street wall along both Lakemba Street and King Georges Road with all buildings setback above the fourth storey to reduce any potential visual impacts from the street. It is also noted that Council supported this approach for the previous DA for the site (DA/484/2017).

6.5.2. Draft Consolidated Development Control Plan

At the Ordinary Council Meeting on 8 December 2020, Council resolved to exhibit the Draft Consolidated Development Control Plan (Draft DCP) and guides to support the Draft LEP. While the Draft DCP is primarily an administrative consolidation of *Bankstown Development Control Plan 2015* and *Canterbury Development Control Plan 2012*, the consolidation process will result in some proposed changes to the objectives and controls currently applying in the City of Canterbury Bankstown.

While the draft DCP is not a required consideration under section 4.15 of the EP&A Act, a detailed compliance assessment of the draft controls has been undertaken and is enclosed in **Appendix O**. The amended proposal is generally compliant with the objectives and controls of the Draft DCP.

6.6. INFRASTRUCTURE CONTRIBUTIONS

Canterbury Development Contributions Plan 2013 is the relevant Contributions Plan for the site. Section 7.11 contributions will apply to the site based on the cost of works.

7. ASSESSMENT OF KEY ISSUES

7.1. BUILT FORM, URBAN DESIGN AND LANDSCAPING

7.1.1. Overshadowing

Amended shadow analysis of the proposal at 21 June between 8am and 4pm has been undertaken by Marchese Partners and is included within the architectural drawings package enclosed in **Appendix C**. The shadow diagrams have specifically reviewed the impacts on three neighbouring sites based on Council's comments in DA/484/2017. These sites include:

- 278 Lakemba St to the east;
- 72-74 King Georges Road to the south; and
- 76 King Georges Road (Buildings 1-4) to the south.

Survey information has been prepared for the three properties to assess the potential impacts on living and private open spaces within individual apartments.

The key findings of the analysis undertaken remain consistent with the previous assessment including:

- The proposed scheme has no additional shadow impacts on 278 Lakemba Street to the east between 9.00am and 3.00pm. There may be additional impacts between 3.00pm and 4.00pm which results in a minor non-compliance to the DCP controls but remains compliant with ADG criteria.
- Overshadowing occurs to the northern elevation of 72-74 King Georges Road at various parts of the façade between 9:00am and 4:00pm with the building already in shadow at 8.00am. Based on survey data, it is assessed that all windows to living rooms receive a minimum of 2 hours solar access at midwinter. Those windows whose solar access is reduced serve non-living room areas within the dwellings (bedrooms and studies).
- Overshadowing occurs to the northern façade of the four buildings at 76 King Georges Road in the afternoon hours. All buildings on this site receive sun between 9:00am and 12 noon, exceeding the minimum 2 hour requirement under the ADG. The two most easterly buildings (Buildings 1 and 2) receive additional solar access between 1pm to 2pm. The western elevations of Building 1 and 3 also receive some solar access between 2.00 and 3 but are generally already overshadowed.
- Overshadowing also occurs to the properties along the western frontage of King Georges Road between 8:00am-10:00am. These properties receive full sun for the rest of the day.
- The minor non-compliance with the height of buildings development standard attributed to the shade structures on Buildings B01-A and B01-B do not result in any overshadowing impacts on neighbouring properties or the site.

The overshadowing impacts are considered reasonable for the following reasons:

- Based on survey data, living areas and private open space of 72-74 King Georges Road are assumed to be oriented to the west adjacent their balconies fronting King Georges Road. Along the northern elevation, living rooms to the west have no windows which are impacted by solar access and living rooms to the east receive solar access between 12:00pm-2:00pm. This is generally consistent with CDCP 2012 controls which seek to avoid overshadowing onto neighbouring dwellings primary living areas and private open space.
- The *Draft Sydenham to Bankstown Corridor Strategy* identifies 72-74 King Georges Road for future medium rise housing (12 storeys). Under the current and future planning controls for the site, any future re-redevelopment of the site would need to comply with appropriate setbacks and would generally alleviate any issues of overshadowing.
- Given the orientation and topography of the site and the scale of development permitted, it is reasonable to expect that additional overshadowing will occur. However, it is noted that living rooms and private open spaces of the southern neighbouring buildings still achieve 2 hours of solar access at midwinter.
- The proposal provides four north-south linear podiums either side of a public plaza. The design ensures solar access is received in the public plaza in the afternoon hours. A development that concentrated built

form to the north and a plaza to the south would overshadow the plaza most of the day. This is not a good urban design outcome and it would reduce the amenity for people using the public plaza.

- Overshadowing impacts are reasonable in the circumstances given the public benefits of the proposal, the limited setbacks on the adjoining sites and the orientation of the site.

The proposed overshadowing impacts have been previously considered acceptable and consistent with the objective of Part C5.2.4.1 by Council in their assessment of the previous DA (DA/484/2017) given the following:

- The proposed development has been sited to try and minimise impacts (including overshadowing) on adjoining properties.
- The design achieves compliance with the minimum building separation controls to the southern and eastern boundaries. In some instances, a greater separation than the minimum requirement is provided particularly to the southern boundary.
- The existing shop top housing to the south of the site is located within 3m of the northern boundary shared with the subject site. This building separation distance does not comply with the current standards applicable in the ADG today. An additional setback for the first 4 storeys (9m rather than the required 6m) has been accommodated on the subject site to try and minimise impacts on the property to the south.
- The design incorporates a minimum 13m separation between Building B01-A to B02-A and B01-B and B02-B for the first four storeys to encourage solar access within the site as well as to adjoining properties.
- The overshadowing impacts resulting from the proposed development can be considered to be somewhat attributed to the building height permitted on the site, the existing lower scale nature of the existing adjoining properties, the proximity of existing buildings to the site boundaries (particularly in regard to 72-74 King Georges Road which is only setback 3m from the common southern boundary) as well as the orientation of the site and its relationship with the adjoining properties.
- The proposed development maintains some level of solar access to the impacted properties which is considered reasonable in the circumstances of this case.

7.2. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

To ensure that the proposed development reflects the NSW Police Safer by Design CPTED principles including surveillance, access control, territorial reinforcement, and space and activity management, the following recommendations and managerial measures have been identified.

It is anticipated that these recommendations will be incorporated into the conditions of consent to ensure that the CPTED principles are incorporated into the ongoing management of the site.

Table 9 CPTED Recommendations

Area	Recommendations
Public Plaza	<p>A Plaza Management Plan has been prepared by Urbis which provides clarity on ownership, responsibility, security measures and operating hours. The POM also outlines details on how noise and neighbourhood disputes will be managed.</p> <p>Other measures include:</p> <ul style="list-style-type: none"> ▪ Signage will be provided to guide people through the plaza and limit excessive noise between 10.00pm to 6.00am ▪ Anti-graffiti paint used throughout the site including in the car park and in publicly accessible areas (boundary walls/fencing). Graffiti will be removed as soon as possible if it does occur. ▪ Trees, sculptures and landscaping within the public plaza will be designed to ensure are not limiting line of sight and visibility and do not provide a space for people to hide and stay out of sight.

Residential Areas	<ul style="list-style-type: none"> ▪ Access to residential and commercial areas are separated including from lifts and stairs. ▪ Access is to be secure to all lobbies with intercom systems and key card access. ▪ Signage is to be provided which clearly indicates residential areas which are restricted. ▪ Entrances are to be clearly visible and identifiable. ▪ Storage units are secured with locks and ensuring they are covered at all sides would help make sure people cannot break in.
Basement	<ul style="list-style-type: none"> ▪ Residential and commercial spaces are to be separate with residential/visitor spaces should not be able to be accessed by commercial/retail customers. ▪ Access control measures such as panel gates, intercom, access pass will be incorporated into the basement design. This will help ensure resident parking areas are only accessed by residents and visitors. ▪ A Plan of Management will be prepared for the management and security of retail car parking after hours. ▪ Lighting and CCTV will be incorporated into the basement design as well as measures such as white paint to ensure good visibility and different colour themes on each level so they are easily identified. ▪ Signage will be provided to remind people to not leave valuables on display in their vehicle to help prevent steal from motor vehicle offences. ▪ Disabled parking spaces are located near the lift as well as bike spaces for short-term users including delivery drivers.
Communal Spaces	<ul style="list-style-type: none"> ▪ All communal spaces will be accessible by all residents however access control will be programmed to ensure people can only access communal areas (bulky storage room, rooftop communal spaces) and their own level ▪ CCTV will be utilised in communal spaces. ▪ Signage will be provided to make people aware that CCTV is being utilised. ▪ Lighting will be utilised to ensure good visibility and that individuals can see someone approaching including when it is dark. ▪ Lighting will be vandal resistant and high mounted.
Retail Tenancies	Details of the retail stores and a plan of management will be developed and shared prior to operating, especially if operating 24 hours or with a liquor licence.

7.3. TRAFFIC, ACCESS AND PARKING

Varga Traffic has prepared a Transport and Parking Assessment Report enclosed in **Appendix F**, which addresses proposed parking, traffic and transport impacts as a result of the development. Varga Traffic have also prepared a Loading Dock Management Plan to ensure that the mix of uses on site can successfully be managed on site.

Vehicular access to the car parking area is to be provided via a new entry/exit driveway located off a new public laneway extending from Lakemba Street, within the northern setback of the site.

The new scheme attempts to address the small number of outstanding design issues which were not fully resolved for the previous DA (DA/484/2017), including the following relevant items:

- Travel routes of vehicles accessing the site and their impact on selected signalised intersections and surrounding local streets
- Profile width of the existing central median island in Lakemba Street which is to be extended
- Loading/servicing/waste collection arrangements
- Design of new Lakemba Street and public laneway intersection

- Sight lines at the property boundary
- Basement parking layout

The majority of traffic associated with the proposed development is attributed to the retail and supermarket components, however the site's prime location within the centre of the Wiley Park Station Precinct will likely result in a much higher percentage of foot traffic rather than vehicular traffic.

The scheme has been amended to incorporate the basement access point and loading dock access directly from the proposed new laneway along the eastern extent of the site. The new public laneway has also been amended to be designed as a formal intersection with Lakemba Street with left-in, left-out access only, as required by RMS. All redundant driveway crossovers will be closed and restored to kerb and gutter.

7.3.1. Traffic Generation

A *Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation* (October 2002) and the relevant traffic generation rates have been used to estimate the traffic which will be generated from the proposed development.

The proposal yields a traffic generation potential of 132 vph during the AM peak period and 230 vph during the PM peak period. The traffic report concludes that the projected traffic generation potential of the site as a consequence of the development proposal, will not have any unacceptable traffic implications in terms of road network capacity and provides a reduced traffic generation than the previous scheme which was reviewed by Council (DA/484/2017).

The Roads and Maritime Services (RMS) has identified that the new left turn laneway from Lakemba Street into King Georges Road is required to ensure adequate intersection performance. This new laneway is proposed and will be delivered as part of this development. RMS have previously provided an agreement 'in-principle' under Section 87 of the *Roads Act* 1993 for the concept TCS design modification to the traffic signals.

RMS also previously requested the existing 250mm wide central island dividing the two-way traffic flows along Lakemba Street should be extended along the entire Lakemba Street site frontage, thereby restricting all turning movements into/out of the development and the future laneway to left-in/left-out movements only. As part of the assessment of the previous DA/484/2017, Council requested additional information regarding the impacts of the proposed extension to the median strip on the local road network.

In discussions with Council, it was agreed that Council would accept the width required by TfNSW. Accordingly, confirmation was received from TfNSW on 30 April 2021 confirming that the extension of the island using the existing width of the median strip remained acceptable and would not result in any additional impacts on the local road network. This advice is appended to the Traffic and Parking Assessment enclosed in **Appendix F**.

In September 2021, Council raised concerns regarding the potential for people to attempt to attempt a u-turn across the median strip, however Varga Traffic have clarified in the updated Traffic and Parking Report that the context of the site is a natural deterrent for this to occur.

Further correspondence with Council clarified that update traffic counts are not required however the modelling has been updated to consider the laneway and Lakemba Street intersection and deduced that there is no significant impact as a result of the amended development.

7.3.2. Loading

The Parking and Traffic Report at **Appendix F** confirms that the design layout of the proposed car parking and loading facilities have been designed to comply with the relevant requirements specified in the Standards Australia publication Parking Facilities Part 1 - Off-Street Car Parking AS2890.1 and Parking Facilities Part 6 - Off-Street Parking for People with Disabilities AS2890.6 in respect of parking bay dimensions, ramp gradients and aisle widths.

The proposal includes a mechanical loading dock for both residential and retail use. A Loading Dock Management Plan prepared by Varga Traffic is enclosed in **Appendix F** to ensure that the mix of uses on site can be appropriately managed. The amended design and turntable will allow all service vehicles to enter and exit the loading dock in a forward direction and improve the overall safety of the rear laneway for pedestrians and vehicles.

7.3.3. Car Parking

Given the site's proximity to the Wiley Park train station, the car parking rate as defined within the RMS' Guide to Traffic Generating Developments Guidelines has been utilised to determine car parking rates for the residential component of the development. Based on reliance of the RMS Guidelines for residential component and DCP rates for the retail component, the proposed development exceeds the relevant requirements for parking on site. This approach was supported by Council in their assessment of the previous DA (DA/484/2017) and was considered to meet the car parking requirements for the site.

7.4. ACOUSTIC IMPACTS

Renzo Tonin & Associates has undertaken an acoustic assessment of the proposed development which is included at **Appendix I**. The report includes an assessment of noise sources that may impact on the amenity of future residents. It also determines mitigation measures and treatments to achieve a reasonable level of amenity for future occupants.

The Acoustic Assessment provides recommendations for the proposed façade construction to ensure that the required noise criteria provided within the Industrial Noise Policy is met. These recommendations include:

- Glazing requirements to external walls, specifically the south-west façade facing King Georges Road to ensure acoustic performance of no less than Rw45 (weighted sound reduction index) is met.
- Private open space for units fronting the new laneway on Levels 1-3 has been provided in the form of winter gardens to increase acoustic screening.
- Sound absorption materials should be incorporated into the design of the loading dock to ensure the space is satisfactorily acoustically treated.
- Reduction of mechanical plant noise emission through mitigation measures including:
 - Procurement of 'quiet' plant.
 - Strategic positioning of roof and balcony plant equipment away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises.
 - Installation of commercially available silencers or acoustic attenuators for air discharge and air intakes of plant.
 - Acoustically lined and lagged ductwork.
 - Provision of acoustic screens and/or acoustic louvres between plant and sensitive neighbouring premises.
 - Provision of partially enclosed or fully enclosed acoustic enclosures over plant.
 - Mechanical plant shall have their noise specifications and proposed locations checked prior to installation.
 - Fans shall be mounted on vibration isolators and balanced in accordance with Australian Standard 2625 "Rotating and Reciprocating Machinery – Mechanical Vibration".
- Noise generated by construction activities will comply with the Department of Environment Climate Change & Water's Interim Construction Noise Guide (ICNG).

As the proposed development is not fully compliant with building separation between the east-west corridor across the public plaza, additional acoustic mitigation measures including glazing requirements have been outlined within the acoustic report to ensure this has no acoustic impacts on future residents. Based on the implementation of the recommendations in the architectural plans, the acoustic report concludes that: *'appropriate noise control measures can be incorporated into the building design such as acoustic glazing to achieve compliance with the acoustic requirements stipulated in Council DCPs, State Environment Planning Policy ISEPP 2007 and Australian Standard AS/NZS 2107.'*

The incorporation of building recesses, solid fin walls and acoustic plenums (as required) was supported by Council in their assessment of the previous DA (DA/484/2017) and was considered to maintain adequate acoustic privacy for the affected apartments.

7.5. WIND IMPACTS

Windtech Consultants has assessed the impact of the amended proposal on the local wind environment and prepared a report included at **Appendix J**. The assessment included an analysis of the wind effects in the context of the local wind climate, building morphology, and land topography.

While outdoor trafficable areas within and around the subject site are potentially exposed to outdoor wind effects generated by prevailing winds for the area, the wind report identifies mitigation measures for the ground level, private balconies, and rooftop communal open spaces to address localised wind conditions including:

- Retention of the proposed awning along King Georges Road and Lakemba Street.
- Inclusion of street trees and dense shrubs along the two street frontages and within the plaza.
- Restricting areas intended for short duration stationary activities (including outdoor seating) on the rooftop to the centre of the rooftop space.
- Inclusion of densely foliating vegetation such as trees or shrubs/hedge planting on the rooftop as indicated in the landscape drawings.
- Retention of the proposed balustrades, blade walls and full-height privacy screens as indicated in the architectural drawings.

The above recommendations have been coordinated with the building design and landscape response.

8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 6.2**.

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance Draft Consolidated Local Environmental Plan for the Canterbury Bankstown LGA. The draft LEP does not propose any changes to the current development standards for the site or permissibility of the proposal.

8.3. DEVELOPMENT CONTROL PLAN

Canterbury Development Control Plan 2012 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls of the DCP and Draft DCP is enclosed in **Appendix N**. It is important to note that a draft DCP is not a relevant consideration under Section 4.15. Nevertheless, a high-level assessment against Draft DCP is enclosed in **Appendix O**.

The proposal seeks to vary from the parking and setback provisions of the DCP. Each of these matters has been assessed in detail and the proposed non-compliances are considered appropriate and can be supported by Council for the reasons outlined above.

8.4. PLANNING AGREEMENT

In the original development application package for the proposed development, two Letters of Offer were enclosed with the intent to enter into a Voluntary Planning Agreement with Council, prior to OC. The letters of offers proposed the following:

- Dedication of the area of land measuring 962sqm and the following works:
 - 3 metre wide pedestrian footpath along Lakemba Street.
 - 3 metre wide slip lane for the full length of the development site along Lakemba Street.
- The construction of a new 8.475m wide laneway (comprising a 6.675 metre wide access lane and 1.8 metre footpath) along the eastern boundary of the site to provide vehicle access to 76 King Georges Road.

In the September 2021 RFI from Council, Council identified that a planning agreement is not considered the appropriate mechanism to achieve the slip lane, new public footpath and laneway proposed in the offer. It was recommended that achievement of the proposed works should occur through the development consent in accordance with the following:

- A subdivision plan that identifies an intention to dedicate the land; and
- Any other aspects of the offer relating to the construction, standards, features and engineering aspects should also be included as conditions of development consent.

This approach has been agreed by the applicant with the intention to subdivide the site and dedicated the identified land to Council following the completion of all works on site. A Subdivision Plan prepared by Higgins Surveyors is enclosed in **Appendix BB**.

As such, a Planning Agreement is longer proposed for the site.

8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

8.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below.

8.6.1. Natural and Built Environment Impacts

The proposed development has been designed to be consistent with the surrounding built environment and vision for a vibrant Wiley Park village centre.

- All appropriate measures will be implemented during the construction phase of the project to ensure there are no adverse amenity impacts to surrounding properties in terms of dust, soil erosion, air, vibration and noise.
- Varga Traffic has confirmed that the surrounding road network is capable of accommodating the increased density proposed on site.
- Infrastructure services in the locality are capable of accommodating the increased density on the site, with minor augmentation required.
- The proposal will not result in the removal of significant biodiversity with the majority of trees to be removed considered pest species. The three trees to be retained in the deep soil zone are Crepe Myrtles which are native to the east coast of Australia.
- The Geotechnical Report confirms the excavation and construction works are suitable subject to recommendations, ensuring the stability of adjacent structures and infrastructure.
- The BCA and Access Assessments confirm the proposal is capable of compliance with the relevant Australian standards.
- Potential built environment impacts including wind impacts, acoustic privacy, overshadowing have been mitigated through the siting and detailed design of the residential podiums.
- The impact of the proposed bulk and scale of the development on the street level and for pedestrian amenity has been considered in detail with the proposed buildings providing an activated ground plane.

In summary, the potential impacts to the built environment resulting from the proposed development are appropriate for the scale of development anticipated on the site by the relevant planning controls and provisions.

8.6.2. Social Impacts

The proposal contributes 142 new dwellings to assist in meeting housing targets for Wiley Park and the South District. The proposed mix of one, two and three bedroom units supports housing diversity in a highly accessible location. There will be a positive social outcome as a result of the proposed development through the delivery of a high quality public domain, including activated street frontages, a new public plaza, and improved pedestrian connections through the site improving pedestrian accessibility to Wiley Park train station.

As the proposal is adjacent to the key public transport connections within the Wiley Park village, it is important that it supports social behaviour. The proposal successfully provides a high level of security, and design elements that will deter criminal behaviour as noted in the Plaza Management Plan enclosed in **Appendix X**.

The proposed development includes a mix of housing and retail premises in a prominent location in close proximity to existing and future services. Future residents will have access to various transport options including the Wiley Park train station and bus infrastructure on Lakemba Street.

8.6.3. Economic Impacts

The proposed development will result in the immediate generation of employment during the construction phase and increase to the long-term employment capacity of the area once the buildings are operable.

The development includes a 2,195.2sqm of retail space including a full line supermarket to strengthen the Wiley Park village and provide convenience retailing to local residents. An Economic Impact Assessment has been prepared by Urbis and is included at **Appendix K**. The assessment details the market demand, trading impacts, and economic benefits of the proposed development. Overall, the proposed development will have minimal impacts on trade to other retail centres within the trade area.

The assessment confirms that there is sufficient market growth to accommodate the proposed development without adversely impacting the viability of existing retail centres. The key economic benefits associated with the proposal include:

- Enhancing residents' and workers' choice through providing retail and food and beverage options within the Wiley Park village.
- Providing a high quality public plaza to create a sense of place that significantly adds to the vibrancy and appeal of Wiley Park.
- Creating 109 direct operational jobs, with a further 23 indirect supply chain jobs both within and beyond the trade area as a result of flow-on effects of the proposed development.

8.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The site is zoned B2 Local Centre, permitting the proposed shop top housing.
- The site is well serviced by public transport, located in proximity to Wiley Park train station and bus stops along Lakemba Street.
- The built form solution is consistent with Council's planning intent for the area and while a minor non-compliance with the height of building development standard, the height non-compliance does not result in any detrimental impacts to neighbouring properties and meets the objectives of building height control.
- Technical reports, including those addressing traffic, acoustic and natural ventilation requirements have been provided and demonstrate that the site is capable of being developed in the manner proposed without adverse impacts.
- The proposal responds to Council's objectives to strengthen the Wiley Park village.

8.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

8.9. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal supports a significant increase of employment opportunities within the precinct, with the provision of 2,484.2sqm of retail floor space.
- The proposed development will greatly contribute to the urban regeneration of the Wiley Park village centre and will provide a new meeting place for existing and future residents of the locality.
- The proposal includes improvements to the public domain enhancing connections Lakemba Street and Wiley Park train station.
- The proposal is of high-quality design and will positively contribute to the streetscape and reinvigorate a tired and generally vacant part of Wiley Park.

- The proposal achieves a high level of planning compliance, noting where variations are proposed, these are in response to the site constraints including active frontages and the location of the site along two busy roads.

9. CONCLUSION

The proposed amended development has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- **The proposal is consistent with the desired future character of Wiley Park:** The proposal contributes to state strategic planning requirements to facilitate new dwelling and mixed-use approvals adjacent to major transport corridors and within 400 metres of a current train station and future metro station. It is also consistent with the Council's LSPS which seeks to redevelop Wiley Park to deliver a vibrant mixed use centre.
- **The proposal will deliver significant public benefit:** Revised site planning has been undertaken to accommodate a public laneway on the site to provide future access to adjacent properties on King Georges Road and to accommodate widening of Lakemba Street which will allow for a future left turning lane in the road reserve and a relocated public footpath on the subject site.
- **The proposal is consistent with the applicable state and local planning controls:** The proposal is generally consistent with the objectives of the planning controls. Where minor departures from controls occur, the proposal has demonstrated that desired outcomes and objectives of these controls have been met. Despite the minor non-compliance with the height of buildings development standard, the amended proposal remains consistent with the objectives of the height of building standard and the B2 Local Centre zone. As such, there are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case.
- **The proposal will offer a high standard of amenity:** The proposal will provide future residents with a high standard of residential amenity. The proposal achieves a high degree of consistency with the objectives and provisions of SEPP 65 and the Apartment Design Guide (ADG). The apartment configuration maximises amenity with the majority of apartments offering multiple aspects to their living areas. Solar access and natural ventilation, as key design criteria, are also satisfied.
- **The proposal has social and economic benefits:** The proposal will make a positive contribution to the Wiley Park Station Precinct and will significantly enhance the visual amenity of the site and be a catalyst for much needed investment in Wiley Park. The proposal incorporates a diversity of uses, provides an active frontage and will enhance the public domain with a central plaza and retail offering at ground level. Importantly the proposal will create 109 direct operational jobs, with a further 23 indirect supply chain jobs both within and beyond the trade area as a result of flow-on effects of the proposed development
- **The proposal will not result in any adverse environmental impacts:** The supporting technical studies establish that the environmental impacts are generally positive and where appropriate, make recommendations for the detailed design phase of the project which will guide the development and mitigate any impact.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 15 October 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Lakemba Street Developments Pty Ltd (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX H

CONSTRUCTION WASTE MANAGEMENT

APPENDIX M

**SEPP 65 VERIFICATION STATEMENT
AND ADG COMPLIANCE TABLE**

APPENDIX N

**CANTERBURY DCP 2012 COMPLIANCE
TABLE**

