



**Planning,
Industry &
Environment**

SITE COMPATIBILITY CERTIFICATE REPORT

ACCOMPANYING A SITE COMPATIBILITY CERTIFICATE APPLICATION FOR

The construction of a two storey and four storey residential flat building comprising twenty (20) dwellings (2 x studios, 9 x 1 bedroom & 9 x 2 bedroom), with associated landscaping and fencing works, including basement parking for nine (9) cars, and consolidation into a single lot

at

Nos. 175-177 Wellington Road, Sefton NSW 2162

Lots 1 & 2 in DP 35610



July 2021

Prepared by:
HMR Planning on behalf of the Land & Housing Corporation
Department of Planning Industry and Environment
4 Parramatta Square, Level 4, 12 Darcy Street, Parramatta NSW 2124

ABN 24 960 729 253

This document may only be used for the purposes associated with the subject activity to which this Site Compatibility Certificate Assessment Report relates and to the extent authorised under the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, for the express purposes set out under that legislation, and may not otherwise be copied, reproduced, distributed or used without the written permission of the authors.

July 2021

DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Site Compatibility Certificate Assessment Report prepared by HMR Planning on behalf of the NSW Land and Housing Corporation.

No	Date	Version	Change since last version	Page
1	15.06.2021	1	Draft	N/A
2	29.06.2021	2	Updated draft - incorporating LAHC comments	Various
3	12.07.2021	3	Final - incorporating additional LAHC comments	Various

SCC Assessment Report Prepared by:

Name: Haley Rich

Designation: Director, HMR Planning

Signature:




Date: 12.07.2021

SCC Assessment Report Peer-reviewed by:

Name: Lisa Heniedi

Designation: Director Portfolio Services, Land & Housing Corporation

Signature:



Date: 12.07.2021

Contents

1. EXECUTIVE SUMMARY	4
2. INTRODUCTION	5
2.1 Overview	5
3. SITE DESCRIPTION AND CONTEXT	6
3.1 Site Description	6
3.2 Site Context	7
3.3 Existing Environment.....	20
3.4 Access to Services and Facilities	23
4. DESCRIPTION OF THE PROPOSAL	26
4.1 Development Overview	26
5. STATUTORY CONTEXT	35
5.1 Environmental Planning and Assessment Act 1979	35
5.2 State Environmental Planning Policies	35
5.3 Local Environmental Plans	45
6. STRATEGIC JUSTIFICATION	48
6.1 Consistency with State, Regional and Local Strategies	48
6.2 Environmental benefits and appropriate management of constraints.....	51
6.3 Public benefits from developing the site for the proposed purpose	51
7. PRE-LODGE MENT CONSULTATION WITH CONSENT AUTHORITY	52
7.1 Canterbury Bankstown Council	52
8. CONCLUSION	61

Appendix A – Plan Showing Detail and Levels

Appendix B – Aboriginal Heritage Information Management System (AHIMS) Search

Appendix C – Arborist Report

Appendix D –Section 10.7 Planning Certificates

Appendix E – Expected Waiting times for general applicants

Appendix F – Pre-lodgement Advice from the City of Canterbury Bankstown Council

Appendix G – Traffic Report

Appendix H – Architectural Plan

Appendix I – Stormwater Drainage Plan

Appendix J – Landscape Plan

Appendix K – Site Investigation Report

Appendix L – Acoustic Report

1. EXECUTIVE SUMMARY

This report has been prepared to accompany an application to the NSW Department of Planning, Industry and Environment for a Site Compatibility Certificate (SCC) under Division 5 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

The subject site is located at Nos. 175-177 Wellington Road, Sefton NSW 2162, and is legally described as Lots 1 & 2 in Deposited Plan 35610.

Both lots are currently vacant. Several trees and shrubs are located on the site and one street tree exists along the frontage of No. 175 Wellington Road.

The subject site is zoned R3 Medium Density Residential under the Bankstown Local Environmental Plan (BLEP) 2015, within which development for the purposes of a 'residential flat building' is prohibited. Additionally, the site falls within 800 metres (270m) of the public entrance to Sefton Train station as per the requirement of clause 34(a) of ARH SEPP and the development is being undertaken by LAHC. As such, the provisions of Division 5 of ARH SEPP apply.

The proposal involves construction of a residential flat building comprising twenty (20) dwellings (2 x studios, 9 x 1 bedroom & 9 x 2 bedroom), with associated landscaping and fencing works, including basement parking for nine (9) cars, and consolidation into a single lot. The development is broken up into two buildings, including Building A – a four (4) storey building located along the Wellington Road frontage, and Building B – a 2 storey building located toward the rear of the site.

The maximum Floor Space Ratio (FSR) for this area as specified in the BLEP 2015 is 0.75:1. The proposed FSR of 0.96:1 for the development is considered justified in this instance as the design carefully considers the amenity of neighbours, takes advantage of the site's attributes and location and makes good use of outdoor space. In addition to this, the increase in FSR for the site allows for four (4) additional affordable housing units to be delivered in this highly accessible area, with access to transport, employment, cultural and recreational facilities, retail and community services.

The maximum building height (HOB) of 10 metres is stipulated for the site under the BLEP 2015. The maximum height of the proposed development is four (4) storeys and up to 12.4 metres along the Wellington Road frontage, with an overall maximum building height of 13.3 metres, including the lift overrun. Architectural design solutions, such as setbacks, articulation and variations in materials, have been employed to reduce the visual impact of the upper most level of the development, ensuring the proposed building does not detract from the character of the area or result in undue impacts to neighbouring properties.

In accordance with Division 5 of the ARH SEPP, a pre-lodgement meeting was held with the City of Canterbury Bankstown Council on 7 May 2019. The preliminary concept option was presented to Council for its consideration. Following the meeting, LAHC received an email, dated 20 May 2019, from Council with comments on the original concept plan. This correspondence raised several issues, including:

- The exceedance of HOB and FSR provisions for the site.
- Consideration of the objectives of the R3 Medium Density Residential Zone under the BLEP 2015.
- Compliance with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.
- Demonstration that sufficient solar access is maintained to adjoining properties.
- The internal layout of a dwelling on the ground floor.

- Consideration of the relevant sections of the Bankstown Development Control Plan 2015, particularly with regards to planning controls for residential flat buildings, car parking and waste management.
- The design and setback of the basement car parking level.
- The encroachment of the development into existing easements within the site.
- Consideration of the requirements of the Infrastructure SEPP 2007, including preparation of an acoustic report and consultation with Sydney Trains.
- Consideration of project services.
- Consideration of the implications for future development of adjoining sites.

The issues raised by Council are detailed in Section 6 of this report, along with LAHC's response and design amendments.

Although, the proposed development of a residential flat building is not a permissible use on the site and the proposed FSR and HOB for the development exceed the limitations imposed for the site under the BLEP, the proposal is considered acceptable for the following reasons:

- the site is within 800 metres to the entrance of a public railway station in the Greater Sydney region as required under Division 5 of the ARH SEPP and is consistent with the aims of the NSW Government's Greater Sydney Region Plan document;
- as the site is currently vacant, the relocation of residents to temporary accommodation would not be required during the development and construction period;
- there is currently a shortage of suitably located (transport/services) sites and the proposal would maximise the site's development potential and allow for much needed affordable housing in the City of Canterbury Bankstown Local Government Area and would in turn assist the Council in achieving its dwelling targets under the NSW Government's South District Plan document;
- the proposed development as designed would be in keeping with the future character of the area and fulfils new and flexible housing needs for some of the neediest members of the community;
- the proposal would not have an adverse impact on the streetscape, adjoining properties and the surrounding area and respects the amenity of the neighbours;
- the existing services and infrastructure available in the area and surrounding neighbourhoods are extensive and more than sufficient to meet the demands and needs of future residents in the proposed development; and
- a site compatibility certificate would allow the Land and Housing Corporation to take advantage of available funding opportunities without having to go through to the rezoning process.

2. INTRODUCTION

2.1 Overview

This report has been prepared by HMR Planning on behalf of the NSW Land and Housing Corporation (LAHC) to accompany an application to the NSW Department of Planning, Industry and Environment (DPIE) for a Site Compatibility Certificate (SCC) under Division 5 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The application relates to land owned by LAHC at Nos. 175-177 Wellington Road, Sefton NSW 2162.

The subject site is zoned R3 Medium Density Residential within which development for the purposes of a 'residential flat building' is prohibited. Additionally, the site falls within 800 metres (270m) of the public entrance to Sefton Train station as per the requirement of clause 34(a) of ARH SEPP and the development is being undertaken by LAHC. As such, the provisions of Division 5 of ARH SEPP apply.

It is proposed to construct a residential flat building development, comprising a total of twenty (20) residential units and basement level parking accommodating nine (9) cars. The development is broken up into two buildings, including Building A – a four (4) storey building located along the Wellington Road frontage, and Building B – a 2 storey building located toward the rear of the site. A total of sixteen (16) units are contained in Building A (2 x studios, 9 x 1 bedroom & 5 x 2 bedroom units) and a total of four (4) x 2 bedroom units are contained in Building B.

3. SITE DESCRIPTION AND CONTEXT

3.1 Site Description

The site consists of two (2) regular shaped lots with a total area of 1,446m² based on survey (1441.7m² based on DP). Refer to Plan Showing Detail and Levels in **Appendix A**.

The legal description of each parcel of land is shown in the table below.

Address	Lot & DP	Area (m ²)
175 Wellington Road	Lot 2 DP 35610	784.1
177 Wellington Road	Lot 1 DP 35610	657.6

Table 1: Development Site Lots (Source: Deposited Plan 35610)

Both lots are currently vacant. Several trees and shrubs are located on the site, mainly toward the rear boundary and along the site frontage. One street tree exists along the frontage of No. 175 Wellington Road.

The site is located on the southern side of Wellington Road and has a frontage of 31.59 metres, eastern and western side boundaries of 45.76 metres and 45.79 metres (by survey), respectively, and a rear (southern) boundary of 31.61 metres. The site falls approximately 2.5m from the south eastern corner of the site (rear) to the north western corner (Wellington Road) (refer to **Figure 1**).

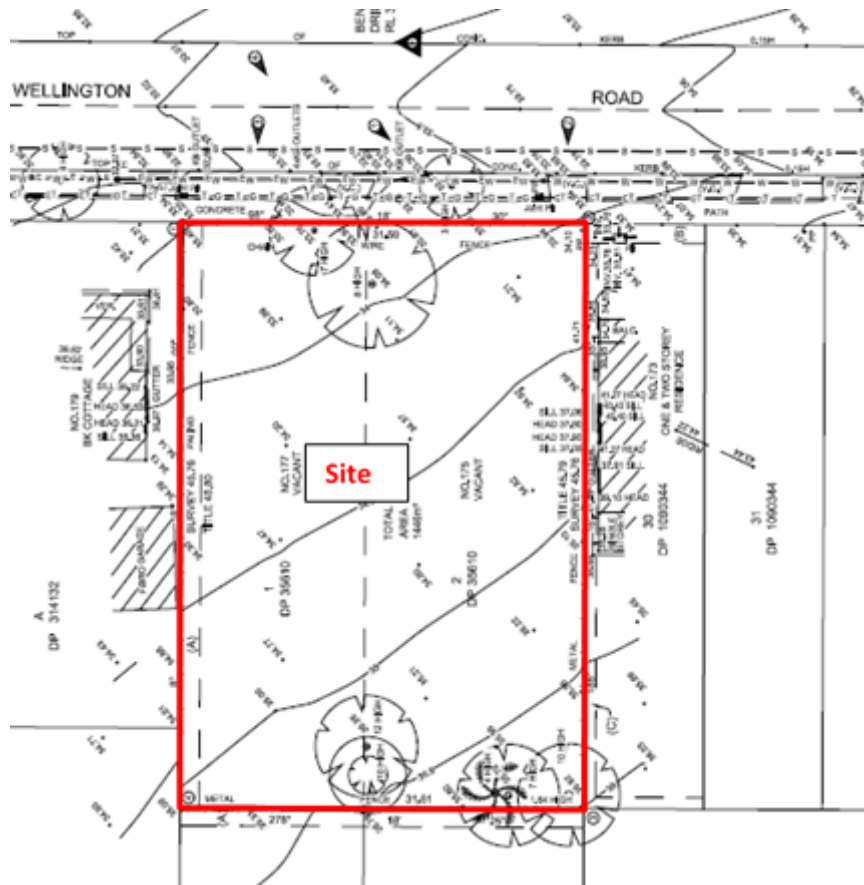


Figure 1: Extract of Site Survey

Source – LAHC

Wellington Road is a bitumen sealed road with upright kerb and gutter. There is an existing concrete footpath along the site's frontage.

Sewer, water, electricity, telephone and gas services are all located within the Wellington Road reserve and available to the site (refer to Plan Showing Detail and Levels in **Appendix A**).

3.2 Site Context

3.2.1 Proximity to station

The site is located approximately 270m west of the public entrance of Sefton Railway Station, which can be accessed via Wellington Road (refer to **Figure 2**).

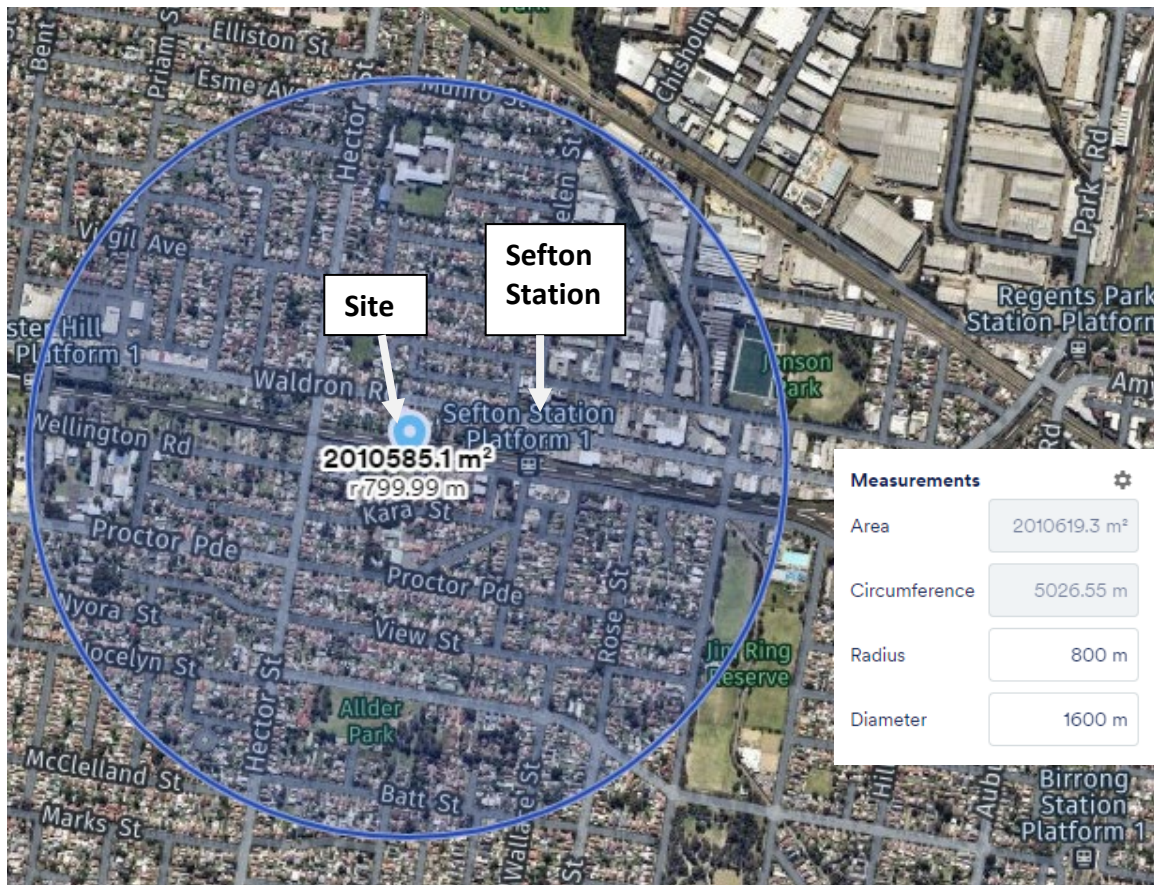


Figure 2: Aerial Map showing subject site is within 800 metres of Sefton Railway Station

Source – Nearmap

3.2.2 Current Zoning of the Land

The current zoning of the subject site is R3 Medium Density Residential under the Bankstown Local Environmental Plan (BLEP) 2015 (refer to **Figure 3** Land Zoning Map - Sheet LZN_001). Residential flat buildings are not a permissible use in this zone. The highest permissible use within this zone is multi dwelling housing (i.e. townhouses, villas, manor houses).

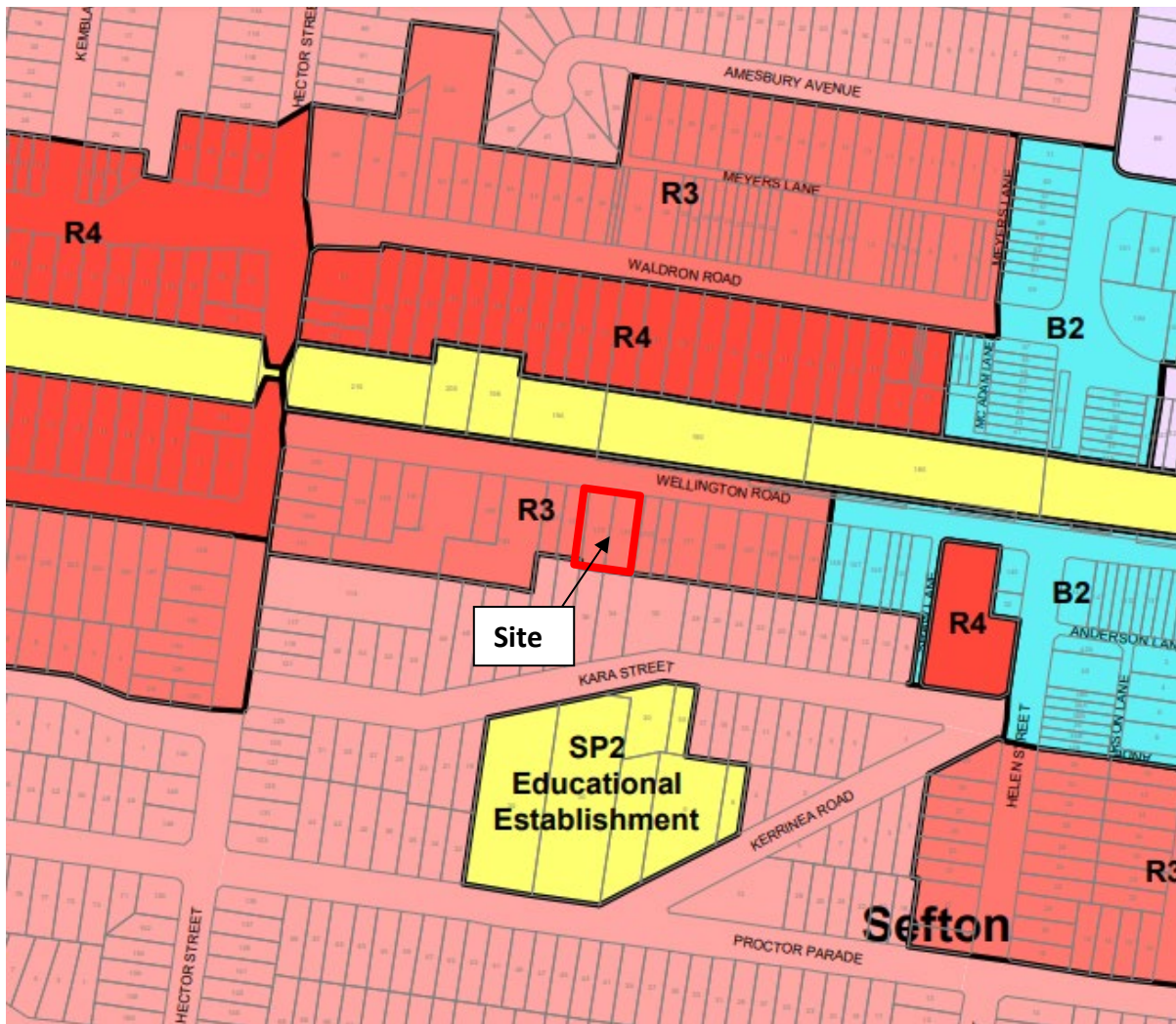


Figure 3: Extract of Zoning Map (Sheet LZN_001) - Bankstown Local Environmental Plan 2015
Source – Department of Planning, Industry and Environment – NSW Planning Portal

Note: The zoning and permitted uses remain unchanged in the consolidated Draft Canterbury Bankstown LEP.

3.2.3 Current Land Use and Approvals at the Property

The current land use of the site is "residential". The site was approved for residential use as shown in the Layout Plan (L/343), dated 29 January 1946 (refer **Figure 4**).

The lots previously contained single storey detached dwellings (refer **Figure 5**), however the land has been vacant since 2016 (**Figure 6**).

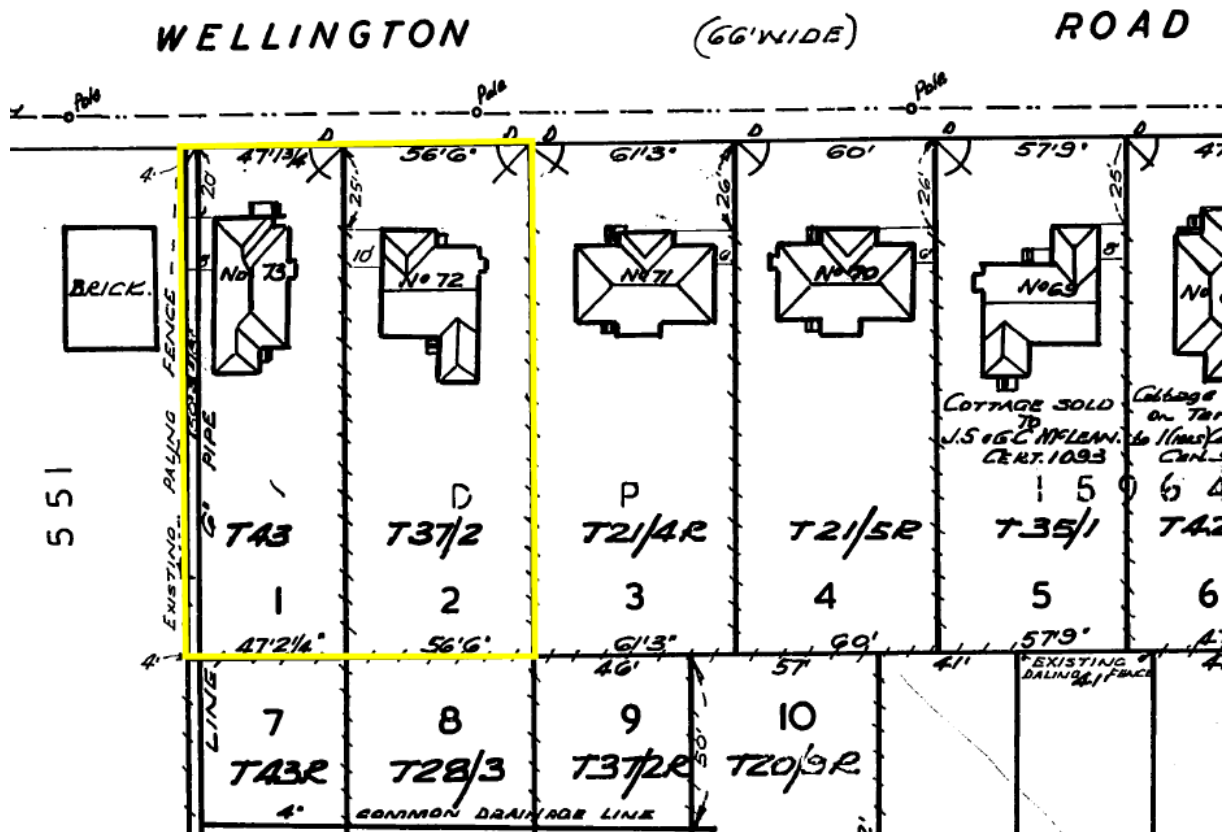


Figure 4: Layout Plan (circa 1946) showing Subject Site
Source – LAHC



Figure 5: The site Nos. 175-177 Wellington Road, Sefton (circa 2013)
Source – Google Street view (image Feb 2013)



Figure 6: The site Nos. 175-177 Wellington Road, Sefton
Source – HMR Planning

3.2.4 Zoning of Land Adjacent to the Property

The land adjoining the site to the east and west (Nos. 173 Wellington Road and 179 Wellington Road, respectively) is zoned R3 Medium Density Residential. Located directly south of the subject site are Nos. 34-36 Kara Street, which are zoned R2 Low Density Residential. On the opposite side of Wellington Road to the north of the site is a rail corridor zoned SP2 Infrastructure. The rail corridor is separated from Wellington Road reserve by a high concrete acoustic barrier.

3.2.5 Current Land Use and Known Approvals on the Adjacent Land

Land Adjoining the Site

The area immediately surrounding the site is typified by a mixture of one and 2 storey older brick or weatherboard housing stock, interspersed with dual occupancies and multi dwelling housing developments. Immediately adjoining the site to the east is No. 173 Wellington Road, a large 2 storey rendered dual occupancy development and immediately to the west of the site is No. 179 Wellington Road, a single storey brick dwelling with tile roofing (refer **Figures 7 & 8**). Adjoining the site to the south are Nos. 34-36 Kara Street, a two storey brick dual occupancy development and a single storey weatherboard dwelling with tile roofing, respectively (refer **Figures 9 & 10**).



Figure 7: Adjoining development (east) No. 173 Wellington Road, Sefton
Source – HMR Planning



Figure 8: Adjoining development (west) No. 179 Wellington Road, Sefton
Source – HMR Planning



Figure 9: Adjoining development (south) No. 34 Kara Street, Sefton
Source – HMR Planning



Figure 10: Adjoining development (south) No. 36 Kara Street, Sefton
Source – HMR Planning

Land within Sefton Local Centre

Approximately 150 metres east of the site is Sefton local centre and train station, which is zoned B2 Local Centre under the BLEP 2015 and the draft Consolidated LEP. The Sefton local centre has a height of buildings (HOB) limit that ranges from 13 metres to 20 metres under both the BLEP 2015 and the draft Consolidated LEP. The centre contains a range of two to four storey mixed-use commercial and residential developments. The residential developments within the centre comprise residential flat buildings and shop top housing, such as:

- No. 159 Wellington Road, which comprises a three (3) storey residential flat building development separated across two buildings, one located along the Wellington Road frontage and one located toward the rear of the site (refer to **Figure 11**).



Figure 11: Nearby development (110m east of the site) No.159 Wellington Road, Sefton

Source – HMR Planning

- Nos. 153-155 Wellington Road, which comprises two residential flat buildings of four (4) storeys with commercial premises on the ground floor (refer to **Figure 12**).



Figure 12: Nearby development (130m east of the site) Nos.153-155 Wellington Road, Sefton

Source – HMR Planning

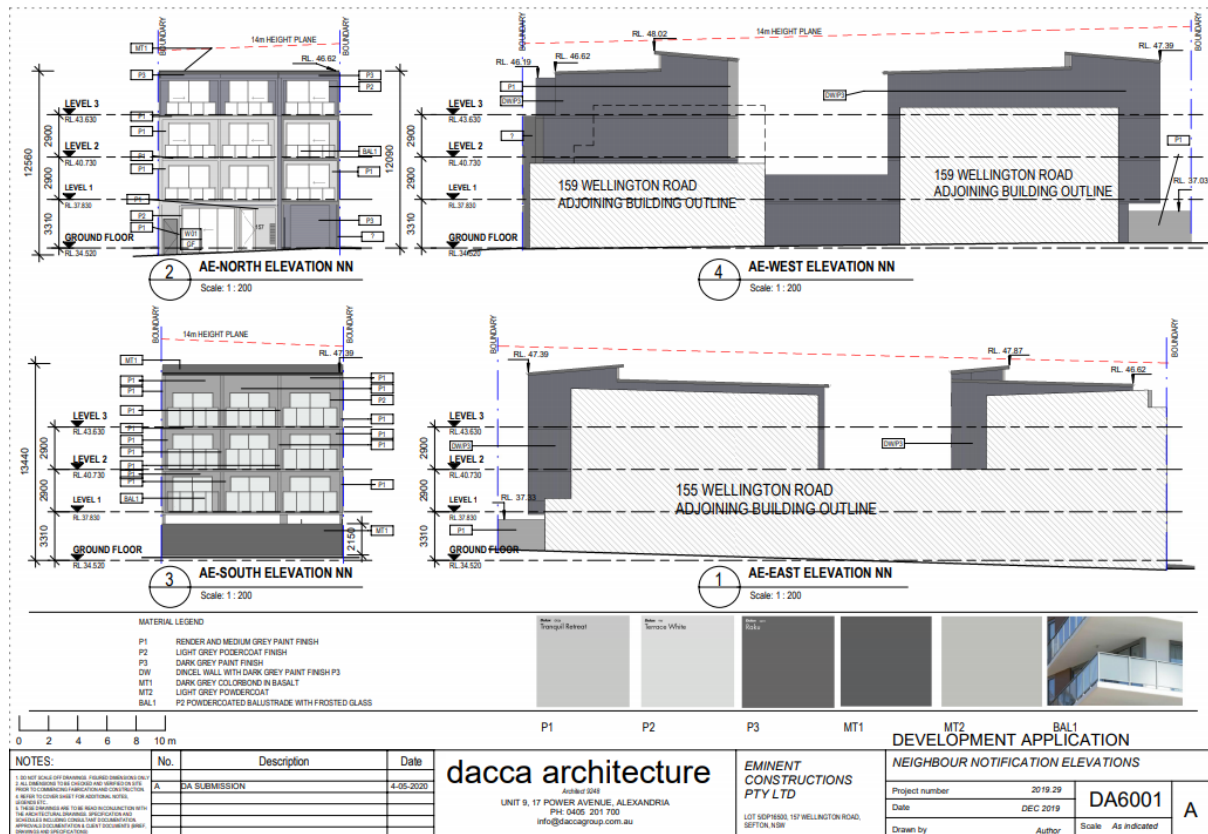
- Nos. 147-149 Wellington Road comprises two residential flat buildings of four (4) storeys with frontages to Wellington Road, Kara Street and Shaw Lane (refer to **Figure 13**).



Figure 13: Nearby development (185m east of the site) Nos.147-149 Wellington Road, Sefton

Source – HMR Planning

Currently under assessment by Council, is a proposal to redevelop the site at No. 157 Wellington Road, located approximately 120 metres to the east of the site (Application No. DA-457/2020). The proposal seeks consent for the demolition of existing structures and construction of a four (4) storey building, comprising a shop and boarding house development with 26 rooms (including managers room), a communal room and associated car parking. The proposed elevation plans are provided below (refer to **Figure 14**).



Land surrounding the site

The land located west of Sefton centre along Wellington Road is undergoing a change in its residential character from low to medium density housing. Although the area is zoned R3 Medium Density Residential with a height limit of 10 metres under the BLEP 2015, the street mainly comprises single to 2 storey older style dwellings.

A recent example of a redeveloped residential lot is No. 187-189 Wellington Road, located approximately 65 metres to the west of the site, which comprises ten (10) dwellings with three (3) terrace house style dwellings toward the Wellington Road frontage and six (6) dwellings located toward the rear of the site (refer **Figure 15**).



Figure 15: Nearby development (65m west of the site) Nos.187-189 Wellington Road, Sefton
Source – HMR Planning

An older style multi dwelling housing development is located at Nos. 113-115 Hector Street, Sefton approximately 100m to the south west of the site. The development comprises eleven (11) two storey attached dwellings that extend down the length of the site (refer **Figure 16**).



Figure 16: Nearby development (100m south west of the site) Nos.113-115 Hector Street, Sefton
Source – HMR Planning

LAHC owns a nearby seniors housing development at Nos. 30-32 Kara Street, Sefton, located immediately to the south east of the site and comprising eight (8) one to 2 storey attached dwellings spread across three (3) buildings (refer **Figure 17**).



Figure 17: Adjoining development (south east) Nos. 30-32 Kara Street, Sefton
Source – HMR Planning

Land located north of the rail line

The following is an example of recent residential redevelopment within the Sefton area, located north of the rail corridor:

- No. 35 Waldron Road is located approximately 65 metres north of the site. The site contains a three (3) storey residential flat building, comprising 30 residential units spread across two buildings, with basement level car parking (refer **Figure 18**).



Figure 18: Nearby development (65m north of the site) No. 35 Waldron Road, Sefton
Source – Google Maps

LAHC owned land

LAHC has several holdings around the area and is in the process of implementing an asset rationalisation strategy involving targeted disposal and redevelopment to modernise its ageing stock and dispose of high maintenance liability stocks.

A LAHC development currently under assessment by Council, is a proposal to redevelop the site at Nos. 48-50 Wellington Road, located approximately 560 metres to the west of the site (Application No. DA-861/2020). The proposal seeks consent for the construction of a five (5) storey residential flat building, comprising 38 affordable housing units with basement car parking. This application, being for community infrastructure (affordable housing) and having a Capital Investment Value greater than \$5m, will be determined by the Sydney South Planning Panel on behalf of Council. The proposed elevation plans are provided below (refer to **Figure 19**).

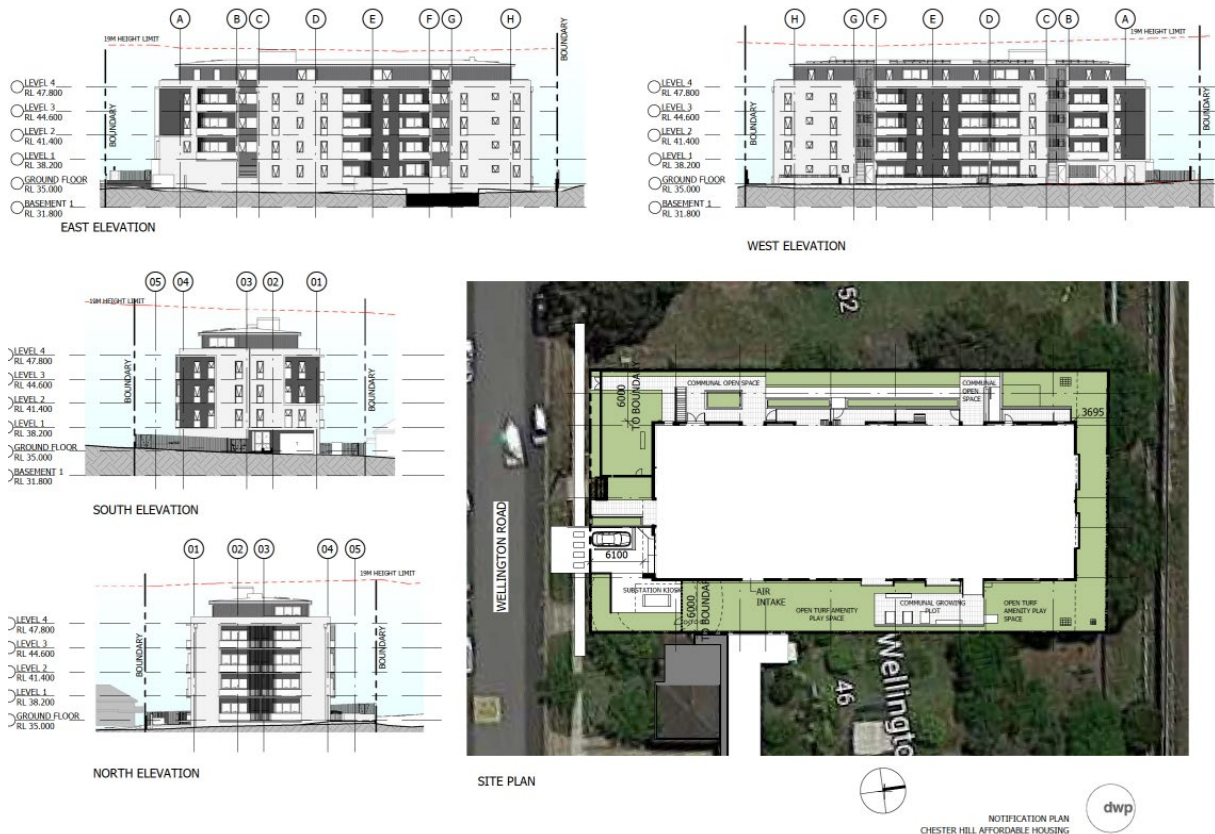


Figure 19: LAHC nearby proposed development (560m to the west) Nos. 48-50 Wellington Road, Sefton
Source – dwpp architecture (Canterbury Bankstown Council website)

3.3 Existing Environment

3.3.1 Natural Environment

Vegetation

There are existing trees on the site of varying height, spread and trunk diameter. An Arborist report was commissioned to assess the health and condition of ten (10) trees located within and immediately adjacent to the site in support of the SCC application (refer **Appendix C**). An extract of the Tree Location Plan is included in the figure below.

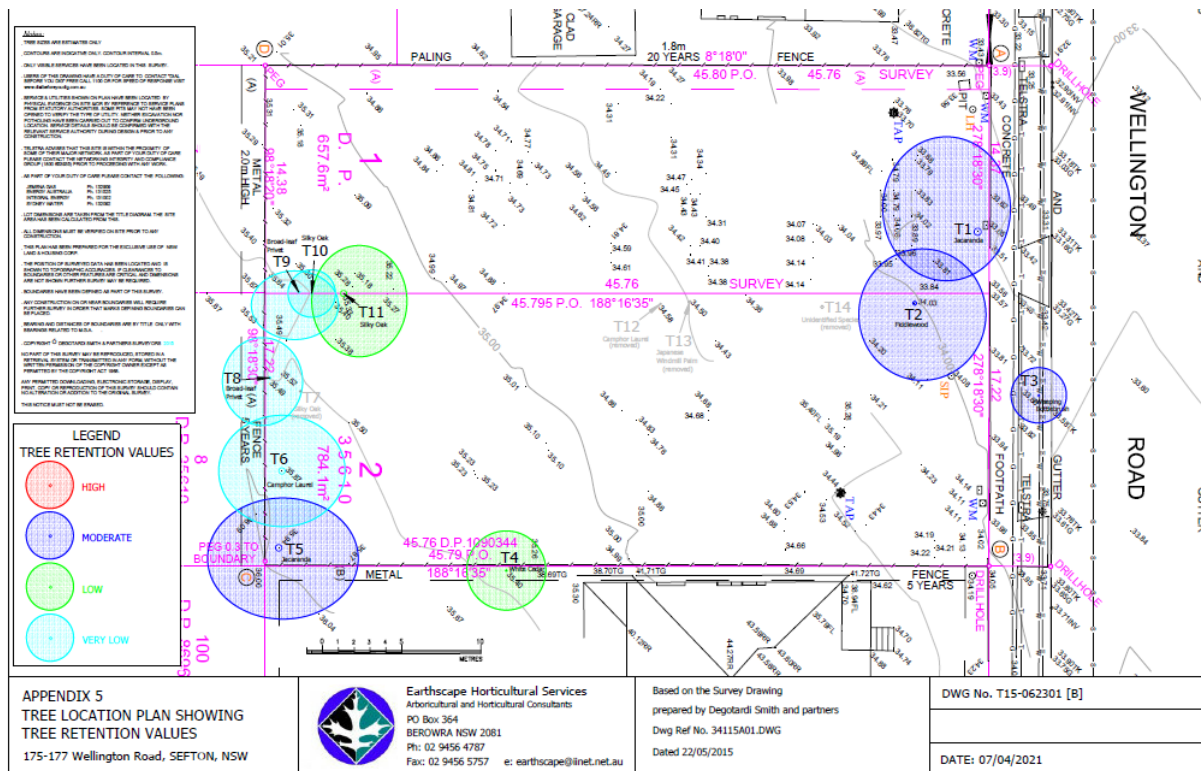


Figure 20: Tree Location Plan Showing Tree Retention Values
Source – Earthscape Horticultural Services

Two (2) trees have been assessed as having a low retention value, four (4) as having a very-low retention value and four (4) trees have been assessed as having a medium retention value.

The proposed development will necessitate the removal of five (5) trees of low and very low retention value. These include Tree Nos. T6 (Camphor Laurel), T8 & T9 (Large-leaved Privet), and T10 & T11 (Silky Oak). The removal of these trees to accommodate the proposed development is considered acceptable.

The proposed development will also require the removal of two (2) trees of moderate retention value, being Nos. T1 (Jacaranda) and T2 (Fiddlewood). These trees are not considered significant, but are in fair health and stable condition, and contribute to the amenity of the site and surrounding properties. In order to compensate for loss of amenity resulting from the removal of these trees consideration has been given to replacement planting within the site (Refer to **Appendix C** for Arborist report and **Appendix J** for Landscape Plan).

Geotechnical

A site investigation report prepared by SMEC Testing Services, dated 18 June 2015, indicates the following:

- The subsurface conditions consist of topsoil overlying silty clays and weathered shale. The topsoil is present to a depth of 0.2 metres. Silty clays underlie the topsoil and are present to depths of 1.4 and 1.5 metres. The strengths of these materials vary between soft and very stiff. Weathered shale underlies these soils to the depth of drilling, being 3 metres.
- No groundwater was observed in the boreholes during the fieldwork.
- Because of the 'abnormal moisture conditions' present, the site is classified a *problem site (P)*. However, provided the recommendations provided for foundation design and construction in the report are adopted, the site may be reclassified *highly reactive (H1)*.

- Laboratory tests of electrical conductivity of onsite soils and reference to DLWC (2002) “Site Investigations for Urban Salinity”, indicates that an ECe value of 0.7 dS/m is consistent with the presence of non-saline soils.

3.3.2 Cultural Heritage Significance

An Aboriginal Heritage Information Management System (AHIMS) search, dated 1 June 2021, did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is disturbed land (refer to **Appendix B** for the AHIMS search result).

The Section 10.7 Planning Certificates for the site (refer to **Appendix D**) and a search of the Department of Agriculture, Water & the Environment’s Australian Heritage Database and the NSW State Heritage Inventory revealed that the site and surrounding land do not contain any Commonwealth, Local or State Heritage Items, nor is it located within a heritage conservation area.

3.3.3 Hazards and Natural Constraints

The Section 10.7 Planning Certificates for the subject site (Certificate Nos. 20214495 & 20214496) indicate the following:

- Heritage restrictions are not applicable to the site
- There is no notification that the subject properties are affected by the provisions of the *Coastal Management Act 2016* or the State Environmental Planning Policy (Coastal Management) 2018.
- The subject land is not within a mine subsidence district within the meaning of Section 20 of the *Coal Mine Subsidence Compensation Act 2017*.
- The land is not affected by a road widening or road realignment proposal under Division 2 or Part 3 of the *Roads Act 1993*, an environmental planning instrument, or any resolution of Council.
- The land is not affected by a policy restriction relating to landslip
- The land is not bushfire prone land
- The land is not affected by a policy restriction relating to tidal inundation
- The land is not affected by a policy restriction relating to subsidence
- The land is not affected by a policy restriction relating to acid sulphate soils.
- The land is not affected by a policy restriction relating to Unhealthy Building Land.
- The land is subject to the flood related development controls.
- There is no environmental planning instrument, or proposed environmental planning instrument, applying to the land that makes provision for the acquisition of the land (or any part thereof) by a public authority, as referred to in Section 3.15 of the *Environmental Planning and Assessment Act 1979*.
- There is no notification that the subject properties are affected by the Australian Noise Exposure Forecast (ANEF) for Bankstown Airport. A review of the 2039 ANEF Contour Maps provided in the Bankstown Airport Master Plan, dated 2019, confirm this.
- There is no notification that the subject properties are affected by salinity.
- The land is not biodiversity certified land.
- Matters pertaining to contaminated land are applicable. The Section 10.7 Planning Certificates state that on 22 August 2017 Council adopted a policy on contaminated land. This policy applies to all land in the City of Canterbury Bankstown LGA and may restrict development of the land. Council is not aware of the land being affected by any

matters as prescribed by Section 59 (2) of the *Contaminated Land Management Act 1997*.

Refer to **Appendix D** for the Section 10.7 Planning Certificates.

3.4 Access to Services and Facilities

3.4.1 Access to transport infrastructure and services

The site is located approximately 270 metres walking distance from Sefton Railway Station. Sefton Station is located on the T2 Inner West & Leppington Line, providing services to the Sydney CBD, Liverpool and Leppington, and the T3 Bankstown Line, providing services to Sydney CBD, Sydney's Inner West, Strathfield and Liverpool. The site is therefore considered to be in an 'accessible area' according to ARH SEPP.

Sydney Buses operates one bus route via Sefton station along Wellington Road (Stop IDs 216294 & 216225), Route 916 Chester Hill to Guildford, which provides limited services throughout the day. Sefton station is also serviced by several school bus routes, providing access to Trinity College in Auburn, Chester Hill Public School, Chester Hill High School, and Immaculate Heart of Mary Catholic Primary School.

The N50 Liverpool to City Town Hall bus service (Night Service) is also operated by Sydney Buses and stops at Carlingford Street (Stop ID: 2162181) located on the northern side of Sefton station, approximately 300m to the north east of the site.

Refer to **Appendix G** for the Traffic Report.

3.4.2 Access to social infrastructure

Hospitals and Medical Facilities

Auburn Hospital, in the suburb of Auburn, is located approximately 4.7 kilometres north-east of the site. The hospital provides emergency medicine, adult general medicine, paediatric day-only surgery, short-stay medical, obstetrics and newborn care services for low-risk births, satellite renal dialysis, and non-acute care. It is also a teaching hospital of the University of Notre Dame and is networked with Westmead Hospital.

Located approximately 6.6 kilometres to the south-east of the site is Bankstown-Lidcombe Hospital. Bankstown-Lidcombe Hospital is a principal referral hospital with tertiary affiliations to the University of NSW, University of Sydney and University of Western Sydney. It provides a wide range of general medical and surgical services and some sub-specialty services to the local community. The Hospital provides clinical services in:

- Emergency Medicine
- Cardiology
- Surgical sub-specialties including general, ENT, colorectal, peripheral neurosurgery, ophthalmology, orthopaedics, plastics, upper gastrointestinal pancreatic and biliary, vascular, breast and urology
- Medical sub-specialties including general medicine, endocrinology, gastroenterology, infectious diseases, neurology, neurophysiology, renal medicine, respiratory and rheumatology
- Cancer therapy including medical & surgical oncology, chemotherapy and haematology

- Intensive Care Unit/High Dependency Unit
- Maternity, gynaecology, special care nursery and paediatrics
- Mental Health
- Drug Health
- Rehabilitation and Aged Care
- Imaging - CT, MRI, nuclear medicine, ultrasound and general radiography

Medical centres located near the site include:

- Sefton Medical Centre – located 160 metres walking distance to the east
- Chester Hill Family Medical Practice – located 700 metres walking distance to the north-west
- Aya Medical Centre – located 1 kilometre walking distance to the north-west

Schools

Chester Hill Public School is located 900 metres west of the subject site at 88 Proctor Parade, Chester Hill. Immaculate Heart of Mary Catholic Primary School is located 600 metres walking distance to the south of the site at No. 30 Proctor Parade, Sefton.

Sefton High School is located approximately 880 metres walking distance to the north of the site at No. 41 Hector Street, Sefton. Sefton High School is an academically selective, co-educational public high school, for students in Years 7 to 12.

Birrong Boys High School and Birrong Girls High School are located approximately 2.1 kilometres and 2.5 kilometres walking distance to the south-east of the subject site, respectively. Train services provide access from Sefton Railway Station to Birrong Railway Station, which is near these high schools.

Tertiary Education

The University of Western Sydney – Liverpool Campus is located approximately 8.5 kilometres south west of the subject site and is easily accessible via train. The Liverpool Campus is a brand new state of the art campus offering flexible teaching and learning spaces, a library, gym, a multi-faith centre, and IT support for students.

The University of Western Sydney – Bankstown Campus is located approximately 6.5 kilometres south of the subject site in Milperra and is accessible via a combination of train and bus services. The Bankstown Campus is a library, IT support and computer lab for students, as well as the Badanami Centre for Indigenous Education, childcare services, gym and student counselling.

The Australian Catholic University – Strathfield Campus is located approximately 9.1 kilometres north east of the site and is accessible via a combination of train and bus services. The Strathfield campus offers a wide range of courses and services, such as sports and recreation facilities, the McGlade Art Gallery, venues for function hire, career planning, student support services and counselling.

The University of Sydney – Cumberland Campus is located approximately 4.9 kilometres north east of the site and is accessible via a combination of train and bus services. The Cumberland campus is home to the Faculty of Health Sciences, with facilities including a large health sciences library, specialised laboratories, health clinics and a state-of-the-art sports centre. Non-academic services on campus include a food court, bookstore, childcare services and shopping outlets.

TAFE NSW – Bankstown is located approximately 3.8 kilometres south east of the site. The TAFE is located within walking distance to the Bankstown railway station and town centre and has state-of-the-art facilities including five hairdressing and beauty salons, an on-site childcare centre and child studies facility, and simulated business offices for practical training.

Community Services

Chester Hill Neighbourhood Centre is located 550 metres walking distance to the north-west of the site at No. 89-91 Waldron Road, Chester Hill. The Chester Hill Neighbourhood Centre provides a wide range of services including parenting programs, early intervention, youth and family services, emergency relief, childcare, vacation care & respite care, aged care & volunteer programs, Chester Hill Community Garden and garage sales. They also operate the Roundabout Youth Centre.

The Chester Hill Community Centre is located 900 metres walking distance to the south-west of the site at No. 25 Chester Hill Road, Chester Hill. The Centre is made up of three different sized halls, which can accommodate a range of functions, classes and meetings. This facility also contains a small kitchen, bathroom facilities and car parking.

On the opposite side of Chester Hill Road is the Chester Hill Library and Knowledge Centre. The Centre provides an extensive book collection, newspapers, computers and Wi-Fi, printing, photo copying and scanning, as well as a community information service and study spaces.

Sefton Community Centre is located 1 kilometre walking distance to the south of the site at Old Saint John's Church, 73 Batt Street, Sefton. The Centre comprises two halls, which can accommodate groups between 20-60 people. The larger hall includes a stage, accessible toilets and kitchen facilities.

Open Space

Jim Ring Reserve is located 700 metres to the south-east of the site on Woods Road, Sefton. This 6.9 hectare reserve provides large open space areas, a cricket pitch, playing fields and playground equipment.

Nugent Park is located 900 metres walking distance to the west of the site on the southern side of Chester Hill Railway Station. This small park contains playground equipment, seating and a passive open space area.

Alder Park is located 900 metres walking distance to the south of the site at Rodd Street, Sefton. This 2.6 hectare park contains playground equipment, seating and a passive open space area.

Judith Reserve and Carnegie Reserve are pocket parks, located 500 metres and 850 metres to the south-west of the site, respectively. Both parks contain playground equipment and seating.

Clubs

The Birrong Sports Club is located on the corner of Rodd Street and Gascoigne Road, Birrong, approximately 1.5 kilometres south-east of the site. This club consists of bowling greens and facilities, as well as a bar and restaurant.

The Chester Hill RSL is located 1 kilometre to the south-west of the subject site at No. 20 Chester Hill Road, Chester Hill. This club offers an auditorium, a Yum Cha restaurant, bistro and lounge area.

Recreational Facilities

Birrong Sports Football Club is located at Jim Ring Reserve approximately 750 metres walking distance to the south-east of the site. The club caters for boys' and girls' teams, aged from Under 6's through to Over 35s, in a sanctioned competition within in the Bankstown District Soccer Football Association.

The Birrong Leisure and Aquatic Centre is located approximately 800 metres walking distance to the east of the site on the corner of Gascoigne and Wellington Roads, Birrong. The Aquatic Centre features a 50 metre outdoor heated pool, grandstand and grassed area, a 25 metre indoor pool, an outdoor children's Water Play & Spray Park, a kiosk, change rooms and amenities.

Sefton Golf Club is located 2 kilometres to the south of the site at No.160 Rose Street, Sefton. The Golf Club comprises an 18 hole golf course spread across 15.6 hectares of land, merchandise shop, kiosk and BBQ facilities.

3.4.3 Location of local facilities and business services

Located approximately 150 metres to the east of the site is the Sefton Local Centre, which is situated to the north and south of the Sefton Railway Station. This Local Centre contains numerous shops and services, including a medical centre, pharmacy, cafes and restaurants, massage therapist, hairdressers, funeral parlour, wellness and beauty services, tutoring centres, and other commercial premises.

The subject site is also located approximately 750 metres east of the main commercial strip of the Chester Hill Local Centre, which is conveniently accessible by train or on foot. The Chester Hill Local Centre contains a diverse range of health, retail, cultural, and community services, as well as a shopping centre and grocery stores, real estate agents, banks and post office.

Chester Hill Hotel is located approximately 950 metres north-west of the site at No. 196 Waldron Road, Chester Hill. The hotel has a public bar, 17 recently refurbished hotel rooms, a bistro, a TAB and an open car parking area located across the road from the hotel.

4. DESCRIPTION OF THE PROPOSAL

4.1 Development Overview

4.1.1 Description of proposed development (include proposed uses, access and height of building or structures)

LAHC proposes to construct a residential flat building up to four (4) storeys in height, comprising a total of twenty (20) units and consisting of two (2) x studios, nine (9) x 1 bedroom and nine (9) x 2 bedroom units.

The development contains two separate blocks, Buildings A and B. Building A is located towards the Wellington Road frontage and contains a total of sixteen (16) units and Building B is located towards the rear of the site and contains a total of four (4) units (refer to Site Layout Plan and Elevations in **Figures 21-23**).

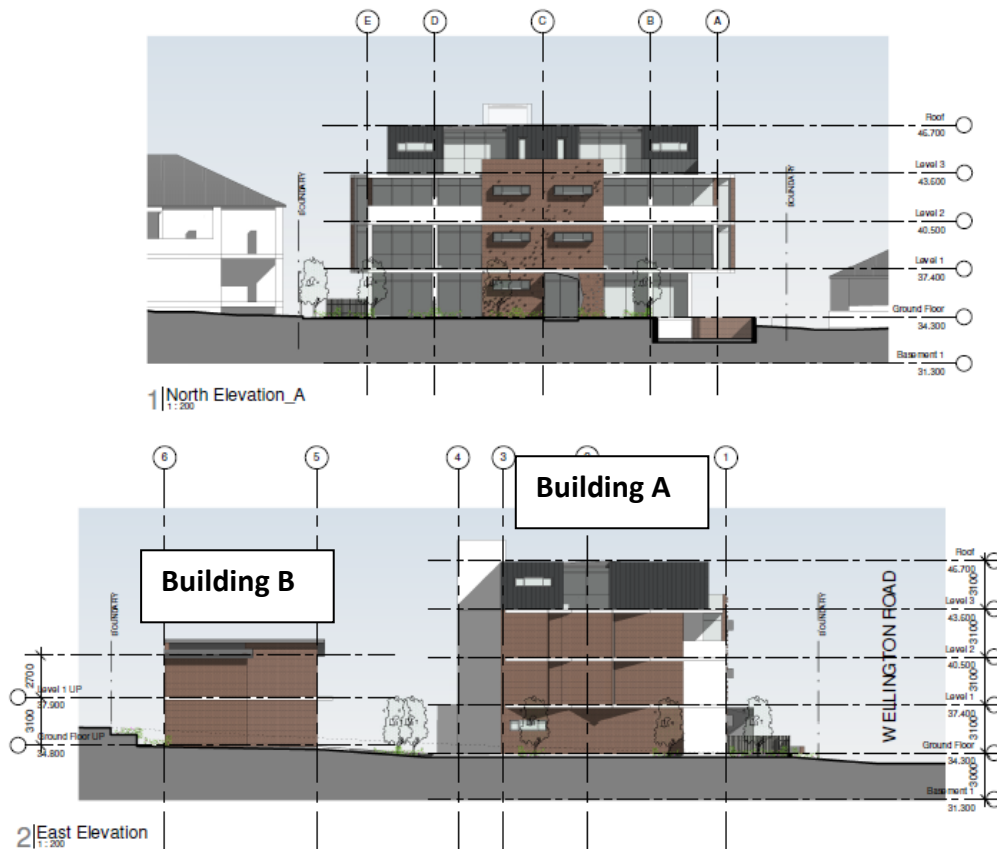


Figure 22: Elevations (North & East)
Source – LAHC

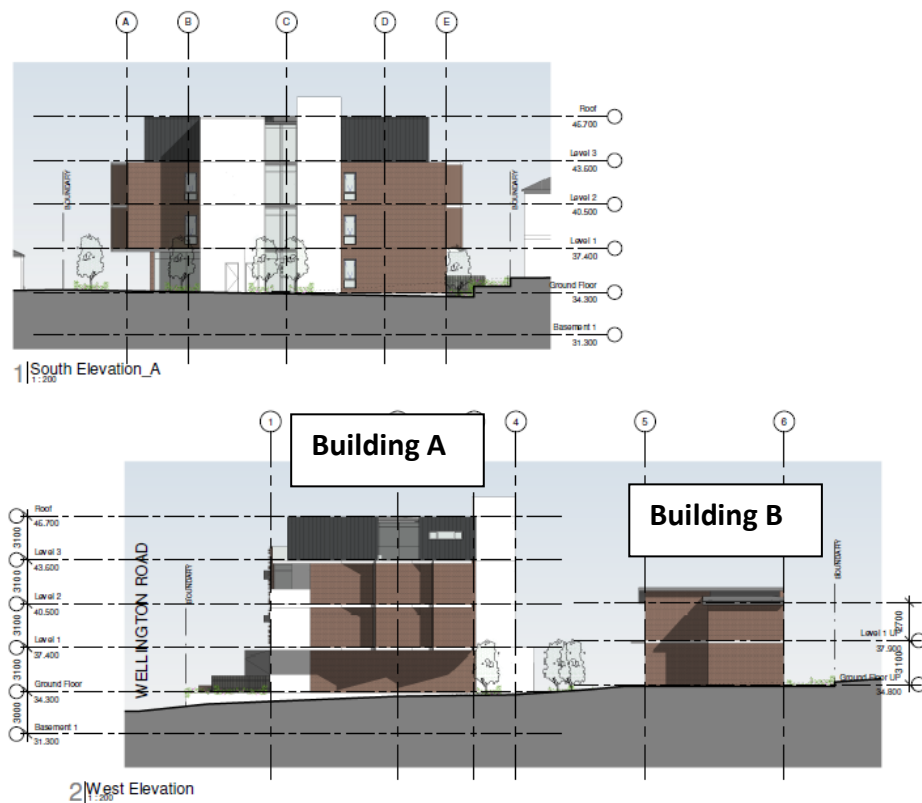


Figure 23: Elevations (South & West)
Source – LAHC

The height of the proposed development up to parapet level is 12.4 metres for Building A and 7 metres for Building B. The maximum height of Building A from the existing ground level is 13.3 metres, including the lift overrun.

The table below provides a summary of the proposed development.

Unit No	Level	Number of Bedrooms	Dwelling Area (m ²)	POS/ Balcony (m ²)
Building A				
1	Ground	Studio	35	10
2	Ground	Studio	36	24
3	Ground	1	50	28
4	Ground	2	72	50
5	1st	2	73	10
6	1st	1	50	10
7	1st	1	50	8
8	1st	2	75	10
9	2nd	2	73	10
10	2nd	1	50	8
11	2nd	1	50	8
12	2nd	2	75	10
13	3rd	1	50	8
14	3rd	1	50	8
15	3rd	1	50	8
16	3rd	1	50	8
Building B				
17	Ground	2	70	117
18	Ground	2	70	117
19	1st	2	70	10
20	1st	2	70	10
Total 1 bed units		11		
Total 2 bed units		9		
GFA of Buildings A + B	20 Units (2 studios, 9 x 1B & 9 x 2B)		1,382	
Site Area			1,446	
FSR			0.96:1	

Table 2: Development Proposal at Nos. 175-177 Wellington Road, Sefton

Source – LAHC

Vehicular access into the development will be provided from Wellington Road towards the north western corner of the site, with a driveway providing access to the basement car park containing a total of nine (9) car parking spaces, including two (2) accessible spaces. The basement level is located below Building A.

Main pedestrian and disabled access into the development is available from Wellington Road. Pathways lead to a centrally located lobby and lift foyer in Building A, providing lift and stair access to all levels within the building. A pedestrian pathway is also provided from the Wellington Road frontage along the site's eastern boundary and through the communal open space area to Building B. Stair access is provided to the dwellings located on Level 1 in Building B.

4.1.2 Proposed site layout and relationship to the surrounding environment including any areas or items of cultural heritage significance, the natural environment, and hazards and natural constraints

Rail corridor and acoustic impacts

A rail corridor is located to the north of the site on the opposite side of Wellington Road. An Acoustic Report has been prepared by Acoustic Logic for the proposed development and is submitted with this application.

The Report assesses the potential noise and vibration impacts of the rail corridor on the proposed development and finds that internal noise levels will primarily be a result of noise transfer through windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound. To mitigate potential noise impacts, recommendations are provided for construction methods and materials to reduce the transfer of noise, including laminated glazing thickness of between 6.38mm to 10.38mm and acoustic seals with a minimum R_w of between 31-35 for windows along the northern elevation, 4-6mm float windows with acoustic seals for windows along the other elevations, concrete or masonry external wall construction, and a lined truss roof/ceiling system.

Refer to **Appendix L** for the Acoustic Report.

Site layout and impact on streetscape

Site planning strategies and architectural design solutions in relation to building location, height, design, materials and façade treatment help to integrate the proposed development into the existing streetscape and align with the character of developments in the vicinity.

The perceived bulk and scale of the four (4) storey building located along the Wellington Road frontage is reduced through the use of a range of high-quality building materials, as well as vertical and horizontal building elements and articulation along all facades, to provide a finer grained design. The 4th storey component of the building is set back from the front and side building lines and clad in dark grey prefinished wall panels, presenting as a receding and unobtrusive form (refer to the photomontage at **Figure 24**).

In addition, the different balcony treatments, use of various colours and materials provides for a contemporary design, consistent with more recent residential flat buildings constructed in the area.



Figure 24: Photomontage of the proposed development
Source – LAHC

Site orientation and building separation

To reduce the perceived bulk and scale of the development the development has been broken into two separate buildings. All dwellings across the two buildings are orientated toward the Wellington Road frontage to take advantage of the northern aspect and reduce overlooking of neighbouring properties.

The buildings have been sited with consideration to Council's setback requirements under the Bankstown Development Control Plan (BDGP) 2015 and the design criteria of the Apartment Design Guide (ADG). All setbacks comply with the ADG guidelines, except for a window to a bedroom in Unit 4 located on the ground floor, which is setback 4.5m from the eastern side boundary. This window has been designed as high-sill window to limit any overlooking to the neighbouring property.

The ADG requires a 6 metre building separation to habitable rooms. As such, a 13 metre separation is proposed between Buildings A and B.

4.1.3 Building envelope (footprint and height) relative to any adjoining development/uses; indicative layout of proposed development in relation to adjoining development/uses; floor space ratio and setbacks; other relationships between the proposed development and the existing built environment

Building envelope relative to adjoining development/uses

It is noted a maximum building height of 10 metres is stipulated for the site under the BLEP 2015 and Consolidated LEP. The maximum height along the Wellington Road frontage is four (4) storeys and up to 12.4 metres. As discussed previously, architectural design solutions, such as setbacks, articulation and variations in materials, have been employed to reduce the visual impact of the upper most level of the development, ensuring the proposed building does not detract from the existing streetscape and aligns with the desired future character of the area.

A maximum building height of 13.3 metres from the existing ground level to the lift overrun is proposed. The increased height to accommodate the lift overrun is not considered to create an adverse visual impact as this structure is located to the rear of Building A and will not be visible from the Wellington Road streetscape.

Building B to the rear of the site is confined to 2 storeys in height (7 metre height). This height transition provides for a development that is sympathetic to the single and 2 storey dwellings surrounding the site and limits any impacts on privacy and overshadowing to adjoining properties.

Layout of proposal and impact on privacy

Building A

It is not considered that Building A creates privacy impacts for neighbouring properties, as all dwellings are generally oriented toward Wellington Road. One bedroom window of Unit 4, and the living room windows for Units 12 & 16 face on to side boundaries, however these windows are proposed to be high-sill windows, limiting the potential for overlooking onto the neighbouring properties. Any windows located along the southern façade of Building A are to bedrooms and are designed as narrow vertical windows to reduce the potential for overlooking, except for the large windows leading out to the POS for Unit 1 on the ground floor, which will be screened with landscaping. The balconies to Units 13 and 16 on Level 3 are located along

the sides of the building, however increased setbacks to the 4th storey ensure these balconies are setback further than the minimum required setback of 6 metres under the ADG and therefore limiting any privacy impacts to neighbouring properties.

Building B

Building B is 2 storeys in height and comprises four (4) x 2 bedroom units all orientated toward the north, overlooking the landscaped common open space areas at the centre of the site. There are no windows along the side or rear façades of Building B.

The distance between Buildings A and B is approximately 13 metres, limiting any privacy impacts for dwellings within the site.

Floor space ratio and setbacks

It is noted the maximum Floor Space Ratio (FSR) for this area as specified in the BLEP 2015 is 0.75:1. The 0.75:1 FSR for the site is maintained under the Consolidated LEP.

Although an FSR of 0.96:1 is proposed for the development, it is considered justified in this instance as the design carefully considers the amenity of neighbours, takes advantage of the site's attributes and location and makes good use of outdoor space.

A 6 metre setback is proposed along the Wellington Road frontage, which is consistent with the prescribed primary road setback of 6 metres for residential flat buildings under the Bankstown Development Control Plan 2015 (BDCP 2015).

The proposed development provides minimum side setbacks of 4.5 metres to the side boundaries for the first three storeys of Building A, with all windows and balconies to dwellings located on Levels 1 & 2 are oriented toward the site's frontage reducing the potential for overlooking into neighbouring properties as described above. Setbacks generally comply with the setback provisions of the ADG, except for a side facing bedroom window to Unit 4 located on the ground floor. This window has been designed as high-sill window to limit any overlooking to the neighbouring property. Side setbacks of 6 metre are proposed for the 4th storey of Building A, which complies with the setback requirements of the ADG.

The side and rear setbacks to Building B are 4 metres and 3.5 metres, respectively. There are no windows located along the side or rear elevations of Building B ensuring no loss of privacy to adjoining dwellings.

All the setbacks proposed are therefore considered adequate in regard to providing sufficient separation from the street and adjoining developments to limit overlooking onto neighbouring properties and reduce any potential loss of privacy.

Solar access

The design and siting of the proposed development will provide adequate daylight access to the proposed living areas and private open spaces (POS) for each dwelling, as well as the POS of adjoining properties.

The northern orientation of the proposed dwellings has been incorporated where possible to maximise solar access, ensuring 17 out of 20 dwellings (85%) will receive a minimum of three hours sunlight between 9am and 3pm on June 21 to their living areas and private open space areas.

Shadow Diagrams provided as part of the Architectural Plan set demonstrate that the proposal will cause minor additional overshadowing to the property to the west of the site at No. 179 Wellington Road during the morning period, however the property will continue to receive a

minimum of 3 hours direct sunlight to living areas and private open space areas during the afternoon period in mid-winter. With regards to the property to the east, No. 173 Wellington Road, the proposal will increase overshadowing within the side and rear setback during the afternoon period only, therefore allowing at least 3 hours direct solar access to POS and living areas in midwinter during the morning periods.

The two storey building at the rear results in only minor overshadowing to the rear portion of the POS areas only of the adjoining properties to the south.

Landscaping

An Arboricultural Impact Assessment has been prepared for the site by Earthscape Horticultural Services (refer to **Appendix C**). The report considers ten (10) protected trees – eight (8) of which are located within the subject site, one (1) of which is a street tree located within the Wellington Road reserve and the remaining tree is located just east of the site's side boundary at No. 173 Wellington Road (refer **Figure 25**).

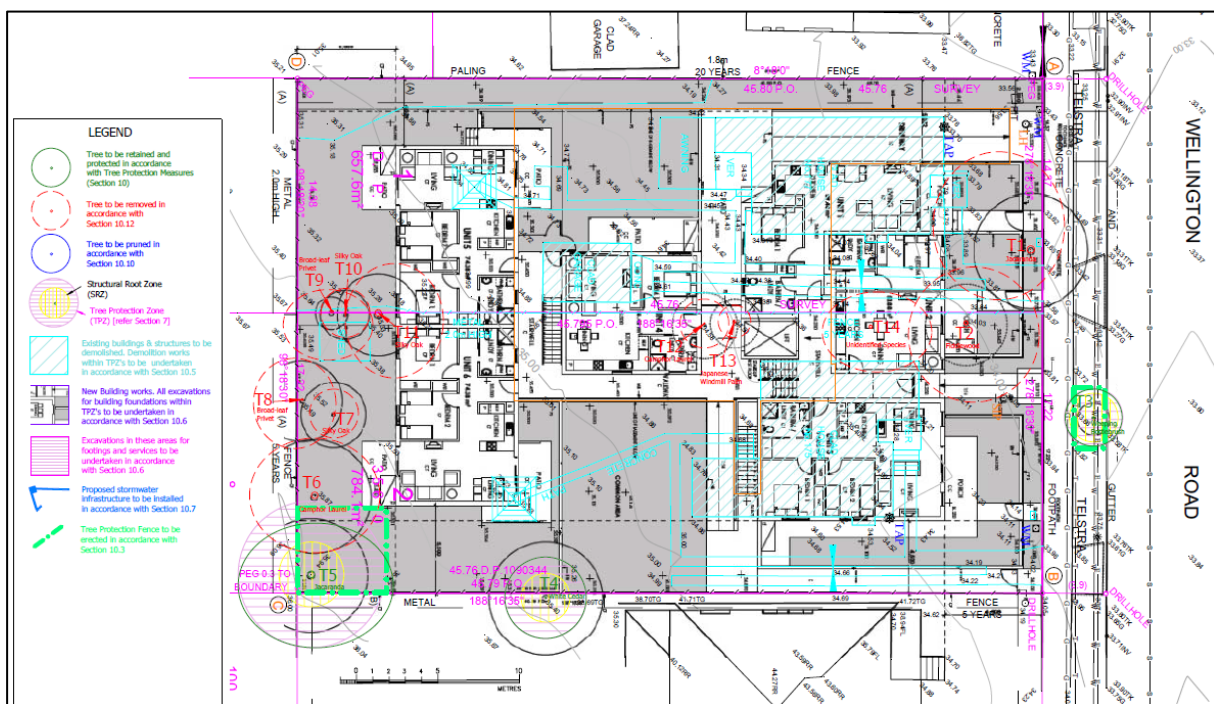


Figure 25: Photomontage of the proposed development
Source – LAHC

The Report recommends the removal of seven (7) trees (Tree Nos. 1, 2, 6, and 8-11) which have been identified as having low and very low to moderate retention value. Replacement planting will compensate for the loss of these trees. It also recommends retention of three (3) existing trees (Tree Nos. 3, 4 & 5) within the site, the adjoining property to the east and in the road reserve (refer to **Appendix C**).

The proposal includes 614m² of landscaped area throughout the site. A total deep soil zone area of 554m² is proposed for the development. Much of the deep soil zone area is dedicated towards the centre of the site and will provide a sufficient area to assist in the growth of mature and healthy trees. The area of deep soil zone makes up around 38% of the site, which greatly exceeds the requirements of the ARH SEPP (217m²) and the ADG (101m²).

The Landscape Plan, prepared by Conzept Landscape Architects (refer to **Appendix J**), demonstrates how strong elements of landscaping are proposed throughout the site, with planting along the Wellington Road frontage to enhance the scenic appearance of the

development and at the centre of the site to provide functional outdoor spaces for residents and visitors alike. Landscaping is also proposed along the southern, eastern and western boundaries to provide a landscaped buffer and further complement the built form when viewed from adjoining properties.

The Landscape Plan indicates fifteen (15) replacement trees are to be planted to offset the loss of the existing trees from the site, varying between 8-15 metres in height. The new plantings will provide replacement tree cover on the site and increase the variety of species, which may also provide additional habitat for fauna in the long-term. The Landscape Plan also includes numerous native shrubs, including but not limited to Bottlebrush, Resilience Lily Pilly and Cascade Lilly Pilly varieties. As such, it is considered that the development will result in a nett improvement of biodiversity values within the site as appropriate compensatory trees and shrubs are proposed.

Parking

Council's parking rates for a proposed residential flat building for 1 and 2 bedroom units would require a total of 22 residential parking spaces and 4 visitor parking spaces under the BDCP 2015. However, no car parking is required under Clause 36(4) Division 5 of the ARH SEPP. As a benchmark guide for carparking rates, the ARH SEPP would require nine (9) parking spaces for the proposed development as the site is in an accessible area.

A total of nine (9) car spaces have been provided for the site within the basement car parking area. The number of parking spaces, although less than that required under the BDCP 2015, is considered to be acceptable given the site's close proximity to Sefton Railway Station and nearby bus services, the Sefton and Chester Hill Local Centres, surrounding open spaces, recreation and community facilities, schools and tertiary education services, the general low car ownership pattern of public housing residents, and sufficient on-street parking available along Wellington Road.

The Traffic and Parking Assessment, prepared by Transport and Traffic Planning Associates and submitted with this application, found that the subject site is ideally located to facilitate reduced private car ownership and usage and to encourage increased usage of public transport services and alternate forms of transport such as walking and cycling. The Report therefore considered that the proposed provision of nine (9) off-street parking spaces would satisfactorily accommodate the needs of the proposed development.

The Report also confirms the geometric design layout of the proposed car parking facilities has 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 with People with Disabilities AS2890.6 - 2009* in respect of parking bay dimensions, ramp gradients and aisle widths.

Stormwater Drainage

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements (refer to Site Stormwater Drainage Layout Plan in **Appendix I**).

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to a 6m² underground detention tank draining to a proposed new street drainage pit in front of the site, which will connect to the existing street drainage system. Roof water will be collected from downpipes connected to a 25,000 litre underground rainwater tank for recycling with overflow connected to the underground detention tank. The rainwater tank and detention tank are both proposed to be located below the driveway toward the north western corner of the site.

A pump out tank is proposed within the basement level carpark for any water collected from the driveway and subsoil drainage to the underground detention tank toward the site frontage.

Stormwater treatment devices from Ocean Protect will be installed as part of the drainage system to ensure compliance with water quality targets. Sediment runoff from the site has the potential to affect water quality; as such soil erosion and sedimentation measures will be implemented during works to ensure that there are no adverse impacts on water quality (refer to Environmental Site Management Plan in **Appendix I**).

5. STATUTORY CONTEXT

5.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the EP&A Act as it is considered to directly address the following objectives under Section 1.3 Objects of the Act of the EP&A Act 1979:

- (c) to promote the orderly and economic use and development of land*
- (d) to promote the delivery and maintenance of affordable housing*
- (g) to promote good design and amenity of the built environment*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants*

The proposal is consistent with the above objectives as it:

- facilitates an improved and efficient use of the land by delivering more dwellings in close proximity to excellent public transport options, employment and education opportunities, as well as retail, recreational, community and cultural services;
- provides twenty (20) affordable housing units to help meet the increasing demand for social and affordable housing in the City of Canterbury Bankstown LGA and across NSW;
- provides for a well-designed and attractive development, which aligns with the desired future character of the area and limits any amenity impacts to surrounding properties; and
- has been designed in accordance with all relevant standards to ensure the protection of the health and safety of future occupants and neighbouring properties.

5.2 State Environmental Planning Policies

5.2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 5 of ARH SEPP permits residential flat building developments on land that prohibits residential flat buildings under another environmental planning instrument, subject to the provisions set out under that division being met. The table below demonstrates compliance with the relevant provisions of Division 5 of ARH SEPP.

Table 3: Compliance with relevant provisions under Division 5 of ARH SEPP

Provision	Compliance
<p>34 Land to which Division applies</p> <p>This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:</p> <p>(a) land in the Sydney region that is within 800 metres of:</p> <ul style="list-style-type: none"> (i) a public entrance to a railway station or light rail station, or (ii) in the case of a light rail station with no entrance—a platform of the light rail station, <p>(b) land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:</p> <p>Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.</p>	<p>The land is zoned R3 Medium Density Residential. Residential flat buildings are not permissible in the R3 zone under the BLEP 2015 or the Draft Consolidated LEP.</p> <p>The site is located in the Sydney region and within 800 metres of the public entrance to a railway station. The site is located approximately 270m west of the public entrance of Sefton Railway Station, which can be accessed via Wellington Road (refer to Figure 2).</p> <p>Not applicable.</p>
<p>35 Development to which Division applies</p> <p>(1) This Division applies to development, on land to which this Division applies, for the purposes of a residential flat building:</p> <p>(a) by or on behalf of a public authority or social housing provider, or</p> <p>(b) by a person who is undertaking the development with the Land and Housing Corporation</p> <p>(2) Despite subclause (1), this Division does not apply to development to which Division 1 applies.</p>	<p>The proposal is for the construction of a residential flat building by LAHC.</p> <p>Division 1 does not currently apply, as the development (residential flat building) is not permitted with consent under another environmental planning instrument.</p>

Table 3: Compliance with relevant provisions under Division 5 of ARH SEPP

Provision	Compliance
<p><u>36 Development may be carried out with consent</u></p> <p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies unless it is satisfied that:</p> <p>(a) the Director-General has certified in a site compatibility certificate that, in the Director-General's opinion, the development is compatible with the surrounding land uses, and</p> <p>(b) if the development is in respect of a building on land zoned primarily for commercial purposes, no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.</p> <p>(3) Nothing in this clause prevents a consent authority from:</p> <p>(a) consenting to development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or</p> <p>(b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or</p> <p>(c) having regard to any other matter in determining a development application.</p> <p>(3A) (Repealed)</p> <p>(4) Car parking is not required to be provided in relation to development to which this Division applies.</p>	<p>This Division applies to the development.</p> <p>This application has been prepared for consideration by the Secretary (formerly the Director General) for the Department of Planning, Infrastructure and Environment (the Department) to determine whether the development is compatible with the surrounding land uses.</p> <p>Not applicable. The land is zoned R3 Medium Density Residential and not primarily for commercial purposes.</p> <p>Noted. The proposed development, the subject of a future DA to Council, will be consistent with the site and design features of any site compatibility certificate issued for the site.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. Notwithstanding, a total of nine (9) car parking spaces are proposed for the development, in accordance with the ARH SEPP parking rates for an 'accessible area'.</p>
<p><u>37 Site compatibility certificates</u></p> <p>(1) An application for a site compatibility certificate under this Division may be made to the Director-General:</p> <p>(a) by the owner of the land on which the development is proposed to be carried out, or</p> <p>(b) by any other person with the consent of the owner of that land.</p> <p>(2) An application under this clause:</p> <p>(a) must be in writing in a form approved by the Director-General, and</p> <p>(b) must be accompanied by such documents and information as the Director-General may require, and</p> <p>(c) must be accompanied by such fee, if any, as is prescribed by the regulations.</p>	<p>This application for a site compatibility certificate is made by LAHC, the owner of the land on which the development is proposed to be carried out, to the Secretary (formerly Director General) of the Department under Division 5 of the ARH SEPP.</p> <p>This application is made in writing in a form approved by the Secretary.</p> <p>This application is accompanied by all relevant documentation required by the Secretary.</p> <p>This application is accompanied by all relevant fees as prescribed by the regulations.</p>

Table 3: Compliance with relevant provisions under Division 5 of ARH SEPP

Provision	Compliance
(3) The Director-General may request further documents and information to be furnished in connection with an application under this clause.	Noted.
(4) Within 7 days after the application is made, the Director-General must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the Director-General refuses, before those 7 days have elapsed, to issue a certificate.	Noted.
(5) The Director-General may determine the application by issuing a certificate or refusing to do so.	Noted.
(6) The Director-General must not issue a certificate unless the Director-General:	
(a) has taken into account any comments received from the council within 14 days after the application for the certificate was made, and	Noted.
(b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:	
(i) the existing uses and approved uses of land in the vicinity of the development,	Refer to "Section 3.2 – Site Context" of this assessment report for details.
(ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land,	Refer to "Section 4.1.3 – Building envelope (footprint and height) relative to any adjoining development/uses; indicative layout of proposed development in relation to adjoining development/uses; floor space ratio and setbacks; other relationships between the proposed development and the existing built environment" of this assessment report for details.
(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and	Refer to "Section 3.4 – Access to services and facilities" and "Section 5.2 – Adequacy of services" of this assessment report for details.
(c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.	Refer to "Section 3.3 – Existing Environment" and "Section 3.1.2 – Proposed site layout and relationship to the surrounding environment including any areas or items of cultural heritage significance, the natural environment, and hazards and natural constraints" of this assessment report for details.
(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.	Noted.
(8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.	Noted.
(9) A certificate is valid for 5 years or such other period specified in the certificate.	Noted.
<u>38 Must be used for affordable housing for 10 years</u>	

Table 3: Compliance with relevant provisions under Division 5 of ARH SEPP

Provision	Compliance
<p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <ul style="list-style-type: none"> (i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and (ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider, and <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that for 10 years from the date of the issue of the occupation certificate:</p> <ul style="list-style-type: none"> (i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and (ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider. <p>(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</p>	<p>Not applicable. The proposed development is located on land owned by LAHC.</p> <p>As above.</p> <p>Not applicable. The proposed development is located on land owned by LAHC.</p> <p>As above.</p> <p>The proposed development is located on land owned by LAHC. 20 out of 20 (100%) of the proposed dwellings will be used for the purposes of affordable housing.</p>
<p><u>39 Continued application of SEPP 65</u></p> <p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65— Design Quality of Residential Flat Development to any development to which this Division applies.</p>	<p>It is noted that SEPP 65 applies to any DA lodged against the site compatibility certificate as it relates to the land.</p> <p>While this application is for an SCC and is not for a Development application, the development of the site has been refined to a level where compliance with SEPP 65 will be achieved, refer to “Section 5.2.2 SEPP 65 and Apartment Design Guide” for further detail.</p>

5.2.2 SEPP 65 and Apartment Design Guide

The proposal has been designed in accordance with SEPP 65 and has also considered the design criteria and general guidance contained in the Apartment Design Guide (ADG).

Table 4 below outlines compliance with the relevant provisions of the ADG.

Table 4: Compliance with relevant provisions under ADG

ADG Objective	Design Criteria and/or Guidance	Compliance
<p>3B-1 Streetscape</p> <p>Buildings respond to the streetscape</p>	<p>Buildings:</p> <ul style="list-style-type: none"> - Should define the street, - Should be oriented to the north, when site frontage is to the east or west, and 	<p>Yes. The development is orientated to the Wellington Road frontage to the north.</p>

Table 4: Compliance with relevant provisions under ADG

ADG Objective	Design Criteria and/or Guidance	Compliance
and optimise solar access.	- When the frontage is to the north or south, overshadowing to the south should be minimised and buildings oriented east and west.	Overshadowing is minimised by limiting Building B, located at the rear, to two storeys in height.
3B-2 Neighbour overshadowing Overshadowing of neighbouring properties is minimised in mid-winter.	<p>Solar access to neighbour's indoor living areas and private open space should be considered.</p> <p>Neighbours' solar access should not be reduced by more than 20% when required sunlight is not received (pre-DA).</p> <p>Building separation and/or upper level setbacks should be increased to improve neighbours' solar access.</p> <p>Buildings should be oriented to minimise solar access and privacy impacts.</p> <p>4 hours min. solar access should be maintained to neighbours' solar collectors.</p>	<p>Yes. The proposed development would result in overshadowing to the rear setback of No. 179 Wellington Road during the morning period only and to the side and rear setback of No. 173 Wellington Road during the afternoon only. This ensures at least 3 hours of direct solar access is maintained to at least one main living area and private open space areas of each adjoining dwelling between the hours of 9am and 3pm in mid-winter.</p> <p>Building separation and setbacks generally comply with the requirements of the ADG to ensure solar access to neighbouring properties is maintained.</p> <p>Yes. In keeping Building B located to the rear of the site, to a maximum of two storeys this ensures minimal overshadowing to the POS areas of adjoining properties to the south. Building orientation, location and size of windows and building height and setbacks ensure privacy is maintained to neighbouring properties.</p> <p>It is unlikely the proposal will result in a reduction of solar access to neighbour's solar collectors.</p>
3C-1 Public and private domain transition Achieve a transition between public and private domain, to maintain safety and security.	<p>Units and private open spaces should have direct entry from the street, when appropriate.</p> <p>A level change (1m) should be created, between the unit/private open space and the footpath/street.</p> <p>Balconies/terraces/habitable room windows should overlook the public domain.</p> <p>Fencing and walls should be partly see-through when facing the public domain.</p> <p>The length of solid, blank walls should be limited (4m) along streets.</p> <p>A degree of social interaction should be permitted, by providing seating or alcoves at the public/private interface or at building entries.</p>	<p>A separate pedestrian access pathway is provided from the street to Buildings A and B, with units accessible via the building's lobby. POS areas to the ground floor dwellings along the site frontage are accessible from internal living areas. Direct access from the street is not considered appropriate in this instance.</p> <p>1.2m high front boundary wall/fences and screen planting will be provide privacy to POS areas along Wellington Road whilst also allowing for passive surveillance of the street.</p> <p>Yes. All dwellings along the front façade have either ground floor terraces or balconies and habitable room windows that overlook the public domain.</p> <p>Yes. 1.2m high front boundary fence proposed, with up to 600mm high sandstone wall and 600mm high metal palisade infill to enable visibility of the public domain.</p> <p>Yes. No solid blank walls are proposed along the Wellington Road façade.</p> <p>Yes. Landscaped open space is provided along the pedestrian pathways leading into the buildings, enabling opportunities for social interaction.</p>

Table 4: Compliance with relevant provisions under ADG

ADG Objective	Design Criteria and/or Guidance	Compliance
	<p>Architecture should clearly define entries to buildings.</p> <p>Concealment opportunities should be minimised.</p>	<p>Yes. The entry to each building is clearly defined.</p> <p>Yes. Clear sight lines between the streetscape and building entry and low fencing and landscaping along the site frontage ensure opportunities for concealment are minimised.</p>
<p>3D-1 Communal open space</p> <p>Adequate areas are provided for resident-amenity and landscaping.</p>	<p>25% min. site area is communal open space</p> <p>50% of the main communal open space is provided direct, mid-winter sunlight between 9am and 3pm.</p>	<p>Yes. At least 25% of the site area is provided as communal open space.</p> <p>Yes. At least 50% of the COS is provided with direct sunlight in the afternoon period, during the winter solstice.</p>
<p>3E-1 Deep soil zones</p> <p>Deep soil zones are provided to support healthy tree growth, improve water management and air quality, and increase amenity.</p>	<p>Minimum area: 7% of site area</p> <p>Minimum dimension: Nil - on sites less than 650m² 3m - on sites 650 m² - 1500m² 6m - on sites over 1500 m²</p>	<p>Yes. Approx. 554m² deep soil zone (38% of the site) provided for the development.</p> <p>Yes. Minimum dimension of 3m for deep soil zone.</p>
<p>3F-1 Visual privacy – building separation (2)</p> <p>Reasonable visual privacy within and between neighbouring developments is achieved, by ensuring equitable sharing of separation distances between buildings.</p>	<p>Minimum separation distances measured from buildings to rear and side boundaries are:</p> <p>For buildings up 12m (4 storeys):</p> <ul style="list-style-type: none"> - 6m from habitable rooms and balconies - 3m from non-habitable rooms <p>Buildings within the same development should combine the separation distances detailed above.</p> <p>3m should be added to the min. separation distance, when the site is adjacent a lower density residential zone.</p>	<p>Minimum setback of 4.5 metres from the side boundary provided for the first three storeys of Building A. All windows and balconies to dwellings located on Levels 1 & 2 of Building A are oriented toward the site's frontage reducing the potential for overlooking into neighbouring properties. The bedroom window to Unit 4 on the ground floor that faces the side boundary, has been designed with increased sill height to reduce potential for overlooking. Minimum setback of 6 metre from the side boundary is provided for the 4th storey of Building A, which complies with the setback requirements of the ADG.</p> <p>Minimum setback of 4m from the side boundary and 3.5m from the rear boundary provided for Building B. No windows are provided along the side or rear elevation of Building B.</p> <p>Yes. At least 13m separation distance is provided between habitable rooms and balconies Buildings A and B.</p> <p>As there are limited windows to habitable rooms facing toward the side or rear boundaries and sufficient solar access is provided to adjoining properties, the increased separation distance is considered unnecessary in this instance.</p>
<p>3J-1 Bicycle & car parking (1)</p> <p>Parking is provided based on</p>	<p>The minimum number of resident and visitor off-street parking spaces is the lower number according to either:</p>	<p>No car parking is required under Clause 36(4) Division 5 of the ARH SEPP. Due to the site's proximity to Sefton Railway Station (270m) car parking is proposed in accordance with the parking</p>

Table 4: Compliance with relevant provisions under ADG

ADG Objective	Design Criteria and/or Guidance	Compliance
access to public transport in Sydney and business centres in regional cities and towns.	<p>The “Guide to Traffic Generating Developments”, or The local council’s DCP,</p> <p>when the site is either:</p> <p>Within 800m of a rail station or a light rail stop in the Sydney Metropolitan Area, or</p> <p>Within 400m of land zoned B3 or B4 in a nominated regional centre (p. 70 ADG).</p>	<p>requirements for an accessible site under the ARH SEPP.</p> <p>The ARH SEPP requires provision of 0.4 parking spaces per 1 bedroom unit and 0.5 parking spaces per 2 bedroom unit. The proposed development is for 20 dwellings (2 x studio, 9 x 1 bedroom and 9 x 2 bedroom units). As such, 9 car parking spaces, including two (2) accessible spaces are provided within the basement level, which satisfies the requirements under the ARH SEPP for an accessible site.</p>
<p>4A-1 Solar & daylight access (2)</p> <p>The number of units receiving direct, mid-winter sunlight is optimised.</p>	<p>In the Sydney Metropolitan Area and the local government areas of Newcastle and Wollongong, living rooms and private open spaces of at least 70% of units receive mid-winter sun, for at least two hours between 9.00am and 3.00pm.</p> <p>A maximum 15% of the total number of units in a building receives no direct, mid-winter sunlight between 9.00am and 3.00pm.</p>	<p>Yes. 17 out of 20 dwellings (85%) received at least 2 hours of mid-winter sun, between 9am and 3pm.</p> <p>Yes. Only Unit 1 (5% of the total no. of units) is unlikely to receive any direct sunlight into living rooms during the hours of 9am and 3pm in mid-winter. The POS for Unit 1 will receive direct solar access during the afternoon period.</p>
<p>4B-3 Units are naturally cross-ventilated (2)</p> <p>The number of naturally cross-ventilated units is optimised.</p>	<p>No fewer than 60% of units are to be naturally cross-ventilated in the first 9 storeys of a building.</p> <p>18m is the maximum unit depth, when measured from glass-line to glass-line, for units to achieve natural cross-ventilation.</p>	<p>Yes. 14 out of 20 units (70%) are naturally cross-ventilated.</p> <p>Noted. No proposed dwelling exceeds 18m.</p>
<p>4C-1 Ceiling heights (1) & (2)</p> <p>Ceiling heights are sufficient to permit natural ventilation and light penetration.</p>	<p>Minimum ceiling heights, measured from finished floor to finished ceiling level, are:</p> <p>2.7m – habitable rooms 2.4m – non-habitable rooms</p>	<p>Yes. Minimum 2.7m ceiling heights proposed to habitable rooms within the development.</p>
<p>4D-1 Apartment size & layout (1) & (2)</p> <p>Unit sizes and layouts offer high amenity and are efficient.</p>	<p>Minimum internal unit sizes are:</p> <p>35m² – studio units 50m² – 1 bedroom units 70m² – 2 bedroom units 90m² – 3 bedroom units</p> <p>All habitable rooms have windows which are at least 10% of the room’s floor area.</p> <p>Day light and air shall not be borrowed from other rooms.</p>	<p>Yes. A minimum of 35m² floor area is provided for studio dwellings, 50m² for 1 bedroom dwellings, and between 70m² to 75m² for 2 bedroom dwellings.</p> <p>Appropriately sized windows are provided to all habitable rooms.</p> <p>Each room has its own window.</p>
<p>4D-2 Environmental performance is maximised</p>	<p>The maximum habitable room depth is 2.5 times the ceiling height.</p>	<p>Appropriate room depth to ceiling height is provided.</p>

Table 4: Compliance with relevant provisions under ADG

ADG Objective	Design Criteria and/or Guidance	Compliance
	8m is the maximum habitable room depth in open-plan unit layouts.	Rooms are designed and orientated to ensure adequate sunlight access and ventilation.
4D-3 Unit layouts allow a variety of activities & needs	<p>Minimum bedroom areas:</p> <p>10m² - main bedroom 9m² - other bedrooms</p> <p>3m - minimum bedroom dimension</p> <p>Living room, living/dining room minimum widths:</p> <p>3.6m – studio & 1 bedroom units 4.0m – 2 & 3+ bedroom units 4.0m minimum internal width, for all cross-over or cross-through units (See ADG glossary for definitions).</p>	Proposed room dimensions will meet the requirements of the ADG. To be confirmed as detailed design stage.
4E-1 Private open space & balconies (2) Residential amenity is optimised with suitably sized private open space	<p>Primary balconies/private open spaces have these minimum areas and depths:</p> <p>4m² – studio units (no min. dimension) 8m² & 2m – 1 bedroom units 10m² & 2m – 2 bedroom units 12m² & 2.4m – 3+ bedroom units 15m² & 3m - for ground or podium level units</p>	<p>All units on the ground floor are provided with at least 15m² POS, with a minimum dimension of 3m, except for Unit 1 (a studio dwelling), which is provided with 10m² with a minimum dimension of 2.95m. The minor non-compliance to the POS for Unit 1 is considered acceptable in this instance as Unit 1 is located directly adjacent to the large COS area for the site and the 10m² POS greatly exceeds the usual 4m² POS requirement for a studio dwelling for upper levels under the ADG.</p> <p>For the upper level dwellings, 1 bedroom units are provided with a minimum of 8m² balconies and 2 bedroom units are provided with a minimum of 10m² balconies. The minimum dimension for calculation of POS is 2m.</p>
4F-1 Common circulation & spaces (2) Circulation spaces have good amenity and service a proper number of units.	<p>No more than 8 units are provided access by a circulation core on a single level of the building.</p> <p>No more than 40 units shall be serviced by one lift in buildings of more than 10 storeys.</p>	<p>Yes. A maximum of 4 units are accessed by a single circulation core.</p> <p>Yes. A maximum of 12 units are serviced by one lift.</p>
4G-1 Storage (2) Adequate, well-designed storage is provided for each unit	<p>In addition to storage in kitchens, bathrooms and bedrooms the following storage is required, with at least 50% provided in the unit:</p> <p>4m³ – studio units 6m³ – 1 bedroom units 8m³ – 2 bedroom units 10m³ – 3+ bedroom units</p>	The units have been designed in accordance with LAHC's design standards and additional storage can be provided in the basements if required.
4J-2 Noise & pollution	Design solutions include:	Yes. Due to the site's proximity to the rail corridor to the north, an Acoustic Report has been prepared by

Table 4: Compliance with relevant provisions under ADG

ADG Objective	Design Criteria and/or Guidance	Compliance
Noise shielding or attenuation is used when apt.	<ul style="list-style-type: none"> - Limiting the size and number of openings facing noise sources, - Sealing gaps, - Using acoustically designed fenestration, louvres or wintergardens, and - Using materials that reflect and/or absorb noise. 	Acoustic Logic for the proposed development and is submitted with this application. The Report addresses the acoustic and vibration impacts of the adjacent rail corridor on the proposed residential development and provides design and construction solutions to minimum noise impacts.

5.2.3 Other State Environmental Planning Policies

Table 5 below outlines compliance with applicable State Environmental Planning Policies (SEPPs).

Table 5: Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate will be obtained for the development proposal and submitted as part of the DA to Council, as required under the SEPP.
SEPP No. 55 – Remediation of Land	<p>SEPP No. 55 requires consideration of land contamination. The site is located within a developed residential area of Sefton, which has a history of residential uses.</p> <p>LAHC have been able to confirm through the review of the LAHC historical layout plan L343 that the area was being developed for residential purposes from as early as 1946. As such, given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site and given that the Section 10.7 Planning Certificates (refer Appendix D) indicate the site has not been identified as being subject to any matters arising from the <i>Contaminated Land Management Act 1997</i>, it is unlikely that the subject land is affected by contamination.</p> <p>Notwithstanding, the sites may pose an unknown contamination risk due to the long-term vacancy of the lots. Further investigation will be undertaken for the development proposal and submitted as part of the DA to Council, as required under the SEPP.</p>
SEPP (Vegetation in Non-Rural Areas) 2017	<p>The SEPP aims to preserve the biodiversity values of trees and other vegetation in non-rural areas.</p> <p>Of the ten (10) protected trees located within and around the site, seven (7) trees within the property are to be removed and three (3) trees within and adjacent to the site are to be retained. The trees proposed for removal are considered not worthy of retention or are in a position where they cannot be retained due to the proposed building footprint and associated infrastructure. Their removal will be required to facilitate the proposed development.</p> <p>The Landscape Plan (Appendix J) shows fifteen (15) replacement trees, varying between 8-15 metres in mature height to be planted to offset the loss of the existing trees from the site. The new plantings will provide replacement tree cover on the site and increase the variety of species, which may also provide additional habitat for fauna in the long-term. The Landscape Plan also includes numerous native shrubs, including but not limited to Bottlebrush, Resilience Lily Pilly and Cascade Lily Pilly varieties.</p>

Table 5: Compliance with other applicable State and Environmental Planning Policies	
State Environmental Planning Policy	Applicability
	As such, it is considered that the development will result in a nett improvement of biodiversity values within the site as appropriate compensatory trees and shrubs are proposed.

5.3 Local Environmental Plans

5.3.1 Bankstown Local Environmental Plan 2015

Current Zoning

The site is currently zoned R3 Medium Density Residential under the Bankstown Local Environment Plan 2015 (BLEP 2015). The relevant objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To allow for the development of medium density housing that has regard to local amenity and provides a suitable visual transition between high density residential areas and low density residential areas.*
- *To require landscape as a key characteristic in the medium density residential environment.*

Consideration of the relevant provisions / development standards set out in BLEP 2015 is demonstrated in **Table 6** below.

Table 6: Compliance with relevant provisions under BLEP 2015

Provision	Compliance
<p>4.3 Height of Buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (10 metres).</p>	<p>The maximum height of Building A, including the lift overrun, is 13.3 metres. The roof height of Building A is 12.4 metres. The maximum height of Building B is 7 metres.</p> <p>Whilst the proposed building height of Building A exceeds the limits prescribed for the site under the BLEP 2015, the exceedance is considered acceptable in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The lift overrun is located at the rear of Building A and setback from the side building line and therefore is unlikely to be visible from the streetscape. • The 4 storey component of Building A is setback from the levels below and clad in dark grey prefinished wall panels, therefore presenting as a receding and unobtrusive form when viewed from surrounding areas. • The portion of the Building A above the 10 metre building height largely comprises of wall, ceiling area and roof form of four (4) apartments only. The additional height is required to achieve a full habitable floor at this level with appropriate ceiling heights. • The proposed development is for the purpose of social housing and therefore has positive impacts. The exceedance of building height provides for four (4) additional apartments being delivered on the site and therefore provide a total of 20 affordable housing dwellings in a highly accessible area close to transport and services. • Detailed consideration has been given to reducing any potential privacy or solar impacts to neighbouring properties through the use of compliant setbacks, dwelling orientation and landscaping throughout the site and along site boundaries.
<p>4.4 Floor Space Ratio</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.75:1).</p>	<p>The proposed development has a GFA of 1,382m², resulting in an FSR of 0.96:1.</p> <p>Whilst the proposed FSR exceeds the limits prescribed for the site under the BLEP 2015, the exceedance is considered acceptable in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The site is located in a highly accessible location, close to excellent public transport options, community and cultural services, recreation and education facilities, and employment. The site is currently vacant and not constrained by any hazards or environmental planning constraints that would limit its development potential. • The exceedance of FSR will result in four (4) additional apartments being delivered on the site and therefore provide a total of 20 affordable housing dwellings, maximising the delivery of social housing on vacant infill land in close proximity to Sefton Small Village Centre. • Development of the site for an increased number of dwellings helps LAHC to secure appropriate accommodation for the ever-growing list of social housing applicants, a need also clearly identified in the City of Canterbury Bankstown Housing Strategy.
<p>6.2 Earthworks</p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p>	<p>A Site Investigation Report (Appendix K) was undertaken for the site and informed the design of the proposed development.</p> <p>Details of proposed earthworks will be submitted to Council as part of the development application for the proposal.</p>

Table 6: Compliance with relevant provisions under BLEP 2015

Provision	Compliance
(b) the effect of the development on the likely future use or redevelopment of the land,	The proposed development will be designed to ensure there is minimal disruption/ detrimental effect on the existing drainage patterns or soil stability in the locality.
(c) the quality of the fill or the soil to be excavated, or both,	Any fill introduced to the site will be virgin excavated natural matter. The soil to be excavated is not known to be contaminated.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	It is considered that any proposed level changes will not adversely impact the amenity of adjoining properties.
(e) the source of any fill material and the destination of any excavated material,	Any fill introduced to the site will be virgin excavated natural material. Any excess excavated material will be transported to an appropriate facility in accordance with a waste management plan.
(f) the likelihood of disturbing relics,	The site is highly disturbed, and it is considered that earthworks are unlikely to result in disturbance of relics.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The development will be designed in accordance with the relevant stormwater management and drainage requirements (Appendix I) and includes on-site detention, rainwater tank and trash screens to outlet pipes. In addition, soil erosion and sedimentation measures will be implemented during works to ensure that there are no adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed development has been designed to reduce any potential environmental or drainage impacts associated with excavation and earthworks.

On March 2020 the City of Canterbury Bankstown Council exhibited the planning proposal (PP_2019_CBANK_005), which seeks to produce a single set of planning rules for the LGA by combining and aligning Bankstown LEP 2015 and Canterbury LEP 2012 into a Consolidated Local Environmental Plan (Consolidated LEP).

Under the Consolidated LEP the site is also zoned R3 Medium Density Housing and residential flat buildings will continue to be prohibited in the zone. The FSR and HOB limitations for the site will remain the same under the Consolidated LEP.

6. STRATEGIC JUSTIFICATION

6.1 Consistency with State, Regional and Local Strategies

6.1.1 Future Directions for Social Housing

The *Future Directions for Social Housing* in NSW sets out the State Government's 10-year vision, to 2026. The plan identifies the increasing demand for social and affordable housing across NSW.

The plan has three strategic priorities, including:

- To provide more social housing.
- To provide more opportunities, support and incentives to avoid and/or leave social housing.
- To provide a better social housing experience.

An identified action to meet the strategic priorities of the plan include increasing redevelopment of LAHC properties to renew and grow supply.

There are around 51,000 households on the NSW social housing waiting list. The expected wait time in the Bankstown area is identified as 5 to 10 years for studio and 1-bedroom properties and over 10 years for 2 or more bedroom properties, according to the Guide to waiting times for social housing as at 30 June 2020 (refer **Appendix E**).

The proposed development is in direct alignment with this action and is therefore consistent with the strategic priorities of the plan. Importantly, the proposed development will contribute to achieving the NSW Government's social housing targets.

6.1.2 Greater Sydney Region Plan

The Greater Sydney Region Plan: A Metropolis of Three Cities was prepared by the Greater Sydney Commission and released in March 2018. The Plan replaces A Plan for Growing Sydney and is the primary strategy document guiding the growth and development of Greater Sydney. Canterbury-Bankstown LGA sits within both the Eastern Harbour City and the Central River City and is located within the South District.

The *Greater Sydney Region Plan* identifies the need for a greater and better supply of affordable housing within proximity of frequent public transport. The proposed development is considered to contribute to the objectives of the *Greater Sydney Region Plan* by replacing older housing stock with additional high-quality dwellings, designed to be fit-for-purpose and located in a highly accessible area.

6.1.3 South District Plan

The Greater Sydney Commission's District Plans were released in March 2018 and are a guide for implementing the Greater Sydney Region Plan at a district level. The District Plans are 20-year strategy documents providing a link between the Region Plan and local planning.

The subject site is located within the South District.

The planning priority described in the *South District Plan* that is most relevant to the proposed development is Planning Priority S5: *Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

This planning priority seeks to provide additional affordable housing in a mix of dwelling types, in accessible locations close to frequent public transport, employment opportunities and community facilities.

The plan details the need for proposed housing supply to respond to changing demographics and household structures. Specifically, the plan notes that the number of single person households is expected to increase by 46 per cent over the period to 2036, and the number of single parent and couple only households are also expected to increase by 34 per cent and 32 per cent, respectively. This requires more smaller homes, group homes, adaptable homes of universal design and aged care facilities.

The plan identifies a five-year housing target for the Canterbury-Bankstown LGA of 13,250 new dwellings. The twenty (20) dwellings proposed will contribute to Canterbury-Bankstown achieving that five-year housing target.

The proposed housing development responds to the *South District Plan* by integrating affordable housing into the existing community in a location where there is excellent access to public transport and employment hubs, as well as community facilities. The well-designed self-contained units will improve the use of the site by taking advantage of vacant infill land and enhance the streetscape outcome through high-quality architectural design and an improved landscape setting.

6.1.4 Canterbury Bankstown Local Strategic Planning Statement – Connective City 2036

The *Connective City 2036* is the City of Canterbury Bankstown Council's Local Strategic Planning Statement (LSPS). The LSPS guides land use planning and delivery of significant infrastructure for the LGA until 2036.

The LSPS identifies Sefton as a Small Village Centre, which will meet the daily needs of people living in surrounding suburbs. The subject site falls within the 400m walking catchment of this centre. Chester Hill is identified as a Local Centre, which will provide urban services to a wider catchment and opportunities for additional housing.

The LSPS outlines 10 Evolutions to help shape and deliver *Connective City 2036*. Evolution 6 - *Urban and Suburban Places, Housing the City*, recognises housing diversity as being fundamental to a thriving and dynamic city. This evolution identifies the most appropriate locations for growth and change. Evolution 6 includes a range of priorities. The following are considered most relevant to the proposed development:

- Locate 80 per cent of new housing within walking distance of mass transit/train stations.
- Provide housing choice to suit each life stage through a range of housing typologies, sizes and tenures.
- Provide affordable housing typologies, especially for very low, low and moderate income households.

The LSPS identifies several small village centres, including Sefton, as having capacity for moderate growth in housing, encouraging new housing to be in high amenity locations near open space or public transport.

In addition to this, the LSPS notes a mismatch between household structure and dwelling sizes and recommends providing a supply of smaller dwellings throughout the area to support a range of demographic groups, including older residents.

The LSPS proposes an affordable housing target of 15 per cent of all new development in growth precincts, which is above the target set by the *Greater Sydney Regional Plan*.

The proposal is consistent with the strategic direction established by the LSPS, in particular the priorities of Evolution 6, as it will provide a high-quality social housing development comprising 20 self-contained units, including a mix of studio, 1 and 2 bedroom dwellings, within walking distance of both Sefton and Chester Hill centres and train stations. The proposed development will utilise vacant lots, within an established urban area, thereby supporting housing diversity for low income households in an appropriate location.

6.1.5 Canterbury Bankstown Local Housing Strategy

The Canterbury Bankstown Local Housing Strategy (Housing Strategy) sets out strategic directions for housing within the LGA to 2036. The Strategy was adopted by Council on 17 June 2020 and identifies the housing demands, gaps and issues for the area, and establishes five key priorities and supporting objectives to manage future housing growth within the LGA.

The Housing Strategy is based around 10 guiding principles, established to reflect the vision and priorities of the Community Strategic Plan and respond to community and stakeholder feedback. The following principles are considered most relevant to the proposed development:

- 2) New housing is best located within walking distance of centres, open space and places of high amenity.
- 3) New housing will need to provide a variety of dwelling types, sizes and price points to meet the needs of a diverse and aging population.
- 6) Housing and population growth need to align with existing and future infrastructure capacity.
- 7) More affordable housing is necessary to support the community and reduce housing stress.

The City of Canterbury Bankstown Council is aiming to deliver 50,000 new dwellings by 2036 to meet housing demand. This growth is proposed to be distributed across the range of centres within the LGA, with Small Village Centres, such as Sefton expected to accommodate around 2,600 new dwellings. The Housing Strategy envisages that new housing in these small village centres will add to the diversity of housing choice in a built form that is compatible with the local character.

The Housing Strategy details the challenge in delivering new dwellings due to the significant proportion of constrained land in the LGA. It also notes, as there is no greenfield land available, future development will need to consolidate land based on the existing subdivision pattern and replace older building stock. As such, the Housing Strategy recommends:

“unlocking additional capacity in the right locations to meet housing demand, with a focus on centres where there is good access to jobs, shops, public transport, services and other public and social infrastructure.”

The Housing Strategy also recognises the high need for affordable and social housing and notes the increasing level of housing stress being experienced across the LGA, particularly for rental households. Specifically, approximately 20 per cent of households in Sefton are experiencing housing stress.

The Housing Strategy sets out 8 strategic directions to be progressed over the next 20 years. The following strategic directions are considered most relevant to the proposed development:

- 3) Focus at least 80 per cent of new dwellings within walking distance of centres and places of high amenity.
- 4) Ensure new housing in centres and suburban areas are compatible with the local character.
- 5) Provide a choice of housing types, sizes, tenures and prices, to suite each stage of life.

- 6) Design quality housing to maximise liveability and provide positive built form outcomes.

The proposal responds to the strategy by providing a new housing development comprising 20 self-contained units, which will contribute to the affordable housing stock in the area and meet the needs of the diverse communities and changing demographics of Canterbury Bankstown.

6.2 Environmental benefits and appropriate management of constraints

The subject site is conveniently located near regular train and bus services as well as a variety of shopping, educational, community and cultural facilities. The proximity to the railway station also reduces the need for excessive on-site parking. This leads to positive environmental outcomes as it results in less cars on the roads, as the residents are encouraged to use the convenient and accessible modes of public transport available to them.

LAHC is committed to building developments that result in good urban design that are conveniently located, sensitive to its neighbourhood, ecologically sustainable and economical in construction and maintenance.

Building A is fitted with lifts making all units within the building accessible. The additional building height required by the lift overruns is well incorporated into the building design without any adverse impact on the existing character and streetscape.

The new development would incorporate building materials and energy efficient design features which maximise durability and results in lower operating costs for both the residents and the Land and Housing Corporation. The use of solar panels, re-use of rainwater, landscaping/planting with low-water usage and maximising the northern orientation of the lot are all measures to assist in reducing water and energy consumption and providing healthy environments.

6.3 Public benefits from developing the site for the proposed purpose

A primary aim of LAHC is to secure appropriate accommodation for some of the neediest members of our community that is cost effective, fulfils their needs and relates well to its environment. The use of this well-located site for higher density housing would therefore meet these primary aims and allows development opportunities to be fully maximised. Developing this site for a lower density housing, such as multi-dwelling housing or terraces, for which it is zoned would therefore not be considered to be the best and highest use of the site.

The clients housed by LAHC vary widely in relation to age, gender, disabilities and family types. The variety of housing types that would be offered by this development would present residents with choice and flexibility in their housing considerations. The proposed development would assist in addressing this need, as the waiting lists for 1 bedroom units in Bankstown is 5 to 10 years and for 2 bedroom units is over 10 years (refer to **Appendix E** for expected Waiting Times for Social Housing Applicants).

Regardless of the family group or age profile of its residents statistically, LAHC residents have lower than average rates of car ownership. This low car ownership pattern places a greater emphasis on sites with good access to public transport, community facilities, schools and shops. As this site is well serviced, it is regarded as an ideal choice to develop higher density development in an area which is moving towards this type of development near a busy railway line.

The proposed development also meets the aims of the ARH SEPP by facilitating the effective delivery of new affordable rental housing in a residential zone that would not normally permit residential flat buildings. It also provides much needed affordable housing for the disadvantaged members of the community.

Additionally, as the site is currently vacant, the relocation of tenants to temporary accommodation during the construction of the development will not be required.

7. PRE-LODGEEMENT CONSULTATION WITH CONSENT AUTHORITY

7.1 Canterbury Bankstown Council

A pre-lodgement meeting was held at the City of Canterbury Bankstown Council on 7 May 2019 between Council officer Casandra Gibbons (Senior Town Planner) and LAHC officers.

The preliminary concept option presented to the City of Canterbury Bankstown Council proposed a residential flat building of 3 to 4 storeys, comprising a total of 24 units (16 x 1 bedroom and 8 x 2 bedroom units). See **Figures 26 - 28** below.

This original concept proposed vehicular access from Wellington Road, located toward the eastern side of the site, leading to a basement carpark to accommodate eleven (11) car parking spaces.

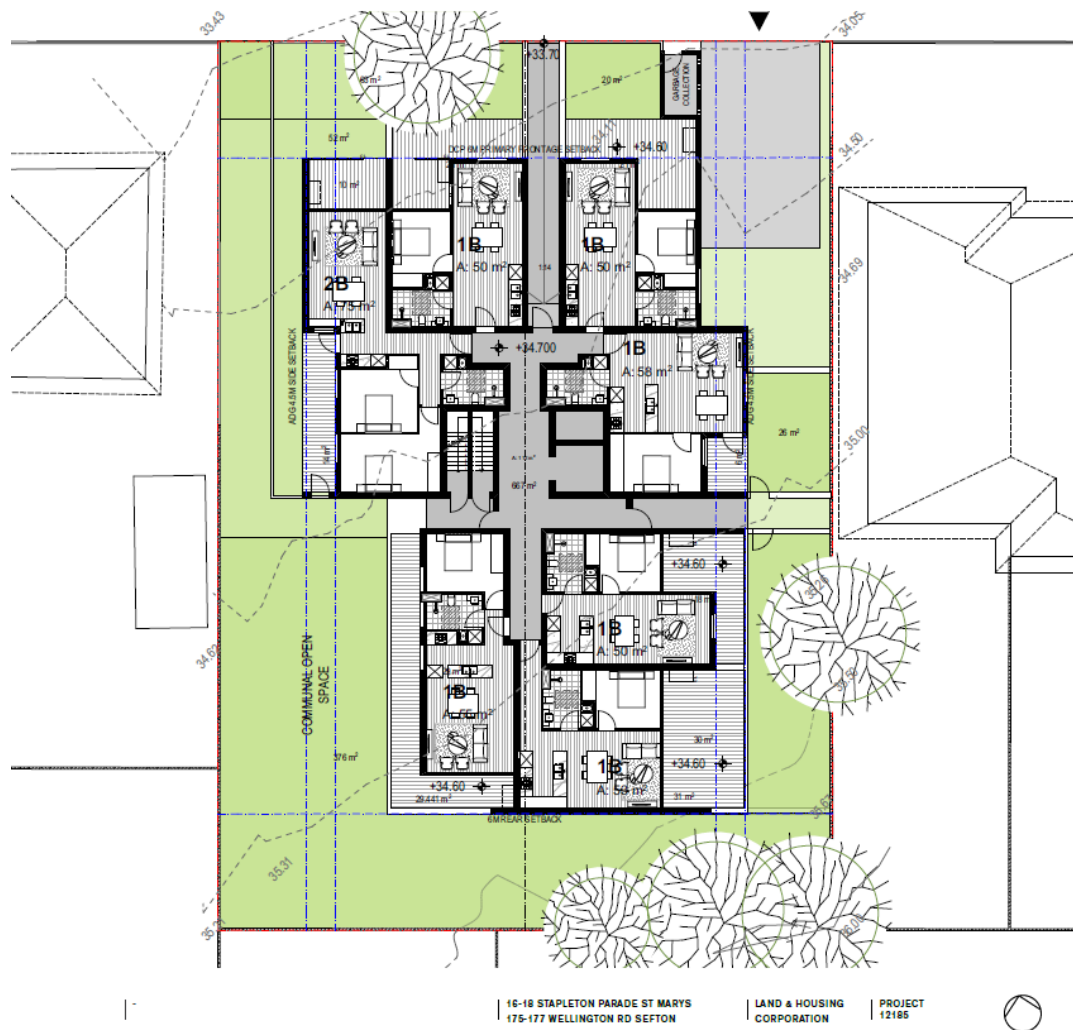


Figure 26: Ground Floor Plan of Original Concept
Source – Land and Housing Corporation

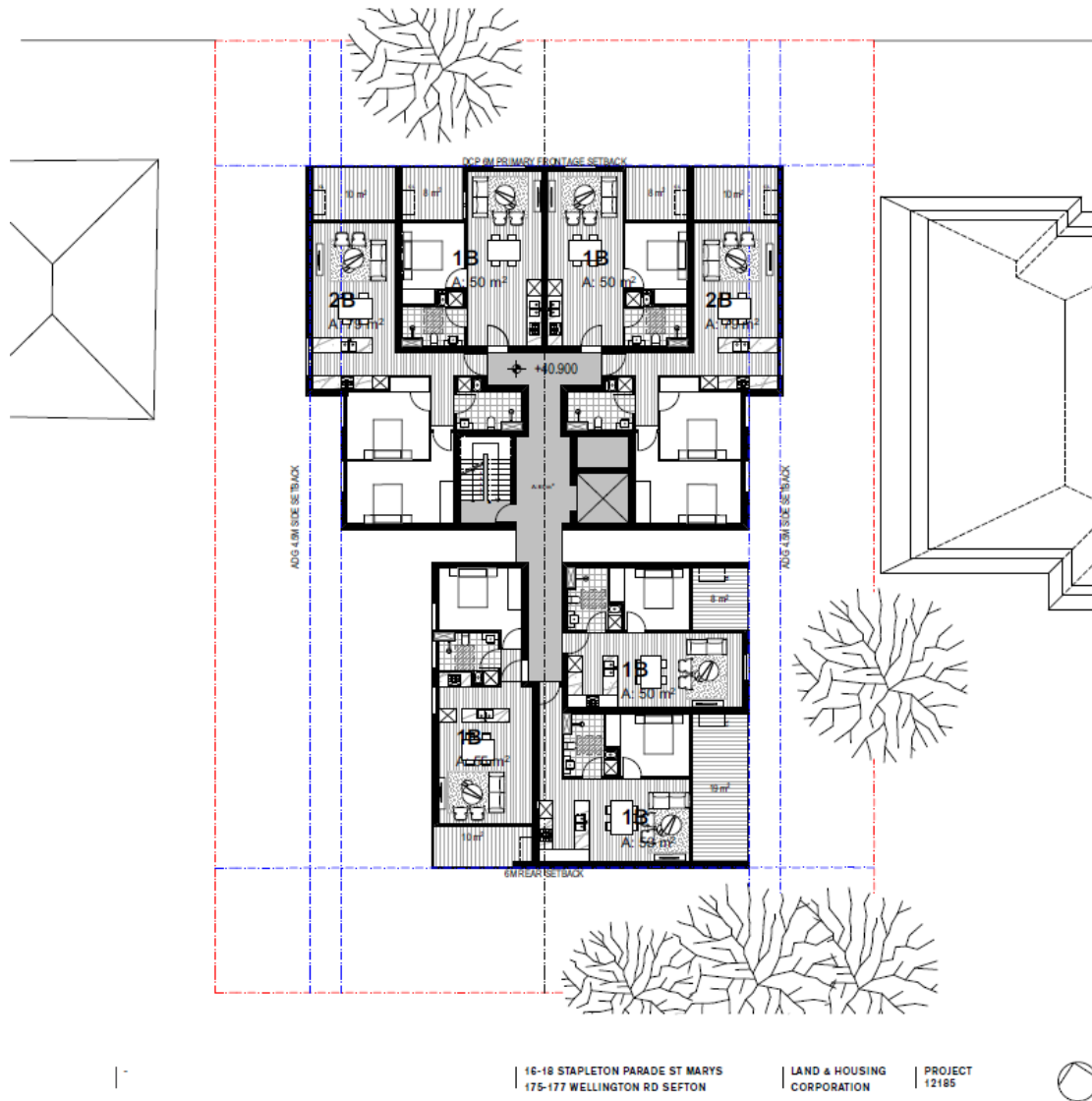


Figure 27: Levels 1 & 2 of Original Concept Plan
Source – Land and Housing Corporation

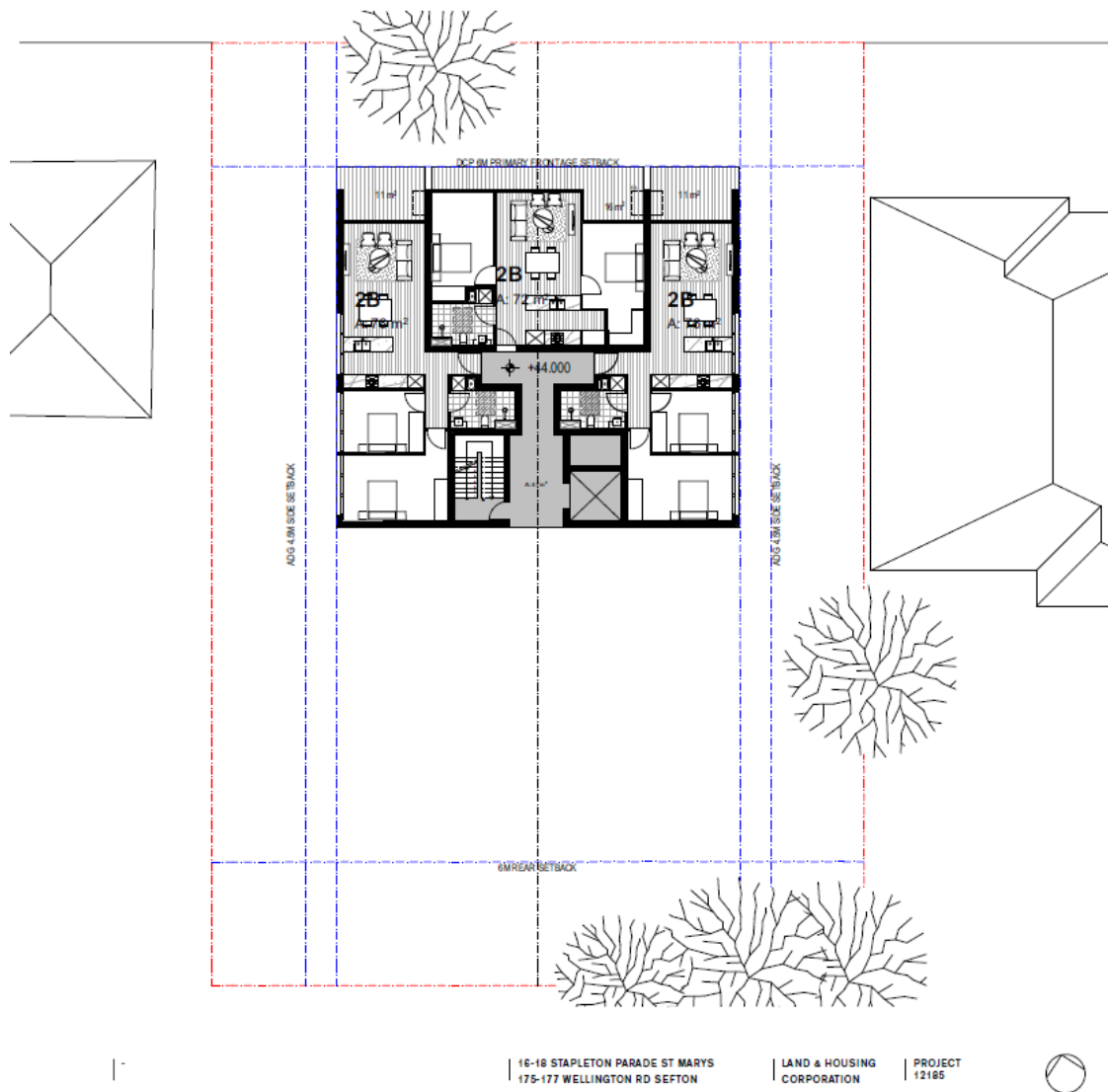


Figure 28: Level 3 of Original Concept Plan
Source – Land and Housing Corporation

Following the meeting with the City of Canterbury Bankstown Council, LAHC received an email, dated 20 May 2019, from Council officer Casandra Gibbons, Senior Town Planner with comments on the proposed concept plan (refer to **Appendix F**). This correspondence raised several issues, which are summarised below, along with LAHC's response and design amendments.

1. Height and Scale

Council notes that the design of the proposed RFB development would exceed the maximum FSR of 0.75:1 and height of building limit (HOB) limit of 10m for the site, as prescribed under the BLEP 2015.

For any variation to the development standards outlined in the BLEP 2015, Council requires a Clause 4.6 variation request to be submitted for consideration, demonstrating that compliance with the prescribed FSR and HOB for the site is

unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standards.

Council has stated that it does not support an exceedance of the FSR or HOB limits for the site to accommodate the proposed RFB.

Council's comments regarding the exceedance of FSR and HOB have been taken into consideration and the proposed development has been redesigned with fewer dwellings and a reduction in GFA by 355m², resulting in an FSR of 0.96:1. The overall height of the building has also been reduced from the originally proposed 13.5 metres to a building height of 12.4 metres for Building A. However, the maximum height of the development from the existing ground level is 13.3 metres, including the lift overrun.

The Site Compatibility Certificate process sets aside the planning controls for the site to undertake a merit-based assessment of the appropriateness of the proposed development for the site. As such, whilst the proposed FSR and building height exceed the limits prescribed for the site under the BLEP 2015, the exceedance is considered acceptable in this instance for the following reasons:

- The 4 storey component of the building is setback from the levels below and clad in dark grey prefinished wall panels, therefore presenting as a receding and unobtrusive form when viewed from surrounding areas.
- The portion of the building above the 10 metre building height largely comprises of wall, ceiling area and roof form of four (4) apartments only. The additional height above the 10 metre control is required to achieve a full habitable floor at this level with appropriate ceiling heights.
- The lift overrun is located at the rear of Building A and setback from the side building line and therefore is unlikely to be visible from the streetscape.
- The proposed development is for the purpose of social housing and therefore has positive impacts. The exceedance of FSR will result in four (4) additional apartments being delivered on the site and therefore provide a total of 20 affordable housing dwellings in a highly accessible area close to transport and services. This provision of social housing close to essential transport and services aligns with the strategic direction and plans for the area outlined by Canterbury Bankstown Council.
- The development maximises the delivery of social housing on vacant infill land in close proximity to Sefton Small Village Centre.

2. Objectives of the R3 zone

Council considers that the development proposed is not consistent with the objectives of the R3 Medium Density Zone, height of building and floor space ratio standards. Council states: *the development proposed is a high density development and it has not been demonstrated that the proposal is compatible with the objectives set out.*

It is acknowledged that the development better aligns with the objectives of the R4 High Density Residential Zone under the BLEP 2015 rather than the objectives of the R3 Medium Density Residential Zone. The above sections provide a justification for increasing the density of development in this location, beyond that specified under the BLEP 2015 and the BDCP 2015.

Notwithstanding, the proposed development has been designed to be compatible with the desired future character of the surrounding area, as prescribed by the provisions of the BLEP 2015. It is also noted that under case law in NSW, compatibility is accepted to mean "capable of existing together in harmony" (Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191) and does not mean "sameness".

The decision made by Roseth SC goes on to state: “Buildings do not have to be the same height to be compatible”. The Architectural Plans (refer **Appendix H**) include a Building Envelope Study, which considers the development potential for surrounding sites in accordance with the current provisions of the BLEP 2015. The study demonstrates that the height, bulk and scale of the proposed development is compatible with the desired future character of the area, as stipulated by the provisions of the LEP and DCP.

It is vital for LAHC to secure appropriate accommodation for the ever-growing list of social housing applicants, a need also clearly identified in the City of Canterbury Bankstown Housing Strategy. The site is in a highly accessible location, close to transport, services, and employment. The site is currently vacant and not constrained by any hazards or environmental planning constraints that would inhibit its development potential.

For these reasons, it is considered that providing a lower density development as envisaged by the objectives of the R3 Medium Density Residential zone would not be the highest and best use of the site.

3. Compliance with SEPP 65 and the ADG

Council states that the proposal must be designed in compliance with SEPP 65 and the Apartment Design Guidelines (ADG), including but not limited to, the provisions regarding communal open space, deep soil zones, visual privacy, solar access, natural ventilation, ceiling heights, apartment sizes, private open space, storage and building indentations.

Council notes in particular that the development shows a 4.5m setback that fails Figure 3-F of the ADG. Further consideration should be given to the ADG as it recommends that an additional 3m setback should be applied where the development adjoins lower density zones. Council notes that a high density development adjoining medium density zones implies potential visual privacy impacts and overshadowing impacts, and consideration of this will need to be undertaken in any application lodged.

The proposal has been designed in accordance with SEPP 65 and has also considered the design criteria and general guidance contained in the ADG. The revised proposal meets or exceeds the requirements for communal open space, deep soil zones, solar access, natural ventilation, apartment sizes, and private open space (refer **Table 4**).

The design of the building’s front façade incorporates changes in building materials, as well as modulation and articulation to provide visual interest along the Wellington Road frontage, whilst respecting the character of the local area.

Detailed consideration has been given to reducing any potential privacy impacts to neighbouring properties through the use of compliant setbacks, dwelling orientation and landscaping throughout the site and along site boundaries.

Following issue of a Site Compatibility Certificate, the referral to Council’s Design Review Panel will be undertaken prior to lodgement of the Development Application.

4. Solar access

Council requests demonstration of sufficient solar access to the site to be provided for assessment, including demonstration that the proposed development will maintain solar access to the adjoining sites.

As demonstrated in the Shadow Diagrams of the Architectural Plan set, due to the orientation of the site and appropriate side setbacks, the proposed development would result in overshadowing to the rear setback of No. 179 Wellington Road during the morning period only and to the side and rear setback of No. 173 Wellington Road during the afternoon only. This ensures at least 3 hours of direct solar access is maintained to at least one main living area and private open space areas of each adjoining dwelling between the hours of 9am and 3pm in mid-winter. In keeping Building B located to the rear of the site, to a maximum of two storeys this ensures minimal overshadowing to the POS areas of adjoining properties to the south.

In addition to this, 85% of dwellings within the development will receive at least 3 hours of direct sunlight access between 9am to 3pm on 21 June, which exceeds the ADG solar access requirements of only 70% of dwellings to receive at least 2 hours of direct sunlight.

5. Layout of ground floor dwelling

Council considers the 2 bedroom apartment on the ground floor to the western boundary to be poorly designed in regards to the location and functionality of the kitchen and recommends that the layout be revisited.

Council's comments regarding the design of the unit have been noted and the plans have been amended. The design and layout of the entire development has been reconsidered to improve layout and amenity. Fewer dwellings are now proposed (reduction from 24 to 20), and these have been spread across two separate buildings to improve design, natural ventilation and solar access to dwellings and reduce any potential impacts to adjoining properties and the streetscape.

6. Bankstown DCP 2015

Council states that the application should have regard for the Bankstown Development Control Plan 2015 (BDCP) Part A1, B1 and B5, with reference to the R3 controls and residential flat building controls.

Further, the BDCP 2015 Part B13 – waste minimisation and management should also be addressed in the application. Details must be provided on how the bins will be stored and presented for collection. Council does not consider locating the bin room within the basement as an ideal solution. Details are required to outline how the bins would be presented to the street for collection.

Council's comments regarding the location of the bin storage area and collection point have been noted and the plans have been amended to be designed with consideration of the BDCP 2015, as detailed in the sections above. For example, the bin storage area is now integrated into the building. Notwithstanding, following the issue of a Site Compatibility Certificate, the proposal will be referred to Council's Design Review Panel prior to lodgement of the Development Application to ensure an appropriate design and location for the bin storage area is proposed, and all Council's waste requirements are adequately met, including how the bins will be presented to the street for collection.

7. Car parking

Council states that the proposal should have regard for the BDCP Part B1 and Part B5 with regards to car parking. Council specifies: *The DCP 2015, Part B1 Section 8, requires that a minimum of 1 car parking space per dwelling with 2 beds or less; and a minimum of 2 car parking spaces per dwelling with 3 or more beds; be provided and that all car parking spaces are located behind the front building line. Part B5 requires the provision of 1 visitor's car parking space per 5 dwellings.*

However, Council notes that if it can be demonstrated that the proposal meets the requirements of the ADG Objective 3J-1, the parking on site can be considered in accordance with the RTA Guide to Traffic Generating Development Section 5.4.3 for a subregional centre.

Further, it is advised that the parking spaces and entry and exit driveway to the basement parking area would need to comply with the Australian Standards AS2890.1. The basement should provide a minimum setback of 2m to side and rear boundaries.

No car parking is required under Clause 36(4) Division 5 of the ARH SEPP. Due to the site's proximity to Sefton Railway Station, the Sefton and Chester Hill Local Centres, employment opportunities, surrounding open spaces, recreation and community facilities, and schools and tertiary education services, car parking is proposed in accordance with the parking requirements for an accessible site under the ARH SEPP.

The ARH SEPP requires provision of 0.4 parking spaces per 1 bedroom unit and 0.5 parking spaces per 2 bedroom unit. The proposed development is for 20 dwellings, comprising eleven (11) x 1 bedroom units and nine (9) x 2 bedroom units. As such, nine (9) car parking spaces are required to be provided. The proposal provides nine (9) car parking spaces, including two (2) accessible spaces within the basement level, which satisfies the requirements under the ARH SEPP for an accessible site.

In accordance with Council's recommendations, the basement level carpark has been setback at least 2 metres from the site's boundaries. The driveway and access ramp to the basement is setback 1.5 metres from the western side boundary allowing for screen planting of Cascade Lilly Pilly between the side boundary and the driveway.

8. Easement

Council notes that the site has an easement running along the western boundary and that any application lodged must detail how the existing easement will be managed. The easement cannot be built over. Should the development propose to relocate the easement, detailed engineering plans must be submitted for review and consideration.

The proposed development has been sited so as not to encroach into any easements located within or around the site.

9. Proximity to rail corridor

The proposal will require the submission of an acoustic report in accordance with the requirements of Clause 85 of the Infrastructure SEPP 2007. The application will be referred to Sydney Trains in accordance with Clause 86 of the Infrastructure SEPP 2007.

An Acoustic Report has been prepared by Acoustic Logic for the proposed development and is submitted with this application. The Report addressed the acoustic and vibration impacts of the adjacent rail corridor on the proposed residential development.

A summary of the acoustic and vibrations impacts are as follows:

- Results from the noise monitoring of rail and traffic noise undertaken at the site's northern boundary, include 60dB(a) $L_{Aeq}(15hr)$ measured noise level during the daytime and 55dB(a) $L_{Aeq}(9hr)$ measured noise level during the night.
- Internal noise levels will primarily be a result of noise transfer through windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound.
- A vibration assessment was conducted in accordance with the Australian Standard AS 2670.2 1990 and concluded that no vibration isolation treatment is required to the building structure.

To mitigate any noise impacts from the rail corridor, the Report provides recommendations for construction methods and materials to reduce the transfer of noise, including:

- Laminated glazing thickness of between 6.38mm to 10.38mm and acoustic seals with a minimum R_w of between 31-35 for windows along the northern elevation.
- Glazing thickness of between 4-6mm and acoustic seals with a minimum R_w of between 27-29 for windows along the western, eastern and southern elevations.
- External walls are to be of concrete or masonry construction.
- Construction of the roof/ceiling spaces above the proposed living rooms and bedrooms is to include internal and external lining and an insulated truss system.

Referral of the proposed development to Sydney Trains is noted.

Refer to **Appendix L** for Acoustic Report.

10. Services

Consideration will need to be given to location/treatment of any servicing elements or substation required to facilitate the development.

Services will be integrated into the building fabric as much as possible. Where services and utilities are provided external to the building, enclosures and soft landscaping are proposed to be used to conceal such items where appropriate.

The need for a substation will be considered at the detailed design stage of the proposal.

11. Impact on development potential of adjoining sites

Council requires implications of the proposal on future development of adjoining sites to be demonstrated to ensure the proposal does not hinder the potential development of adjoining sites.

Following Council feedback, the proposal has been redesigned to ensure impacts to adjoining properties, particularly with regards to privacy and overshadowing, are reduced. The proposed buildings are setback 4.5 metres from the side boundaries for the Ground Floor and Levels 1 & 2. Side setbacks are increased to 6 metres for Level 3. A Building Envelope Study was undertaken for the site and surrounds (refer **Appendix H**) and demonstrates setbacks provided within the site allow for sufficient building separation to be achieved if the adjoining sites are redeveloped for multi-dwelling housing or residential flat buildings (refer **Figure 29**).

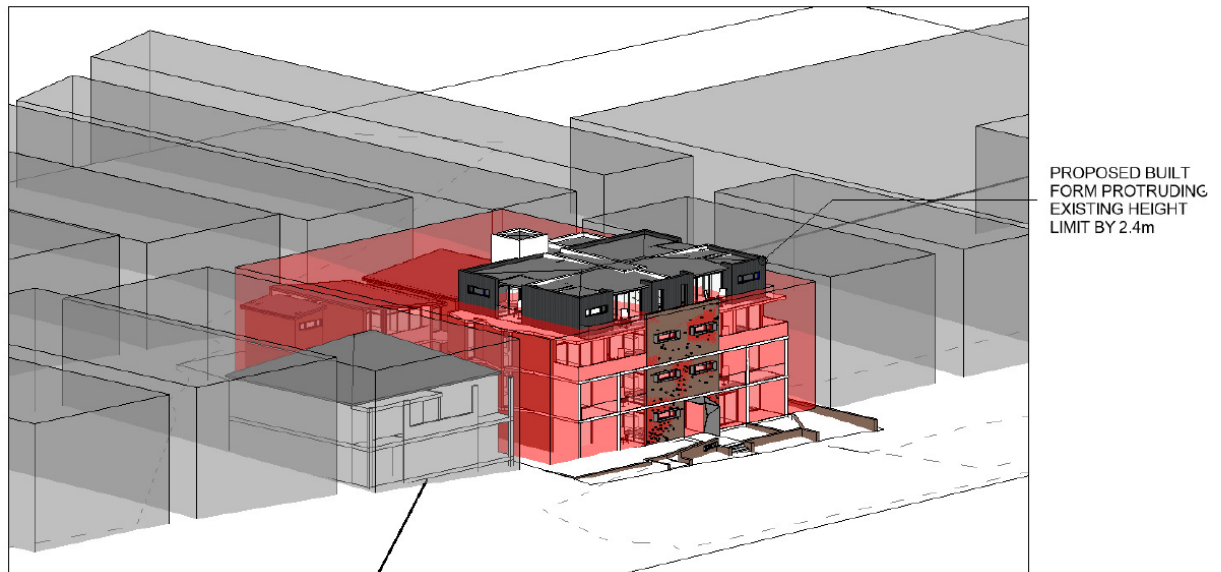


Figure 29: Proposed building envelope for site and surrounds
Source – LAHC

The proposed development is orientated to take advantage of the site's northern aspect. Windows to habitable rooms located along the side elevations for Levels 1 & 2 are angled toward the north and away from side boundaries to maintain privacy to adjoining sites. The balconies located along the side elevations for Units 13 and 16 on Level 3 are setback 6 metres from the side boundary, consistent with the setback requirements of the ADG.

8. CONCLUSION

Careful attention has been given to the siting of the buildings and has taken into consideration the slope, size and orientation of the site and the siting and location of existing surrounding dwellings. The development has been well designed and consideration has been made to the relationship with adjoining properties and their future development potential (refer **Appendix H** and **Figure 29**), street address, pedestrian and vehicle access and the connection between the dwellings and landscaping and open space.

It is noted that although residential flat buildings are not a permissible use on the site, the proposal has several positive impacts on the community as follows:

- the site is within 800 metres to the entrance of a public railway station in the Greater Sydney region as required under Division 5 of the ARH SEPP and is consistent with the aims of the NSW Government's *Greater Sydney Region Plan* document;
- as the site is currently vacant, the relocation of residents to temporary accommodation would not be required during the development and construction period;
- there is currently a shortage of suitably located (transport/services) sites and the proposal would maximise the site's development potential and allow for much needed affordable housing in the City of Canterbury Bankstown Local Government Area and would in turn assist the Council in achieving its dwelling targets under the NSW Government's *South District Plan* document;

- the proposed development as designed would be in keeping with the future character of the area and fulfils new and flexible housing needs for some of the neediest members of the community;
- the proposal would not have an adverse impact on the streetscape, adjoining properties and the surrounding area and respects the amenity of the neighbours;
- the existing services and infrastructure available in the area and surrounding neighbourhoods are considered more than sufficient to meet the demands and needs of future residents in the proposed development; and
- a site compatibility certificate would allow the Land and Housing Corporation to take advantage of available funding opportunities without having to resort to the rezoning process.

Appendix A – Plan Showing Detail and Levels

Appendix B – Aboriginal Heritage Information Management System (AHIMS) Search

Appendix C – Arborist Report

Appendix D –Section 10.7 Planning Certificates

Appendix E – Expected Waiting times for general applicants

(For the suburb of Sefton – Refer to GW09 Bankstown)

Appendix F – Pre-lodgement Advice from the City of Canterbury Bankstown Council

Appendix G – Traffic Report

Appendix H – Architectural Plan

Appendix I – Stormwater Drainage Plan

Appendix J – Landscape Plan

Appendix K – Site Investigation Report

Appendix L – Acoustic Report