

Report to the Secretary on an application for a Site Compatibility Certificate *State Environmental Planning Policy (Affordable Rental Housing) 2009*

SITE: Lot B DP350917 and Lot 13B DP353080, 158–160 Stacey Street, Bankstown.

The site subject to the Site Compatibility Certificate (SCC) application is approximately 2,532sqm and contains two single-storey dwelling houses with ancillary structures located at the rear of the lots.



Figure 1: Site Context (Source: SIX Maps 2017)

The land surrounding the site is predominately single-storey dwellings with a public reserve, Stevens Reserve, immediately adjacent to the northern boundary of the site. Further north of the site is Bankstown central business district (CBD) and to the west of the site are some multi-dwelling developments.

APPLICANT: Urbis

PROPOSED OPERATOR: St George Community Housing (SGCH)

LGA: City of Canterbury-Bankstown

PROPOSAL: To develop a 9-storey residential flat building comprising 85 apartments and 48 basement parking spaces. The proposed building will have a maximum height of 29.4m and a maximum floor space ratio of 2.57:1.

The proposed apartment mix includes the following:

- 18 one-bedroom apartments ranging from 50.3sqm to 55sqm;
- 67 two-bedroom apartments ranging from 70.1sqm to 77sqm; and
- 48 car spaces including 5 accessible spaces.

PERMISSIBILITY STATEMENT

The subject site is zoned R3 Medium Density Residential under *Bankstown Local Environmental Plan 2015* (Bankstown LEP 2015), shown in Figure 2. Multi-dwelling housing is permissible in the R3 zone, however residential flat buildings are prohibited.

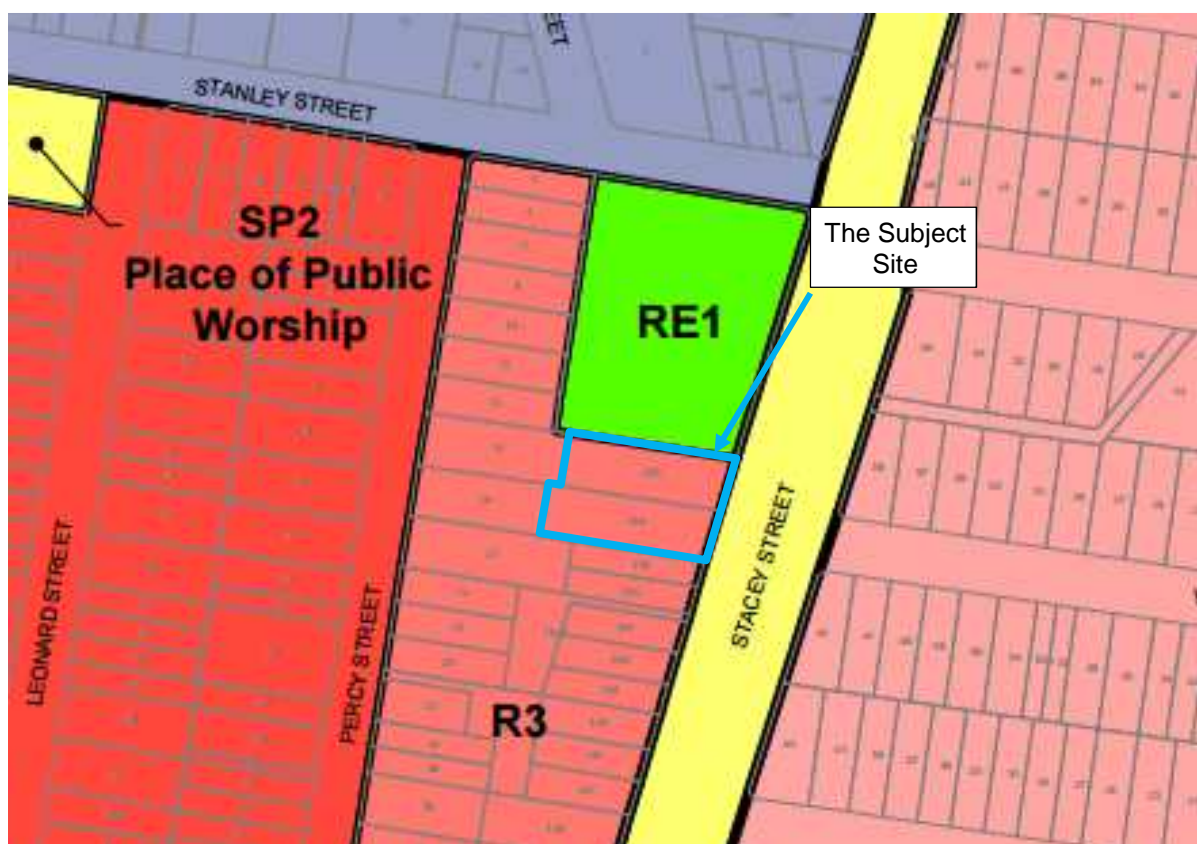


Figure 2: Land Zoning Map (Source: Bankstown LEP 2015)

The development for the purposes of a residential flat building may be permissible under Division 5 Residential flat buildings—social housing providers, public authorities and joint ventures of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), if clauses 34 and 35 apply.

REQUIREMENTS OF CLAUSES 34 AND 35

The Division requires the site to be within 800m of the public entrance of Bankstown Railway Station. The site satisfies clause 34(a)(i) of the ARH SEPP (refer to Figure 3) as it is within approximately 600m of the station and 800m walking distance. In addition, clause 35(1)(a) applies as the application was lodged by Urbis on behalf St George Community Housing who are a registered Class 1 Community Housing Provider under the *Housing Act 2001*.

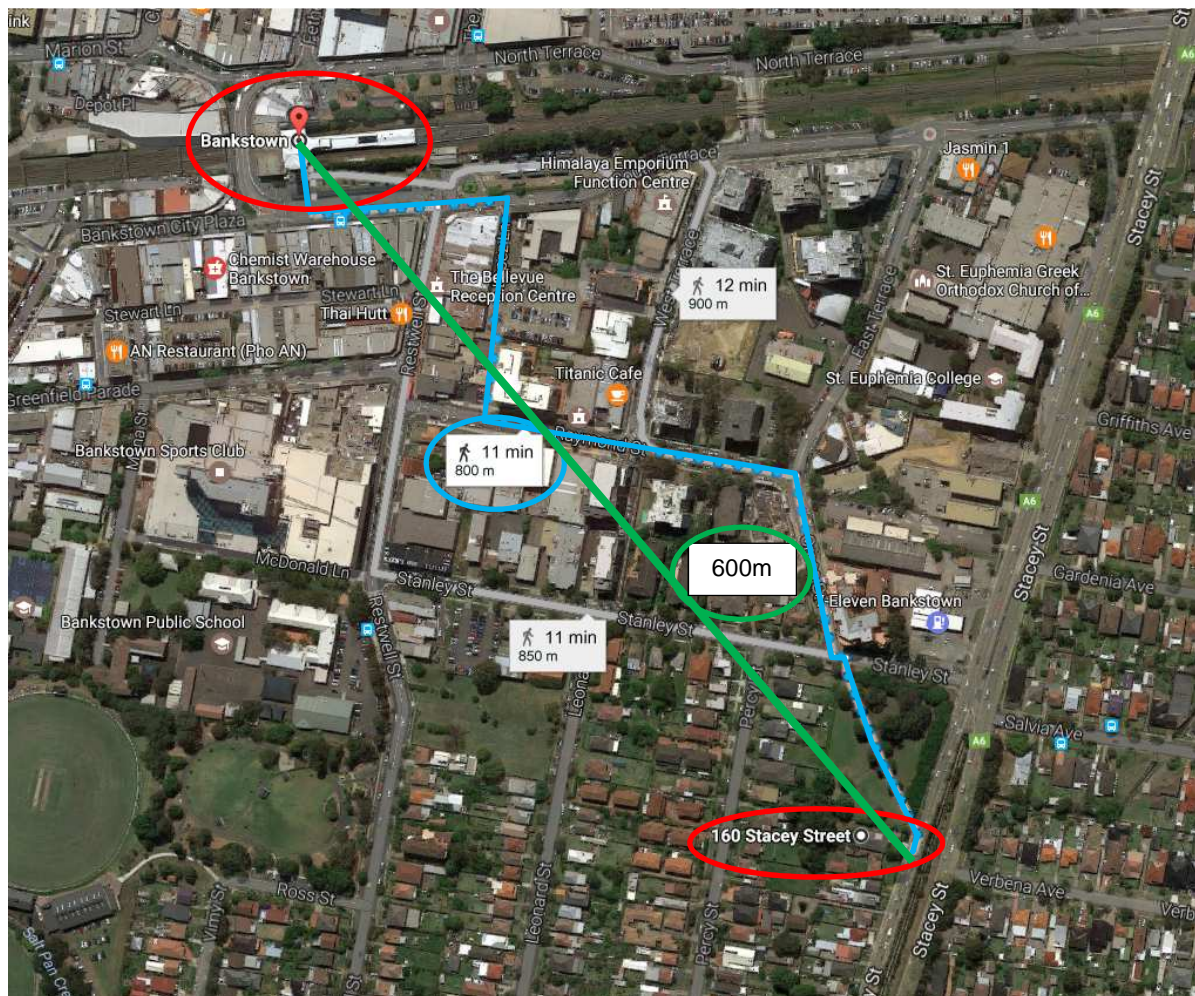


Figure 3: Walking distance from the Site to Bankstown Railway Station (Source: Google Maps 2017)

Clause 38(1)(a) of the ARH SEPP stipulates that 50% of the accommodation must be used for affordable housing for 10 years. The proposed development will be 100% affordable housing for a minimum of 25 years as specified under the funding agreement with the NSW Government (Tab J).

Furthermore, Clause 39 requires the application of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65). The proposal indicates the intention to comply with SEPP 65 requirements however the proposed development does not comply with the minimum solar access.

Objective 4A-1 (Solar and daylight access) of the Apartment Design Guide identifies only 15% of the apartments in a building can receive no direct sunlight between 9am and 3pm at midwinter, but 20% of the apartments in the proposal receive no direct sunlight during those times. However this issue can be addressed at the development application stage.

Recommended Condition:

It is recommended prior to development approval, the final development layout is consistent with the solar access objectives and design criteria of the Apartment Design Guide.

REQUIREMENTS OF CLAUSE 37(6)

COMMENTS FROM COUNCIL

The Secretary must not issue a certificate unless they have taken into account any comments from the relevant council received within 14 days after the application for the certificate was made (clause 37(6)(a)).

City of Canterbury-Bankstown Council provided comments about the proposal on 14 December 2016 ([Tab B](#)). Council did not support the application and raised the following concerns with the development:

Incompatible with Existing Development

- The site is currently zoned R3 Medium Density Residential and the surrounding development is largely one and two-storey dwelling houses and dual occupancies.
- The proposed development of a 9-storey residential flat building is incompatible with the R3 zone objectives and existing character of the area.
- Council notes that overshadowing, privacy and bulk will likely cause an adverse impact.

Department's Comment:

The area is in transition and identified for residential intensification with building heights of up to 8-storeys according to the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The proposed 9-storey development will be compatible with the future development in the area.

Uncertainty with the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy

- The Department is currently preparing the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy, which is intended to guide future development around Sydney Metro stations, including Bankstown.
- Proposed changes under the Draft Strategy are not certain or imminent and this SCC would pre-empt the final recommendations of the Draft Strategy.
- Council would prefer to wait until the Draft Strategy is complete to confirm appropriate land uses.
- Council has deferred planning proposals that rely primarily on the draft strategy for justification and have not yet received a Gateway determination from the Department.

Department's Comment:

Comments from the Department's Urban Renewal team ([Tab G](#)) has provided confirmation that the amended Draft Strategy, as a result of community consultation, will continue to designate the site for 8-storey medium to high-rise housing.

Traffic Impacts

- Council has determined that the proposal has not adequately addressed the impacts of the additional traffic generated by the proposed development including further traffic congestion along Stacey Street, noise, reduced air quality, footpaths and amenity.
- Council are also concerned about the impacts of traffic increases in the future, specifically in terms of potential future road widening and upgrades to nearby intersections.

Department's Comment:

The traffic issues can be suitably addressed in the final development design at the development application stage.

Recommended Condition:

The final development layout and design will be subject to the consent authority being satisfied with the form, height, bulk, scale and setbacks and shall be determined through the assessment of the development application under section 79C of the *Environmental Planning and Assessment Act 1979*.

COMPATIBILITY WITH SURROUNDING LAND USES

The Secretary must not issue a certificate unless they are of the opinion that the development concerned is compatible with the surrounding land uses having regard to the criteria in clause 37(6)(b):

1. The existing uses and approved uses of land in the vicinity of the development (clause 37(6)(b)(i))

The development within the vicinity of the site is predominantly one and two storey detached dwelling houses. However, these development types do not reflect the intended density of the R3 Medium Density Residential zone.

Land to the west of the site is zoned R4 High Density Residential and the existing development is generally detached dwellings with some multi dwelling housing. This also does not correlate with the intentions of the R4 zone. Additionally, to the north of the site along Stanley Street, the land is zoned B4 Mixed Use with a range of development types including dwelling houses, residential flat buildings and mixed-use development.

The existing development in the vicinity of the subject site is generally consistent with low density residential development rather than its medium density residential zoning.

In addition, the Department notes that the area is currently undergoing a transition with a number of development approvals by Council for medium to high-density development (6-storeys approved at 18–22 Stanley Street) in the surrounding area.

It is considered that a residential flat building development would be more compatible with the objectives of the R3 zone than the existing single-storey dwelling houses. It is considered that at the development application stage, Council will be able to negotiate an outcome with the applicant that addresses the concerns raised in relation to the impacts on the existing residential development and traffic.

2. The impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses likely to be preferred future uses of that land (clause 37(6)(b)(ii))

Future Land Uses

The site is located within the Bankstown Precinct of the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy (the Draft Strategy). The Draft Strategy seeks to provide a comprehensive framework to support future growth along the corridor. Specifically the Draft Strategy identifies the Bankstown Precinct as having

an emerging housing market with demand for higher-density living with excellent amenity in relation to transport, education and facilities.

The Draft Strategy has identified the site for medium to high-rise housing such as residential apartment buildings with a height of 8-storeys (refer to Figure 4). In addition, land to the south and west is identified for 8-storeys, and land further north is marked for 9-storeys or more.

The Draft Strategy was publically exhibited in early 2016 and closed on 7 February 2016. An amended Draft Strategy, incorporating feedback from the community, councils and other government agencies is expected to be released for public exhibition in early 2017. Comments from the Department's Urban Renewal team (Tab G) confirmed the amended Draft Strategy will continue to designate the site for 8-storey medium to high-rise housing.



Figure 4: Proposed Land Uses in the Bankstown Precinct (Source: Draft Sydenham to Bankstown Urban Renewal Corridor Strategy 2016)

The Department notes that the proposal has a minor inconsistency with the Draft Strategy, as it proposes a 9-storey residential flat building instead of the identified 8-storeys. The minor inconsistency is considered to be justified as the proposal will provide 85 affordable housing apartments within the Bankstown area.

Furthermore, the proposed development would not set an expectation for other development in the medium to high-rise housing area to exceed the 8-storey height limit in the Draft Strategy, as the additional storey is approved under the ARH SEPP and not the Bankstown LEP 2015. In addition, the site is the only property identified in the medium to high-rise housing area along Stacey Street that meets the requirement to be at least 800m walking distance to the entrance of a railway station (Clause 34 (a)(i)).

Overshadowing Impacts

The proposed 9-storey residential flat building will have a building height of 29.4m and a floor space ratio of 2.57:1. The proponent has illustrated the shadow impacts of the proposed 9-storey building (Tab H) over the existing surrounding residential

area. In addition, a shadow diagram of an 8-storey building as identified in the Draft Strategy ([Tab I](#)) was provided for comparison.

During the winter solstice, the properties immediately to the west and southwest of the site will be overshadowed in the morning (9am), however, these impacts will be limited. The properties immediately to the west will be most impacted from 9am to 3pm. However the proponent notes that throughout the day, different parts of the properties will be affected and will receive at least two hours of solar access prior to sunset. The proposed development will not cause any overshadowing across the adjacent Stevens Reserve.



Figure 5: Shadow Impacts of a 9-storey building (left) and an 8-storey building (right) (Source: DKO Architecture 2017)

A comparison of the overshadowing from the proposed 9-storey development and the identified 8-storeys in the Draft Strategy is shown at Figure 5. It is noted that the shadow impacts from the additional storey is considered to be minimal during the winter solstice.

The Department notes that although there are overshadowing impacts from the proposed development, the impacts are considered to be justified as the area is undergoing redevelopment and has been identified for significant density increases as outlined in the Draft Strategy.

The Bankstown Development Control Plan (DCP) 2015 does not address overshadowing issues for residential flat buildings (Part B1 Residential Development). However, Objective 3B-2 (Orientation) of the Apartment Design Guide provides some guidance in regards to minimising overshadowing of neighbouring properties during the winter solstice. The final development layout should consider the overshadowing guidance in the Apartment Design Guide prior to the development application stage.

Recommended Condition:

It is recommended that prior to development approval, the final development does not exceed the proposed maximum building height of 29.4m (9-storeys) and a maximum floor space ratio of 2.57:1. In addition, the development adequately addresses the Apartment Design Guide design guidance in regards overshadowing.

Traffic Impacts

The Traffic and Parking Impacts Report (Tab K) notes that the proposed development will include 48 car parking spaces with vehicle access at the southeast corner of the site along Stacey Street. In addition, the site has good access to public transport and there is no street parking permitted along Stacey Street.

Traffic modelling indicates that Stacey Street currently experiences long traffic queues in the afternoon. However, the report notes that the NSW Government plans to widen Stacey Street to four lanes in each direction which will alleviate the congestion.

The report concludes that the proposal will make little change to traffic delays or queues, therefore the proposed development will have negligible impact on the surrounding road network.

The Department notes that traffic impacts caused by the proposed development can be further addressed at the development application stage.

Bankstown Airport Limited

The site is within approximately 4km of the Bankstown Airport. Consultation between the proponent and Bankstown Airport (Tab L) has identified that the maximum permissible height of any development on the site is 50.5m AHD.

The proposed development complies with the control as it will have a maximum building height of approximately 44.4m AHD. It is also noted that any crane to be used in association with the construction of the development that exceeds the maximum height limit would require a safety assessment and determination under the Airspace Regulations. This can be addressed at the development application stage.

Overall the proposed development is considered to have a minimal impact on the existing, approved and future land uses. Any issues raised in this report can be addressed at the development application stage.

Future Road Widening

As noted in Council's comments (Tab B) and the Traffic and Parking Impacts Report (Tab K), Stacey Street has been identified for additional road widening and intersection upgrades by the NSW Government. Stacey Street is currently a four-lane road and the proposed road widening will transform the road into eight lanes.

Recommended Condition:

It is recommended prior to development approval, consultation with Roads and Maritime Services is undertaken in regards to the future road widening of Stacey Street and any potential land acquisitions.

3. The services and infrastructure that are or will be available to meet the demands arising from the development (clause 37(6)(b)(iii))

Retail, Commercial and Community Services

The site is located on the fringe of the Bankstown CBD which is approximately 450m from the site. The CBD has a range of services and facilities including the following:

- retail and commercial uses including a shopping centre, speciality shops, and food and drink premises;
- services such as banks, post office, medical services and government service offices;
- community facilities including a library, public open space, and senior citizen and arts centres;
- schools and a TAFE College; and
- places of public worship.

Transport Services

The site is adequately serviced by public transport. The site is located within 800m walking distance of Bankstown Railway Station and the adjoining bus interchange, providing regular services to the Sydney Central Business District and Liverpool.

Infrastructure Provision

The proponent notes that the site is adequately serviced by public infrastructure including sewer, water, power, gas and telecommunications.

EFFECT ON THE ENVIRONMENT

The Secretary must not issue a certificate unless they are 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 (clause 37(6)(c)):

1. Effects on the environment and environmental risks to the land (clause 37(6)(c))

The subject site is not affected by heritage, biodiversity, flooding or bushfire constraints.

However the site is identified as Class 5 Acid Sulfate Soil which can be addressed at the development application stage.

CONCLUSION

Approval of a Site Compatibility Certificate for land at 158–160 Stacey Street (Lot B DP350917 and Lot 13B DP353080) is recommended, subject to the conditions discussed in this report.

The proposed development has clear strategic and site-specific merit. The site is within close proximity to transport, services and infrastructure, therefore, is an appropriate location for affordable housing. The assessment of the site concludes the development is unlikely to have a significant adverse impact on the surrounding environment or land uses having regard to the criteria set out in clause 37(6) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and that the character and form of development in the area is likely to change.



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