

11 December 2024

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Social & Affordable Assessment  
Department of Planning, Housing and Infrastructure

**30-46 Auburn Road, Regents Park (Stage 1 & Stage 2) - Significant Development Application (SSDA) EIS Advice - Canterbury Bankstown City Council**

Dear Stephen,

Thank you for the opportunity to provide comment in response to the applicant's Environmental Impact Statement (EIS) for the Stage 1 and Stage 2 In-fill Affordable Housing Proposals SSD-54988962 and SSD-57394209 for the above site in Regents Park.

Council has reviewed the documentation made available on the Major Projects Portal. Based on our review of the applications, Council generally supports the proposed development with the exception of some concerns raised in this submission that we request are addressed by the applicant.

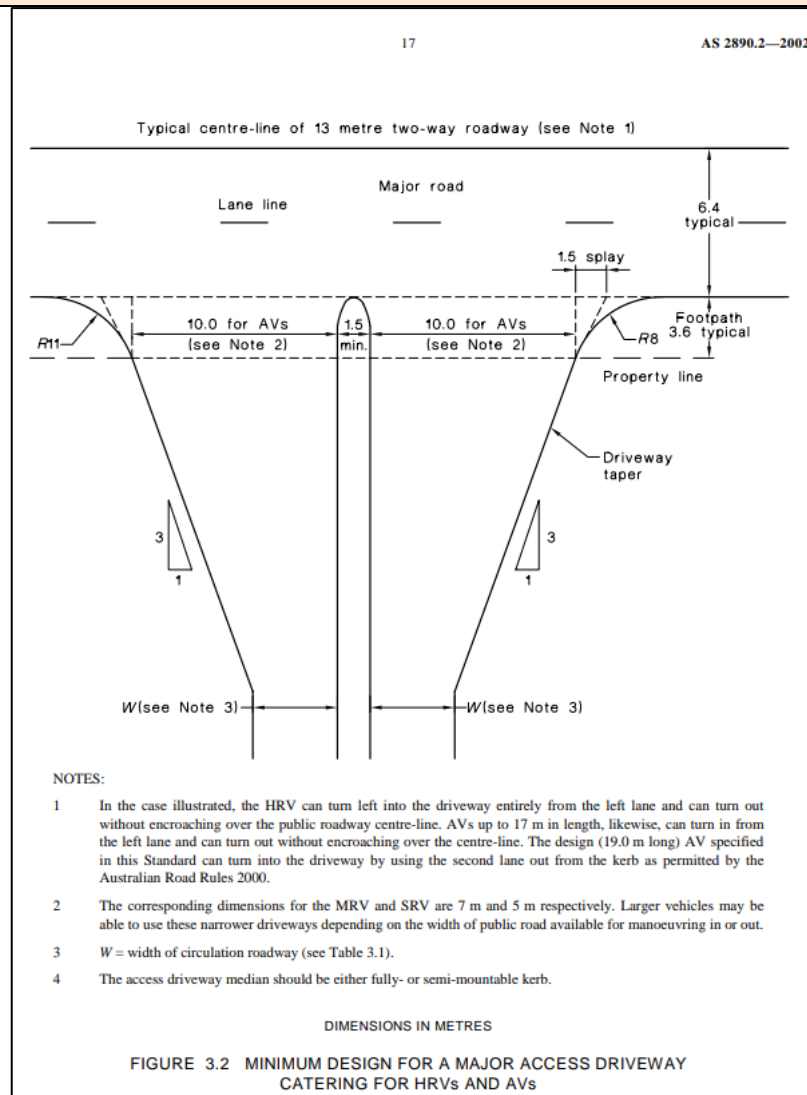
It is noted the applicant has addressed several matters raised by Council in its Pre-EIS advice submitted September 2024, which is mentioned in Table 1 where relevant. New matters for consideration have also been raised according to the EIS.

Table 1 below provides Council's detailed advice on the EIS.

*Table 1. Advice for consideration prior to determination of SSD-54988962 and SSD-57394209.*

Point of Advice	Council's Comments
Acoustic Report	<ul style="list-style-type: none"><li>• Council finds the Noise and Vibration Impact Assessment (NVIA) prepared for Stage 2 SSDA by Renzo Town &amp; Associates dated 12 August 2024 has not addressed the Childcare Centre's impact on surrounding residents, including the proposed apartment units. Therefore Council requires a comprehensive Acoustic Report prepared by a suitably qualified Acoustic Consultant to be provided which considers and includes, but not limited to:<ol style="list-style-type: none"><li>1. Hours of operation;</li><li>2. Nearest residential receivers;</li><li>3. Rating background noise level;</li><li>4. Noise criteria;</li><li>5. Recommendations and noise control/mitigation measures</li><li>6. Noise from the proposed activities including but not limited to:<ol style="list-style-type: none"><li>a) Deliveries;</li><li>b) Waste removal;</li><li>c) Operation of all plant and equipment (including but not limited to mechanical ventilation and air conditioning);</li><li>d) Patron noise (all areas inside and outside the premises);</li></ol></li></ol></li></ul>

Point of Advice	Council's Comments
	e) Car park (where applicable)
	<ul style="list-style-type: none"> <li>Council advises the applicant should confirm whether the other buildings in future stages were included in the modelling in the NVIA (as they should not be).</li> </ul>
<b>Waste Management</b>	<ul style="list-style-type: none"> <li>In relation to waste and recycling bin collections, Council is unable to provide three weekly collections for this development. Rather, only two collections per week can be provided. Therefore, the number of 1,100L waste bins designated for Block B need to be increased by 1x1,100L bin.</li> <li>Council advises Block A and B must both hold 2x240L Food Organics and Garden Organics (FOGO) bins to meet the NSW Environment Protection Authority FOGO mandate.</li> <li>Council advises the location of the supplementary recycling must be shown as explained in the Waste Management Plan (WMP) prepared for Stage 2 SSDA by SLR dated 16 July 2024.</li> <li>Council requests the location for the bin tug parking bay is to be provided by the applicant.</li> <li>Council requests all bins to be shown clearly in the WMP to scale.</li> <li>Council recommends the collection area for Heavy Rigid Vehicles (HRV) to be designated as a Council loading zone using stenciling. This area should be a 'no parking' location, and a space to allow cars to manoeuvre around the parked HRV should be provided.</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>Council advises landscaping is to be installed in accordance with the Landscape Plan prepared for Stage 1 SSDA by Clouston Associates dated 30 September 2024. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.</li> <li>Council does not support the absence of any landscaping adjacent the driveway along the northern boundary as proposed in Stage 2 SSDA. Landscaping is needed to provide a green edge to the site, and to ensure that what occurs on the neighbouring industrial land is not deemed as part of this development.</li> <li>Council advises a wider landscape buffer is needed to properly protect the amenity of the Private Open Space (POS) and living areas of the ground floor apartments in both buildings.</li> </ul>
<b>Traffic</b>	<ul style="list-style-type: none"> <li>Council would like note that the Australian Standard AS2890.2 states the driveway must be 10 metres (m) plus 1.5m plus 10m for a driveway on a major road with the largest vehicle catering for Heavy Rigid Vehicles (HRVs). If the largest vehicle is MRV then the width of the driveway will be 7m plus 1.5m plus 7m.</li> </ul>



#### Utility Services (Underground & Overhead)

The following conditions are to be satisfied prior to the issue of a Construction Certificate (CC):

- Council advises underground services should use common trenches outside the Tree Protection Zone. If services need to be run within the Tree Protection Zone then all utility pipes and similar are to be installed using appropriate directional boring techniques. No tree roots are to be severed or damaged during this work.
- The following undergrounding of overhead wires control applies to the site under the Council's Canterbury Bankstown Development Control Plan 2023, Chapter 5.1 Residential Accommodation Former Bankstown LGA (as amended August 2024):

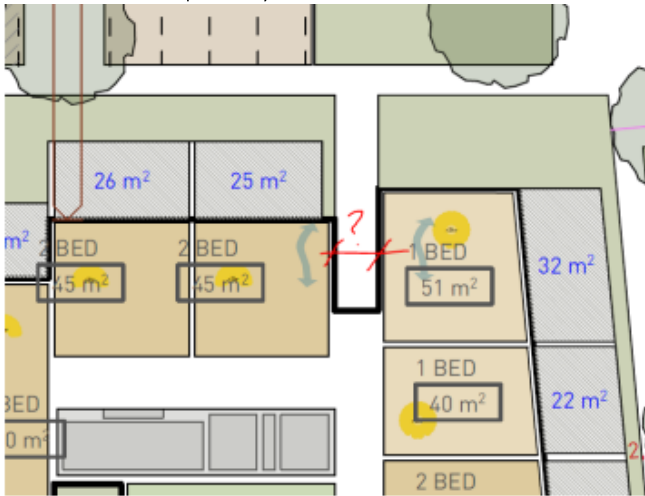
Point of Advice	Council's Comments
	<p><b>New buildings in Zone R4 (undergrounding overhead wires)</b></p> <p><b>14.6 New buildings must ensure:</b></p> <ul style="list-style-type: none"> <li>(a) all overhead wires, including but not limited to electrical and telecommunication services wires, along the street frontages of the site are located underground as part of the development;</li> <li>(b) any redundant power poles are removed and replaced with underground supplied street lighting columns;</li> <li>(c) all works are carried out at the landowner's expense.</li> </ul> <ul style="list-style-type: none"> <li>• The plans must be amended to clearly show all overhead wires are undergrounded as per the above control 14.6 in Chapter 5.1.</li> <li>• Council requires the applicant to ensure all overhead electrical wires, that are not undergrounded, located between the power pole and approved structures are located outside the crowns of existing trees, and in accordance with the clearances specified by the energy authority. The overhead wires are also to be located to avoid future conflict with any trees planted.</li> </ul>
Commerical Tenancies	<ul style="list-style-type: none"> <li>• Council requests it is demonstrated that the proposed ground floor commercial ceiling heights would allow for services, ducting, etc for a full suite of permitted uses including food and drink premises.</li> <li>• Council finds it unclear how the 'back of house' for the ground floor commercial tenancies would be managed as they cannot access the residential foyers, and are a distance from Lift B3 (used for waste). This is especially critical for any food and drink premises.</li> </ul>
Tree Management, Retention and Removal	<p>Council grants approval for the removal of the following trees:</p> <ul style="list-style-type: none"> <li>• Any tree/s where the base of the trunk of the tree is located within 3m of the external wall of an approved dwelling;</li> <li>• Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;</li> <li>• Any tree species listed under Clause 2.4 of Bankstown Development Control Plan 2015 - Part B11 - Tree Management Order;</li> <li>• Any trees as per Table 6 (Page 9-16) in the Aboricultural Impact Assessment prepared for Stage 1 &amp; 2 SSDA by Aboriculture Australia dated 27 October 2023.</li> <li>• Council advises all tree removal works must comply with the Amenity Tree Industry - Code of Practice, 1998 (Workcover, NSW) and the Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).</li> <li>• Council stresses all other vegetation not specifically identified in this submission, and protected by Councils Tree Management Order, are to be retained and protected from construction damage and pruning. It is to be noted the Tree Management Order protects trees over 5m in height.</li> </ul>

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	<p>Council strongly advises the following to be complied with, as conditions to be satisfied during construction:</p> <ul style="list-style-type: none"> <li>• Tree protection measures shall comply with Australian Standard AS4970-2009 'Protection of trees on development sites'.</li> <li>• Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.</li> <li>• All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.</li> <li>• A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at a 4m radius from the trunk of the Jacaranda Mimosifolia (Jacaranda). This fence is to be constructed of chain wire mesh and 1.80m high supported by steel posts. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;</li> <li>• The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 'Protection of trees on development sites' clearly showing the following: <ul style="list-style-type: none"> <li>– The Development Consent number;</li> <li>– The name and phone number of the Site Manager;</li> <li>– The purpose of the protection zone;</li> <li>– The penalties for disregarding the protection zone;</li> </ul> </li> <li>• No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.</li> <li>• All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.</li> <li>• Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.</li> <li>• Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.</li> <li>• If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a Qualified Arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.</li> <li>• No ripping or rotary hoeing within the Tree Protection Zone of trees to be retained is permitted.</li> <li>• Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a Qualified Arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.</li> </ul>

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	<ul style="list-style-type: none"> <li>• In exceptional circumstances, the tree protection fencing may be temporarily relocated to allow site access for construction purposes subject to the prior approval of the project arborist, the installation of ground protection measures as detailed below, and following the clearly identified tagging of all protected trees, provided such fencing is immediately replaced on completion of the works. No damage to root systems or soil compaction will be accepted during such works.</li> <li>• If the approving authority consents to materials, machinery or access over specifically nominated areas of the tree protection zone, the roots and surface soil within this area shall be mulched to a minimum depth of 100mm of hardwood wood chip overlaid with rumble boards, steel plates, or similar. This ground protection measure must be maintained for the duration of the site works.</li> <li>• The trees are to be watered during dry spells, i.e. two to three weeks without adequate rainfall. The root zone should be thoroughly watered and then left to drain. A temporary/permanent irrigation system is to be installed on site where works longer than one month in duration are expected and when appropriate shall be part of the landscaping works.</li> <li>• Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 'Pruning of Amenity Trees, the Amenity Tree Industry' – Code of Practice, 1998 (Workcover, NSW), and the Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia, 2016).</li> <li>• With regard to tree preservation conflicts, Council advises if any trees to be retained and protected are threatened by demolition, building or other site works through accidental omission or unforeseen circumstances, the approving authority is to be notified immediately in writing before such work is continued so that this issue can be resolved.</li> </ul>
<b>Density, Height &amp; Built Form</b>	<ul style="list-style-type: none"> <li>• As it pertains to Stage 2 SSDA, Council notes the floor-to-floor heights are only 3.15m. Council would like to advise that the emerging best-practice is a 3.2m minimum. Amending the proposal to meet this requirement would likely cause a breach in building height.</li> <li>• Council notes on Page 31 of the EIS where it states an additional 40% height and density is sought. Council assumes this is an error as the maximum is 30%.</li> <li>• Council finds the Architectural Plans prepared by Smith &amp; Tzannes dated 12 October 2023 do not make any provision for lift overruns or plant/equipment above the roofline. Confirmation of how these elements would be designed is needed as they would likely cause a breach in building height.</li> <li>• Council advises the ground floor 2-level apartments in both buildings should have upper floors that align properly with their respective ground floor (rather than cross over each other as proposed). There is also opportunity for these dwellings to have their own form and facade</li> </ul>

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	treatment as a subtle variation in the built form (so they are read as terrace style dwellings).
Setbacks	<ul style="list-style-type: none"> <li>Council advises Chapter 11.7 of the Canterbury Bankstown Development Control Plan 2023 (CBDP 2023) requires a 10m setback from the northern boundary for any dwellings. The proposed 9m setback should be re-examined in detail from an acoustic amenity viewpoint.</li> </ul>
Communal Open Space	<ul style="list-style-type: none"> <li>Council finds no communal open space (COS) is provided above Building A. It is deemed unreasonable for Building A to have to rely on the COS above Building B, therefore COS above Building B should be considered.</li> <li>Council finds the rooftop COB on Building B faces north with minimal weather protection. This would make it unappealing in summer and therefore Council recommends it should be relocated to face south or locate it mid-floorplate to face east or west.</li> <li>Council finds most of the rooftop COS on Building B is an open, uncovered space with perimeter plantings. A more interesting and engaging design is strongly recommended.</li> <li>Council advises the ground floor communal rooms in Building A should open onto a landscaped area, rather than the existing walkway/path.</li> </ul>
Dedication of land to Council	<ul style="list-style-type: none"> <li>Council notes the EIS for Stage 2 SSDA states that the 'central park' (public open space and playground) would not be dedicated to Council. Details of a public access easement should be provided, including a comprehensive Plan of Management (PoM) that sets out how these spaces would be managed and maintained. These requirements also apply to the proposed 'public plaza' between Buildings A and B.</li> </ul>
Basement Parking & Basement Area	<ul style="list-style-type: none"> <li>Council finds the proposed 'public plaza' has basement parking directly below it. Parking spaces and the bin area directly below the public plaza should therefore be relocated/redesigned (on both basement levels) so that genuine deep soil can be provided for feature tree specimens (rather than trying to support large trees in raised planter beds).</li> <li>Council finds the purpose of the 'music rooms' at the basement mezzanine level is unclear. They appear to be isolated and it is unclear how they would they be managed to ensure an appropriate level of safety (to avoid entrapment, etc).</li> </ul>
Additional building design matters	<ul style="list-style-type: none"> <li>Council notes the balconies on Building A and B are designed to be almost semi-enclosed (solid balustrades, wide columns and framing elements). These lend themselves to being fully enclosed. This should be designed to be more open and provide breathable space.</li> <li>Council notes the design of the large open space areas at Level 4 of Building A is unresolved.</li> <li>Councils notes the description of the proposed development in the acoustic report is not entirely consistent with what is actually proposed.</li> </ul>
Urban design comment	<p><u>Length and bulk building envelopes:</u></p> <p>The development proposes long continuous facades for buildings C, D and E, that extend over 62m, 60.5m and 72m respectively. It's requested that the</p>



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	<p>proposal provides for a full break in the built form after a maximum 40m in length to allow for adequate view corridors and fine grain urban structure and reduce the perceived bulk and scale.</p> <p><u>Privacy, separation distance and cross ventilation:</u></p> <p>The proposed separation distance between some of the units in building D (shown below) appears to be very narrow and not consistent with the ADG objectives and design guidance. The proposal should provide clear information on the proposed separation distance and demonstrate compliance with the ADG objectives and requirements to maintain adequate levels of visual privacy and cross ventilation to those units.</p>  <p><u>Basement car parking:</u></p> <p>The proposal provides for only one entry/exit ramp to the underground car park for buildings D and E that extends over three basement levels and provides for 426 car spaces. Please refer to the Traffic team to advise on this matter.</p> <p><u>Childcare design:</u></p> <p>There is no clear information on the proposed entry point for the Child Care. The entry to the facility should be clearly defined and separate from the entrances of other uses in the building, in line with the Child Care Planning Guideline's Objective C16.</p> <p><u>Waste storage and collection:</u></p> <p>The Applicant should provide separate waste storage rooms/areas for the different uses of the development (commercial, childcare, and residential) as per the CDCP section B9.6.1 C6.</p> <p><u>Affordable Housing target:</u></p>



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	It's recommended that the Applicant provides more information on the proposed location and percentage of Affordable Housing in the different stages of the project to help Council properly assess the proposed public benefit.

#### General

1. Civil siteworks and drainage plan set by Sky Engineering shall be amended to be more detailed in terms of proposed levels of drainage system, such as invert level for pits and pipes. The plans should be detailed similar to construction certificate issue plans for Council to make a complete assessment.

#### Proposed Stormwater Management System

1. A Positive Covenant and Restriction on the Use of Land to be registered on title for the proposed OSD system and rainwater tank using the provisions of Section 88B or 88E under the Conveyancing Act 1919. Canterbury Bankstown Council shall be nominated as the Prescribed Authority.
2. Clarification on ownership of Stage 3 future park is required as the proposed OSD and rainwater tank is located within this park. Council cannot allow OSD system to be located within a Council owned land which is servicing private property. It is recommended that the Stage 3 future park is owned and maintained by private body corporation.
3. Hydraulic analysis of the existing 750mm diameter Council Pipeline running through downstream property No.7 Gunya Street is required to ensure that the pipeline has sufficient hydraulic capacity to manage the discharge from the proposed OSD system and rainwater tank. This is to ensure that the existing Council trunk drainage network is not being adversely affected by the proposal.

Should the existing 750mm diameter Council pipeline be unable to accommodate the anticipated peak site stormwater discharges, the site stormwater management system shall be amended to direct the stormwater runoff towards Auburn Road. This may require reconstruction of existing Council drainage assets along Auburn Road to facilitate.

4. Peak discharge rates for pre- and post- developed scenario have not been provided for assessment. This shall be provided in accordance with Council's Development Engineering Standards requirements to

Point of Advice	Council's Comments
	<p>ensure the OSD system and rainwater tank has been designed accordingly.</p> <p>5. Safe overflow spillway from the proposed OSD System and Rainwater Tank shall be provided to address the scenario when the OSD system and Rainwater Tank encounters blockage issues. It is recommended that the overflow spillway is directed towards Auburn Road via the kerb and guttering drainage system within proposed Road 1.</p>

#### Works on Council Road Reserve

1. Construction of new footpaths, kerb and guttering on the Council Road Reserve along the site frontage is required. Redundant VFCs are to be demolished and re-instated to suit existing Road Reserve conditions.
2. Kerb ramps shall be provided at the intersections between Road 1 (EW1) and Auburn Road and between Road 1 (EW2) and Auburn Road. This will allow pedestrians to safely navigate this area and maintain pedestrian travel path along Auburn Road.