



Statutory Compliance Table

Punchbowl, Affordable housing, State Significant Development

150 The Boulevard and 34 Dudley Street, Punchbowl

SSD-83256463

Prepared on behalf of Homes NSW

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Document control

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Project summary

Prepared on behalf of	NSW Land and Housing Corporation operating as Homes NSW
Land to be developed	150 The Boulevard and 34 Dudley Street, Punchbowl
Legal description	Lot 1, DP 735045 and Lot 34, Sec 4, DP 5701
Project description	Construction of a residential flat building for the purposes of affordable housing

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1 Statutory requirements

This document forms part of the EIS for a State Significant Development Application (SSDA) for a residential flat building for the purposes of affordable housing at 150 The Boulevard and 34 Dudley Street, Punchbowl and addresses all statutory requirements relevant to the proposed development, including:

- Environmental Planning and Assessment Act 1979 (EP&A Act)
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)
- Biodiversity Conservation Act 2016 (BC Act)
- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- State Environmental Planning Policy (Hazards and Resilience) 2021 (Hazards SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation Act)
- Canterbury-Bankstown Local Environmental Plan 2023 (Canterbury-Bankstown LEP)
- Draft Canterbury-Bankstown Local Environmental Plan 2023 (Draft Canterbury-Bankstown LEP)
- Canterbury-Bankstown Development Control Plan 2023 (Canterbury-Bankstown DCP)

2 Statutory compliance

The site is zoned R4 High Density Residential under the *Canterbury-Bankstown Local Environmental Plan 2023* (Canterbury-Bankstown LEP), where a residential flat building is permissible with consent. The current planning controls applying to the site are:

- Maximum building height – 11.5m
- Maximum floor space ratio (FSR) – 0.9:1

The site is located within 400m of Punchbowl Station and forms part of the Punchbowl Transport Oriented Development (TOD) Precinct. While the initial TOD controls were deferred, Canterbury-Bankstown Council (Council) has since prepared an Alternative Approach to TOD, exhibited in May 2025, which proposes to the following planning control changes for the site:

- 150 The Boulevarde – Maximum building height of 33m, and maximum FSR of 2.5:1
- 34 Dudley Street – Maximum building height of 23m, and maximum FSR of 1.7:1

Following exhibition, Council endorsed the draft Precinct Plan and recommended planning provisions in June 2025, which have since been submitted to DPHI for progression as a draft amendment to the LEP.

DPHI have advised that finalisation of the draft EPI is anticipated by the end of 2025, prior to determination of this SSDA.

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, Section 3.39 allows a development application to be lodged and considered where it relies on a draft amendment to an LEP or other EPI and Section 4.38(5) specifically enables a SSDA to be assessed concurrently with a draft planning instrument that would permit the development.

Accordingly, assessment of this proposal is consistent with Section 3.39 and Section 4.38(5) of the EP&A Act, which allow for lodgement and assessment of the SSDA even if it requires amendment of the LEP to proceed. In this case, the amendment is being advanced through a draft EPI, which is a statutory consideration under section 4.15 of the EP&A Act.

2.1 Environmental Planning and Assessment Act 1979

Table 1 Objectives of the EP&A Act

Relevant provisions	Consideration
Section 1.3 – Objects of the EP&A Act	
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	The site is suitable for the residential development. The proposal will have a positive impact on the social and economic welfare of the community and natural environment and will enable the delivery of 114 affordable housing apartments within walking distance of Punchbowl station and Punchbowl local centre.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposed development is consistent with the Ecologically Sustainable Development (ESD) Principles of ecologically sustainable development in accordance with Clause 192 of the EP&A Regulation and will achieve a NatHERs rating of 7.8 to deliver excellence in sustainability.

Relevant provisions	Consideration
	Refer to the ESD report at Appendix J.
(c) to promote the orderly and economic use and development of land,	The proposed development promotes the orderly development of land which is suitable for residential development, as confirmed through the proposed draft TOD amendment to the Canterbury-Bankstown LEP.
(d) to promote the delivery and maintenance of affordable housing,	The proposal directly responds to this objective as the proposed development is for affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not have any impacts on threatened and other species of native animals and plants, ecological communities and their habitats as demonstrated in the BDAR Waiver at Appendix O.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal is supported by a Statement of Heritage Impact (SoHI) prepared by Artefact at Appendix M. The SoHI confirms that the proposal will result in little to no adverse impacts to the ‘War Memorial and street tree’s’ heritage item, which is located approx. 115m west of the site.</p> <p>The Aboriginal Due Diligence Report at Appendix L also confirms that there are no direct impacts to Aboriginal cultural heritage.</p> <p>The design has also been informed by insights from a Connecting with Country specialist and landscape architect to ensure the design incorporates best practice design principles and aligns with the Connecting with Country framework, Better in Place and Greener Places guidelines.</p>
(g) to promote good design and amenity of the built environment,	The proposal is supported by a Design Report at Appendix D which outlines the design principles and design response to demonstrate good design and amenity of the built environment that will benefit future residents and users of the proposed development.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will promote proper construction and maintenance of the buildings through compliance with all relevant building standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The proposed development is to be assessed as SSDA in accordance with the provisions of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Consultation has been carried out to inform the SSDA as detailed in the Consultation Report at Appendix N. Further consultation will be carried out as part of the SSDA assessment process.

Section 4.15(1) – Matters for consideration

Relevant provisions	Consideration
Relevant Environmental Planning Instruments	Addressed in this document.
Relevant proposed Environmental Planning Instruments	<p>The site is located in the Deferred Punchbowl Transport Oriented Development (TOD) Precinct.</p> <p>A proposed draft amendment to the Canterbury-Bankstown LEP is currently being considered by DPHI and based on Council's draft Precinct Plan for Punchbowl seeks to increase the site's maximum building height from 11.5m to part 33m and part 23m and maximum floor space ratio from 0.9:1 to part 2.5:1 and part 1.7:1. There are no changes proposed to the site's R4 High Density Residential land use zoning.</p> <p>Consideration of the proposed draft EPI amendment is being considered by DPHI and is anticipated to be finalised by the end of 2025, prior to the determination of this SSD application.</p> <p>For further detail refer to Section 2.6.</p>
Relevant planning agreements	Not applicable. No planning agreement is proposed.
Relevant Development control plans	Section 2.7 within this Statutory Compliance Table includes consideration of the Canterbury-Bankstown Development Control Plan (DCP) 2023, noting that DCP's do not apply to state significant development in accordance with Section 2.10 of the Planning Systems SEPP.
The EP&A Regulation (where they prescribe matter related to Section 4.15).	Section 61 of the EP&A Regulation sets out additional matters for consideration. Section 61 does not set out any matters relevant to the proposed development.
The likely impacts of the development	The likely impacts of the development have been assessed in detail in Section 6 of the EIS.
Suitability of the site	The site has been demonstrated to be suitable for the proposed development through detailed site analysis and assessment of impacts as detailed in the EIS.
Any submissions made in accordance with the EP&A Act	Any submissions received during the exhibition of the EIS will be considered as part of the assessment process.
The public interest	The proposed development is in the public interest as it will deliver a new affordable housing which is consistent with the State and local planning policies.

2.2 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR Waiver Request has been prepared to accompany this SSDA (Appendix O) which sets out that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR Waiver was issued by DPHI on 16 September 2025 confirming that a BDAR is not required as the proposed development is not likely to have any significant impacts on biodiversity values.

2.3 Road Act 1993

Section 138 of the Roads Act 1993 requires the approval of the appropriate roads authority for works within a public road reserve.

Works are proposed within The Boulevarde or Dudley Street road reserves.

Approval from Council as the roads authority is required under Section 138 of the Roads Act as the roads authority.

In accordance with Clause 4.42 of the EP&A Act, a consent under Section 138 of the Roads Act cannot be refused if the project is approved and must be substantially consistent with the approval.

Consultation has been undertaken with Council to discuss the proposed works, and further consultation will be carried out with Council as part of the assessment of the SSDA.

2.4 Environmental Planning and Assessment Regulation 2021

Table 2: Consideration of the EP&A Regulation

Relevant provisions	Consideration
<p>Section 29 Residential apartment development Requires development applications for residential apartment development to be accompanied by a statement addressing the design principles in Chapter 4 of the Housing SEPP and objectives of the ADG.</p>	<p>This is addressed in the Design Report at Appendix D.</p>
<p>Section 35B Additional requirements for development applications involving contravention of development standards</p>	<p>This SSDA does not seek to rely on Clause 4.6 of the Canterbury-Bankstown LEP to vary a development standard.</p> <p>Instead, the proposal has been assessed against the draft planning controls as exhibited by Canterbury-Bankstown Council and now under consideration by the DPHI which is consistent with Section 3.39 of the EP&A Act, which enables lodgement of a DA that relies on a draft amendment to an environmental planning instrument and Section 4.38(5) of the EP&A Act, which allows assessment of a SSDA concurrently with a draft planning instrument.</p>

Relevant provisions	Consideration
	<p>As such, the requirements of section 35B of the EP&A Regulation 2021 are not triggered, because the application does not involve a contravention of an existing development standard under the current LEP by way of Clause 4.6.</p> <p>The proposal is instead consistent with the draft statutory controls being progressed through a draft SEPP, which is a relevant statutory consideration under Section 4.15 of the EP&A Act 1979.</p>
<p>Section 190 Form of environmental impact statement Sets out the requirements for the form of the EIS</p>	<p>The EIS is consistent with the requirements of Section 190 and has been prepared in accordance with the <i>State Significant Development Guidelines</i>.</p>
<p>Section 191 Compliance with environmental assessment requirements Requires compliance with the environmental assessment requirements</p>	<p>The EIS has been prepared in accordance with the SEARs issued on 12 May 2025.</p> <p>Appendix A outlines how the SEARs have been addressed in the EIS.</p>
<p>Section 192 Content of environmental impact statement Sets out the required content to be included in an EIS</p>	<p>The content of the EIS is consistent with the requirements set out in Section 192.</p>
<p>Section 193 Principles of ecologically sustainable development Outlines the principles of ecologically sustainable development, which are to be addressed in the EIS.</p>	<p>This is addressed in the ESD Report at Appendix J.</p>

2.5 State Environmental Planning Policies

2.5.1 State Environmental Planning Policy (Planning Systems) 2021

Table 3: Consideration of the Planning Systems SEPP

Relevant provisions	Consideration
<p>Section 2.6 Declaration of State significant development: section 4.36 Chapter 2 of the Planning Systems SEPP sets out that development specific Schedule 1 or 2 of the SEPP is declared to be state significant development (SSD).</p> <p>Schedule 1, Section 26 declares that development carried out by Land and Hosing Corporation with an Estimated Development Cost (EDC) of more than \$30 million, or development that will result in more than 75 dwellings is SSD.</p>	<p>The proposed development will be carried out by LAHC, with an EDC of greater than \$30 million. The proposed development is therefore SSD.</p>
<p>Section 2.10 Application of development control plans to State significant development Establishes that development control plans do not apply to state significant development</p>	<p>Although DCPs do not apply to SSD the proposal has been prepared consideration of the relevant provisions of Canterbury-Bankstown DCP 2023 are detailed below at Section 2.7.</p>

2.5.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) sets out controls relating to public infrastructure. Controls relevant to the proposed development are considered and addressed in Table 4 below.

Table 4 Consideration of the Transport and Infrastructure SEPP

Relevant provisions	Consideration
<p>Section 2.48 Electricity Infrastructure This section requires a referral to the relevant electricity supply authority for development within 5m of overhead electricity power lines or adjacent to a substation.</p>	<p>Consultation will be carried out by DPHI with the relevant energy authority during the exhibition period.</p>
<p>Section 2.99 Excavation in, above, below or adjacent to rail corridors This section applies to development that involves the penetration of ground to a depth of at least 2m below within 25m of a rail corridor</p>	<p>Homes NSW have consulted both Sydney Trains and Sydney Metro regarding potential impacts of the proposed development.</p> <p>Sydney Trains raised no concerns, and Sydney Metro confirmed in August 2025 that the site lies more than 25m from rail infrastructure. With a combined setback of about 36m from the rail lines, the development is outside the rail corridor’s zone of influence and will not impact its structural integrity.</p>
<p>Section 2.119 Development with frontage to classified road This section sets out that development consent must not be granted to development with frontage to a classified road unless the safety, efficiency and operation of the road has been considered, and the development is appropriately designed and located to minimise any potential traffic impacts on the development.</p>	<p>N/A – The Boulevarde and Dudley Street are not classified roads.</p>
<p>Section 2.120 – Impact of road noise or vibration on non-road development This section requires compliance with relevant noise criteria and consideration of the Development near Rail Corridors and Busy Roads Interim Guideline for development on land in or adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles.</p>	<p>The site is not adjacent to a busy road.</p>
<p>Section 2.122 Traffic-generating development This section sets out that development of 75 or more dwellings on a site with access to a classified road is traffic generating development requiring referral to Transport for NSW (TfNSW).</p>	<p>N/A – The Boulevarde and Dudley Street are not classified roads.</p>

2.5.3 State Environmental Planning Policy (Housing) 2021

Table 5: Consideration of the Housing SEPP

Relevant section	Consideration
Chapter 2 Affordable housing	
Part 2 Development for affordable housing	
Division 1 In-fill affordable housing	
<p>Section 15A Objectives of division Sets out the objectives of this division which is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.</p>	<p>The proposal will provide new affordable and social housing that will assist in providing housing for very low, low and moderate income households.</p> <p>Social housing falls within the definition of affordable housing under the EP&A Act 1979, as it is housing provided for very low-income households. On this basis, the proposal comprises 100% affordable housing.</p>
<p>Section 16 Definitions Relevant definitions in this division include:</p> <p><i>affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.</i></p> <p><i>residential development means development for the following purposes—</i></p> <ul style="list-style-type: none"> (a) attached dwellings, (b) dual occupancies, (c) dwelling houses, (d) manor houses, (e) multi dwelling housing, (f) multi dwelling housing (terraces), (g) residential flat buildings, (h) semi-detached dwellings, (i) shop top housing. <p>In this division, residential development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.</p>	<p>The development will be carried out by Homes NSW (Land and Housing Corporation) and will be developed in partnership with a registered CHP and used for the purposes of affordable housing.</p>
<p>Section 15C Development to which division applies This division applies to development that includes residential development if -</p> <ul style="list-style-type: none"> • the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and • the affordable housing component is at least 10% and • all or part of the development is carried out – for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area – in an accessible area, 	<p>Residential flat buildings are permitted with consent in the R4 High Density Residential zone in Canterbury-Bankstown LEP 2023.</p> <p>The proposal will provide 100% affordable housing (noting social housing is defined as affordable housing under the Housing SEPP).</p> <p>The site is located in the Central River City, which forms part of the Six Cities Region and is in an ‘accessible area’ as defined in Schedule 10 of the Housing SEPP due to the site’s proximity within 800m walking distance to Punchbowl station.</p>

Relevant section	Consideration
<p>– or development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</p> <ul style="list-style-type: none"> • affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division. 	
<p>Section 16 Affordable housing requirements for additional floor space ratio Applies bonus floor space for development that includes residential development which is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing</p> <p>$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}}$</p> <p>component calculated in accordance with the below:</p> <p>The minimum affordable housing component must be at least 10%.</p> <p>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted.</p>	<p>Social housing is defined as affordable housing under the Housing SEPP. Therefore, 100% affordable housing is proposed.</p> <p>The proposed maximum floor space ratio (FSR) control under the proposed draft amendment to the Canterbury-Bankstown LEP is part 2.5:1 and part 1.7:1.</p> <p>With the 30% bonus FSR applied under the Housing SEPP (+0.75:1 for 150 The Boulevard and +0.51:1 for 34 Dudley St), this would result in a maximum FSR of 3.25:1 at 150 The Boulevard and 2.21 at 34 Dudley Street.</p> <p>As the site is subject to two different FSR controls, the maximum permissible GFA has been calculated by apportioning the site area in accordance with Clause 4.5(3) of the Canterbury-Bankstown LEP. Based on site areas of 3,202 m² (150 The Boulevard) and 687 m² (34 Dudley Street), the total maximum GFA is 11,924.5 m².</p> <p>The proposed development provides a GFA of 8,948 m², equating to an overall FSR of 2.3:1. The proposal is therefore compliant with Section 16 of the Housing SEPP.</p> <p>The proposed maximum building height control under the proposed draft amendment to the Canterbury-Bankstown LEP is part 33m and part 23m.</p> <p>With the 30% bonus height applied under the Housing SEPP (+9.9m for 150 The Boulevard and +6.9m for 34 Dudley St), this would result in a maximum height of 42.9m at 150 The Boulevard and 29.9m at 34 Dudley Street.</p> <p>The proposed maximum building height is 29.8m and is therefore compliant with Section 16 of the Housing SEPP.</p>
<p>Section 17 Additional floor space ratio for relevant authorities and registered community housing providers</p>	<p>Not applicable – refer to Section 16 above.</p>

Relevant section	Consideration
<p>Applies bonus floor space ratio to which this division applies that is carried out by or on behalf of a relevant authority or registered community housing provider, and on land with a maximum permissible floor space ratio of 2:1 or less.</p> <p>The maximum floor space ratio for the development is —</p> <ul style="list-style-type: none"> the maximum floor space ratio calculated in accordance with section 16, or the maximum floor space ratio calculated in accordance with the below: <p>The maximum permissible floor space ratio for the land plus an additional floor space ratio of —</p> <ul style="list-style-type: none"> if the affordable housing component is at least 50%—0.5:1, or if the affordable housing component is between 20% and 50%—Y:1, <p>where—</p> <p><i>AH</i> is the affordable housing component.</p> <p><i>Y</i> is $AH + 100$</p> <p>If development to which this section applies uses the maximum floor space ratio under subsection 2(a), section 16(3) also applies to the development.</p>	
<p>Section 18 Affordable housing requirements for additional building height Applies bonus building height for development that includes a residential flat building or shop top housing and does not use the additional floor space permitted under Section 16.</p> <p>The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component which must be at least 10% and calculated in accordance with the below:</p> $\text{affordable housing component} = \frac{\text{additional building height} + 2}{\text{(as a percentage)}}$	<p>Not applicable – refer to Section 16 above.</p>
<p>Section 19 Non-discretionary development standards – the Act, s 4.15 Sets out development standards that prevent the consent authority from requiring more onerous</p>	<p>The proposed development complies with the non-discretionary standards as detailed below:</p>

Relevant section	Consideration
<p>standards for the relevant matters of residential development which applies to this division:</p> <ul style="list-style-type: none"> • A minimum site area of 450m² • A minimum landscaped area of 35m² or 30% of the site area (whichever is the lesser) • A deep soil zone on at least 15% of the site area where each deep soil zone has a minimum dimension of 3m and if practicable at least 65% of the deep soil zone is located at the rear of the site. Does not apply to development which Chapter 4 applies. • Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter. Does not apply to development which Chapter 4 applies. • The following number of parking spaces for dwellings used for affordable housing – <ul style="list-style-type: none"> 1 bedroom – at least 0.4 spaces 2 bedrooms – at least 0.5 spaces 3 bedrooms at least 1 space • The following number of parking spaces for dwellings not used for affordable housing - <ul style="list-style-type: none"> 1 bedroom – at least 0.5 spaces 2 bedrooms – at least 1 space 3 bedrooms at least 1.5 spaces • A minimum internal area as specified in the Apartment Design Guide. 	<ul style="list-style-type: none"> • The total site area is 3,889 sqm, which meets the minimum site area of 450 sqm • The proposal provides a minimum landscaped area of 43% (1,609 m²) • The non-discretionary standard for deep soil and solar access does not apply to development to which Chapter 4 applies. • A minimum of 57 car spaces is required. The proposal provides 58 car spaces which is compliant with the minimum car parking rates. • All internal areas of apartments are compliant with the minimum requirements of the ADG. Refer to the Architectural Plans at Appendix E
<p>Section 20 Design requirements Sets out that consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide.</p> <p>Consent must also not be granted to development unless the consent authority has considered whether the design of the residential development is compatible with –</p> <ul style="list-style-type: none"> • The desirable elements of the character of the local area or • For precincts undergoing transition – the desired future character of the precinct. 	<p>Not applicable. Instead, Chapter 4 applies to the proposed development. This is addressed in the Architectural Design Report at Appendix D.</p>
<p>Section 21 Must be used for affordable housing for at least 15 years Sets out that consent must not be granted unless the consent authority is satisfied that for a period of at least 15 years commencing on the day of occupation certificate is issued for the development that -</p> <ul style="list-style-type: none"> • the development will include the affordable housing required for the development under Section 16, 17 or 18 and 	<p>Does not apply as the development is carried out by Homes (operating as Land and Housing Corporation).</p>

Relevant section	Consideration
<ul style="list-style-type: none"> the affordable housing component will be managed by a registered community housing provider. <p>This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	
<p>Section 22 Subdivision permitted with consent Sets out that land on which development has been carried out under this division may be subdivided with development consent.</p>	<p>The site is proposed to be consolidated from two existing lots into one single lot.</p>

Chapter 4 Design of residential apartment development

<p>Section 142 Aims of this chapter The aim of this chapter is to improve the design of residential apartment development in NSW</p> <ul style="list-style-type: none"> to ensure residential apartment development contributes to the sustainable development of NSW by <ul style="list-style-type: none"> providing socially and environmentally sustainable housing, and being a long-term asset to the neighbourhood, and achieving the urban planning policies for local and regional areas, to achieve better built form and aesthetics of buildings, streetscapes and public spaces, to maximise the amenity, safety and security of the residents of residential apartment development and the community, to better satisfy the increasing demand for residential apartment development, considering— <ul style="list-style-type: none"> the changing social and demographic profile of the community, and the needs of a wide range of people, including persons with disability, children and seniors, to contribute to the provision of a variety of dwelling types to meet population growth, to support housing affordability, to minimise the consumption of energy from nonrenewable resources, to conserve the environment and to reduce greenhouse gas emissions, to facilitate the timely and efficient assessment of development applications to which this chapter applies. <p>This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural, and social benefits of high-quality design.</p>	<p>The proposed development meets the aims of Chapter 4 as detailed below:</p> <ul style="list-style-type: none"> The proposal will provide 114 new affordable housing dwellings in Punchbowl with a mix of 1,2 and 3 bedroom apartments to suit a range of household types and sizes. The proposal is consistent with the relevant regional, state and local planning policies as detailed in Section 2 of the EIS. As detailed in the Design Report at Appendix D, the proposal has been designed to maximise amenity, safety and security and will achieve an appropriate built form that is responsive to its context, streetscape and future planned TOD context. The proposal seeks to minimise the consumption of energy as detailed in the ESD Report (Appendix J) and BASIX Compliance Report (Appendix K).
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Relevant section	Consideration
<p>Section 146 Referral to design review panel for development applications A consent authority must refer the residential apartment development applications to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p>	<p>Does not apply to SSD. The proposal will be reviewed by the State Design Review Panel.</p>
<p>Section 147 Determination of development applications and modification applications for residential apartment development Sets out that consent must not be granted to residential apartment development unless the consent authority has considered the following –</p> <ul style="list-style-type: none"> • the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9. • the Apartment Design Guide • any advice received from a design review panel within 14 days after the consent authority referred the development application to the panel. 	<p>This is addressed in the Design Report at Appendix D.</p>
<p>148 Non-discretionary development standards for residential apartment development – the Act, s 4.15 Sets out development standards that prevent the consent authority from requiring more onerous standards for the relevant matters of residential development which applies to this division:</p> <ul style="list-style-type: none"> • Car parking must be equal or greater than the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide • The internal area for each apartment must be equal or greater than the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide • The ceiling heights for the building must be equal or greater than the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide. 	<p>Car parking has been considered in accordance with the non-discretionary rates under Section 19 of the Housing SEPP.</p> <p>As detailed in the Design Report at Appendix E, all internal areas of apartments and ceiling heights for the building comply Part 4C and Part 4D of the ADG.</p>
<p>Chapter 5 – Transport oriented development</p>	
<p>152 Land to which chapter applies This chapter applies to land in the following local government areas that is in a Transport Oriented Development Area—</p> <ol style="list-style-type: none"> (a) Bayside, (b) Burwood, (c) Canada Bay, (d) Canterbury-Bankstown, (e) Central Coast, (f) Cumberland, (g) Georges River, 	<p>The site is in the Canterbury-Bankstown LGA and is in a Deferred TOD station precinct as listed under Schedule 12 of the Housing SEPP.</p>

Relevant section	Consideration
<p>(h) Inner West, (i) Ku-ring-gai, (j) City of Lake Macquarie, (k) City of Newcastle, (l) City of Penrith, (m) City of Wollongong.</p>	
<p>154 Development permitted with development consent in Transport Oriented Development Areas (1) Development for the purposes of residential flat buildings is permitted with development consent on land in the following zones in a Transport Oriented Development Area— (a) a relevant residential zone, (b) Zone E1 Local Centre or an equivalent land use zone, (c) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.</p>	<p>Complies. The development is for the purposes of a residential flat building in a relevant residential zone (R4 High Density Residential zone).</p>
<p>155 Maximum building height and maximum floor space ratio Sets development standards that if complied with prevent the consent authority from requiring more onerous standards for the matters.</p> <ul style="list-style-type: none"> • Maximum building height for residential flat buildings in a TOD Area: 22m • Maximum floor space ratio in a relevant residential zone or relevant employment zone in a TOD rea: 2.5:1 	<p>The proposal is compliant with Council’s alternate TOD controls and the 30% Housing SEPP bonus.</p>
<p>156 Affordable housing Development consent must not be granted unless the consent authority is satisfied that</p> <ul style="list-style-type: none"> • at least 2% of the gross floor area of the building will be used for affordable housing, and • the affordable housing will be managed by a registered community housing provider in perpetuity. 	<p>Complies. The proposed development is entirely for the purposes of affordable housing, therefore 100% of the gross floor area of the building will be used for affordable housing.</p> <p>The proposed development will be carried out by social housing provider (Homes NSW, operating as Land and Housing Corporation) and managed by a community housing provider.</p>
<p>157 Affordable housing parking spaces Sets development standards that if complied with prevent the consent authority from requiring more onerous standards for the matters.</p> <p>The following number of parking spaces for each affordable housing dwelling required under that section—</p> <ul style="list-style-type: none"> • for each dwelling containing 1 bedroom—0.4 parking space, • for each dwelling containing 2 bedrooms—0.5 parking space, • for each dwelling containing 3 or more bedrooms—1 parking space. 	<p>Car parking rates are compliant with the minimum requirements for affordable housing.</p>

Relevant section	Consideration
<p>159 Minimum lot width Development consent must not be granted to development for the purposes of residential flat buildings, independent living units or shop top housing on a lot in a Transport Oriented Development Area, unless the lot is at least 21m wide at the front building line.</p>	<p>Complies. Both of the site's frontages along The Boulevard and Dudley Street are greater than 21m.</p>
<p>160 Active street frontages (1) The objective of this section is to ensure active street frontages for residential flat buildings and buildings containing independent living units in Zone E1 Local Centre in Transport Oriented Development Areas to encourage the presence and movement of people. (2) This section applies to development for the purposes of residential flat buildings or buildings containing independent living units on land in the following zones in a Transport Oriented Development Area— (a) Zone E1 Local Centre or an equivalent land use zone, (b) for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre. (3) Development consent must not be granted unless the consent authority is satisfied the building will have an active street frontage. (4) A residential flat building or a building containing an independent living unit has an active street frontage if the ground floor has building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building. (5) This section prevails over a provision of another environmental planning instrument that requires an active street frontage for development on land to which this section applies.</p>	<p>N/A – The site is not in an E1 Local Centre zone.</p>
<p>161 Consideration of Apartment Design Guide Development consent must not be granted for development for the purposes of residential flat buildings, independent living units or shop top housing on land in a Transport Oriented Development Area unless the consent authority has considered the Apartment Design Guide.</p>	<p>This is addressed in the Design Report at Appendix D.</p>

Schedule 12 – Deferred Transport Oriented Development Stations

<ul style="list-style-type: none"> ● Belmore station ● Canterbury station ● Cockle Creek station ● Lakemba station ● North Wollongong station ● Punchbowl station ● St Marys station ● Wiley Park station 	<p>Punchbowl station is listed as a deferred TOD station and the site is within 400m of Punchbowl station.</p>
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2.5.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Table 6: Consideration of the Resilience and Hazards SEPP

Relevant provisions	Consideration
Chapter 3 Hazardous and Offensive Development	
Chapter 3 Hazardous and Offensive Development applies to any development which fall under the SEPPs definition of ‘potentially hazardous industry’ or ‘potentially offensive industry’.	The proposed development is not considered to fall within the abovementioned definitions and therefore is not applicable to this application.
Chapter 4 Remediation of Land	
<p>Section 4.6 sets out that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated, and if the land is contaminated that it is satisfied that it is suitable in its contaminated state or that it will be suitable after remediation, for the purpose for which the development is proposed to be carried out.</p> <p>Further, the consent authority must consider if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	This is addressed in the Preliminary Site Investigation, Detailed Site Investigation, Remedial Action Plan, Preliminary Long Term Environmental Management Plan and Interim Audit Advice Letter at Appendices R – V.

2.5.5 State Environmental Planning Policy (Sustainable Buildings) 2022

Table 7: Consideration of the Sustainable Buildings SEPP

Relevant provisions	Consideration
<p>Chapter 2, Section 2.1 Applies to residential development and sets relevant standards for BASIX buildings relating to energy, water use and thermal performance.</p> <p>It also sets out that</p> <ul style="list-style-type: none"> • Development consent must not be granted to development to which the standards specified in Schedule 1 (BASIX buildings) apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. 	This is addressed in the BASIX Compliance Report at Appendix K.

2.5.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Table 8: Consideration of the Biodiversity and Conservation SEPP

Relevant provisions	Consideration
Chapter 3 Water Catchments	

Relevant provisions	Consideration
<p>Chapter 6 of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP) applies to land within a regulated catchment.</p> <p>The site is identified as being within the Sydney Harbour Catchment and therefore, the provisions in Division 2 of Chapter 6 are applicable to the site.</p> <p>Chapter 6 requires the consent authority to consider potential impacts within regulated catchments, including:</p> <ul style="list-style-type: none"> • Water quality and quantity • Aquatic ecology • Flooding • Recreation and public access 	<p>This is addressed in the Integrated Water Management Plan (Appendix I).</p>

2.6 Canterbury-Bankstown Local Environmental Plan 2023

Under the *Canterbury-Bankstown Local Environmental Plan 2023* (Canterbury-Bankstown LEP) the site is zoned R4 High Density Residential and has a maximum building height control of 11.5m and maximum floor space ratio control of 0.9:1.

The proposed development is for a residential flat building which is permissible with consent in the R4 High Density Residential zone under Canterbury-Bankstown LEP.

The site is within 400m of the Punchbowl Train Station and therefore, within the Punchbowl Transport Oriented Development (TOD) Precinct. However, the controls for the Punchbowl TOD Precinct have been deferred, to allow Council to prepare alternate TOD controls for the Punchbowl Precinct.

On 6 May 2025, Canterbury-Bankstown Council exhibited an 'Alternative Approach to TOD' package. This included the draft Punchbowl Precinct Plan and a Recommended Planning Provisions Report with draft LEP clauses and maps and proposed the following changes to the site's planning controls:

- Increase the maximum building height of building control from 11.5m to part 33m (at 150 The Boulevarde) and part 23m (at 34 Dudley Street), and
- Increase the maximum floor space ratio control from 0.9:1 to part 2.5:1 (150 The Boulevarde) and part 1.7:1 (34 Dudley Street).

On 21 May 2025, Homes NSW made a submission to Council recommending that both properties have consistent maximum height and FSR controls (33m HOB / 2.5:1 FSR), given its proximity to Punchbowl train station and the intention to consolidate the sites into a single development site.

On 17 June 2025, Canterbury-Bankstown Council endorsed Council's Alternate Approach to TOD including the draft Precinct Plan, draft LEP clauses and maps and supporting studies have submitted to the Department of Planning, Housing and Infrastructure (DPHI).

As part of the TOD Program, DPHI initially set a deadline of June 2025 for Council to finalise local planning for Punchbowl (refer to link below), however, recent consultation with DPHI has indicated that finalisation is now anticipated by end of 2025, prior to determination of this SSDA.

<https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program/transport-oriented-development>

The draft Environmental Planning Instrument (EPI) amendment is currently under consideration by DPHI to implement Council’s exhibited draft Precinct Plan.

Section 3.39 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that a development application may be lodged and considered by the consent authority even if the proposed development can only proceed following an amendment to the applicable LEP or other environmental planning instrument.

Section 4.38(5) of the EP&A Act 1979 also allows a development application for State Significant Development that is wholly or partly prohibited to be considered alongside a proposed planning instrument that would permit the development. The Planning Secretary may perform the functions of the planning proposal authority to enable the development, whether or not the instrument contains other provisions.

In this case, the relevant amendment is being progressed through a draft EPI and is a statutory matter under Section 4.15 of the EP&A Act which allows the SSDA to be assessed and exhibited while the draft EPI is finalised.

Detailed consideration of both the existing and proposed draft planning controls is outlined at Table 9 and Table 10 below.

Table 9: Existing planning controls (Canterbury-Bankstown LEP 2023)

Control	Consideration / comment
Part 2 Permitted and prohibited development	
<p>Land use zone – objectives The objectives of the R4 High Density Residential zone are as follows:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling. • To promote a high standard of urban design and local amenity. 	<p>The proposed development aligns with the objectives of the R4 zone, as it will provide increased housing the form of a residential flat building, which is permissible with consent and will contribute towards providing a variety of housing types including affordable housing in Punchbowl.</p> <p>The proposed development is an area that is accessible by public transport and good access to surrounding services, open space, schools and amenities.</p>
<p>Permissible uses Residential flat buildings are permissible with consent in the R4 zone.</p>	<p>The proposal is for residential flat building which is permissible with consent.</p>
Part 4 Principal development standards	
<p>Section 4.1 Minimum subdivision lot size The site has a minimum lot size of 460sqm.</p>	<p>No subdivision is proposed.</p>
<p>Section 4.3 Height of buildings The maximum height of buildings on the subject site is 11.5m.</p>	<p>The maximum building height control under the current Canterbury-Bankstown LEP is 11.5m.</p> <p>With the 30% bonus height applied under the Housing SEPP (+3.45m), this would</p>

Control	Consideration / comment
	<p>result in a maximum building height of 14.95m.</p> <p>This SSDA does not seek to rely on the current maximum building height provisions of Canterbury-Bankstown LEP. Instead, the proposal has been assessed against the draft planning controls as exhibited by Canterbury-Bankstown Council and now under consideration by the DPHI.</p> <p>This approach is consistent with Section 3.39 of the EP&A Act, which enables lodgement of a DA that relies on a draft amendment to an environmental planning instrument and Section 4.38(5) of the EP&A Act, which allows assessment of a SSDA concurrently with a draft planning instrument.</p> <p>The proposed maximum building height is 29.8m, which is consistent with the proposed draft planning controls for the site, as detailed in Table 10 below.</p>
<p>Section 4.4 Floor space ratio The maximum floor space ratio on the subject site is 0.9:1.</p>	<p>The proposed maximum floor space ratio (FSR) control under the current Canterbury-Bankstown LEP is 0.9:1.</p> <p>With the 30% bonus FSR applied under the Housing SEPP (+0.27:1) this would result in a maximum FSR of 1.17:1.</p> <p>This SSDA does not seek to rely on the current FSR provisions of Canterbury-Bankstown LEP. Instead, the proposal has been assessed against the draft planning controls as exhibited by Canterbury-Bankstown Council and now under consideration by the DPHI.</p> <p>This approach is consistent with Section 3.39 of the EP&A Act, which enables lodgement of a DA that relies on a draft amendment to an environmental planning instrument and Section 4.38(5) of the EP&A Act, which allows assessment of a SSDA concurrently with a draft planning instrument.</p> <p>The proposed FSR is 2.3:1, which is consistent with the proposed draft planning controls for the site, as detailed in Table 10 below.</p>

Part 5 Miscellaneous provisions

Control	Consideration / comment
<p>Section 5.10 – Heritage conservation Requires consent authority to consider the effect of the proposed development on a heritage item, heritage conservation area or land within the vicinity of a heritage item or heritage conservation area.</p>	<p>This is addressed in the Statement of Heritage Impact (SoHI) at Appendix M which confirms the site will result in little to no adverse impacts to the war memorial and street trees heritage item within the vicinity of the site.</p>
<p>Section 5.21 Flood planning Requires the consent authority to consider whether the development is compatible with flood risk, whether it will adversely affect flood behaviour, the safe occupation or evacuation in a flood event, or the environment and incorporates appropriate measures to manage risk to life.</p> <p>The consent authority must also consider projected changes due to climate change, the intended design and scale of the building, risk to life and evacuation measures or the potential to modify, relocate or remove buildings in a flood event.</p>	<p>The Integrated Water Management Plan (IWMP) prepared by Mott Macdonald at Appendix I provides a desktop flood assessment which confirms that the site is not affected by the 1% Annual Exceedance Probable (AEP) storm event, however confirms that the site at low risk of flood affectation during the Probable Maximum Flood (PMF) event, but limited to low hydraulic hazard (Low Flood Risk Precinct) within the site boundary, which can be characterised as shallow, isolated areas of ponding with depths up to 0.3m.</p> <p>The IWMP confirms that the flood risk is low, the proposed development complies with Council's minimum floor planning level requirements and will not significantly alter flood behaviour or increase flood risk to future users or the surrounding community, with impacts assessed as negligible.</p>
<p>Section 6.1 Acid sulfate soils Requires an acid sulfate soils management plan for certain development on land identified on the Acid Sulfate Soils map.</p>	<p>N/A – The Geotechnical Investigation Report at Appendix Q confirms that an Acid Sulfate Soils Management Plan is not required.</p>
<p>Section 6.2. Earthworks Requires consent for earthworks.</p>	<p>The Geotechnical Investigation Report confirms that based on an estimated bulk excavation level of RL 37.4, excavation depths of 2 m to 5 m are anticipated.</p> <p>For further information refer to the Geotechnical Report and at Appendix Q.</p>
<p>Section 6.15 Design excellence Requires the consent authority to consider the following matters to determine whether development exhibits design excellence:</p> <ol style="list-style-type: none"> whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, whether the form and external appearance of the development will improve the quality and amenity of the public domain, whether the development detrimentally impacts on view corridors, how the development addresses the following matters: 	<p>The State Design Review Panel (SDRP) has confirmed that the proposal achieves the requirements of design excellence. Refer to the Letters from Government Architects NSW (GANSW) to Homes NSW at Appendix AA.</p>

Control	Consideration / comment
<ul style="list-style-type: none"> i) heritage issues, ii) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, iii) bulk, massing and modulation of buildings, iv) street frontage heights v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, vi) the achievement of the principles of ecologically sustainable development, vii) pedestrian, cycle, vehicular and service access, circulation and requirements, viii) the impact on, and any proposed improvements to, the public domain, ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design x) Aboriginal cultural heritage xi) the protection of green infrastructure xii) achieving appropriate interfaces at ground level between the development and the public domain, <p>e) whether the development integrates high quality landscape in the site layout and building design,</p> <p>f) how the development responds to the physical and cultural connection of the local Aboriginal community to the land.</p>	
<p>6.38 Affordable housing contributions Consent must not be granted to development to which this clause applies unless the consent authority has considered the following—</p> <ul style="list-style-type: none"> • the Canterbury-Bankstown Affordable Housing Principles, • the impact of the development on the existing mix and likely future mix of residential accommodation in Canterbury-Bankstown. <p>The consent authority may when granting development consent may impose a condition requiring an affordable housing contribution as shown for the land on the <i>Affordable Housing Map</i>.</p>	<p>Does not apply to development for the purposes of public housing</p>

Table 10 Proposed draft planning controls (Punchbowl Draft Precinct Plan)

Control	Consideration
Part 2 Permitted and prohibited development	
<p>Land use zone – objectives The objectives of the R4 High Density Residential zone are as follows:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. 	<p>There are no proposed changes to the site’s land use zoning under the proposed draft amendment to Canterbury-Bankstown LEP.</p>

Control	Consideration
<ul style="list-style-type: none"> To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To minimise conflict between land uses within this zone and land uses within adjoining zones. To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling. To promote a high standard of urban design and local amenity. 	
<p>Permissible uses Residential flat buildings are permissible with consent in the R4 zone.</p>	<p>There are no proposed changes to the site's land use permissibility under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p>Section 4.1 Minimum subdivision lot size</p>	<p>There are no proposed changes to the site's minimum lot size under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p>Section 4.1B Minimum lot sizes and special provisions for certain dwellings The minimum lot size for residential flat buildings of 18m-29m (5-8 storeys) is 1,500sqm and the minimum lot frontage control is 30m.</p>	<p>The proposed draft amendment to Canterbury-Bankstown LEP proposes an amendment to the <i>Special Provisions Map</i> to identify the site within Area 13.</p> <p>For all land uses zones except Zone E1 in Area 13 on the <i>Special Provisions Map</i> the minimum lot size for residential flat buildings of 18-29m (5-8 storeys) is 1,500sqm and the minimum lot frontage control is 30m.</p> <p>The site's lot size is greater than 1,500sqm. Both frontages along The Boulevard and Dudley Street are greater than 30m.</p>
<p>Section 4.3 Height of buildings The proposed maximum height of buildings under the proposed draft amendment to the Canterbury-Bankstown LEP on the subject site is part 33m and part 23m.</p>	<p>The proposed maximum building height control under the proposed draft amendment to the Canterbury-Bankstown LEP is part 33m and part 23m.</p> <p>With the 30% bonus height applied under the Housing SEPP (+9.9m for 150 The Boulevard and +6.9m for 34 Dudley St), this would result in a maximum height of 42.9m at 150 The Boulevard and 29.9m at 34 Dudley Street.</p> <p>The proposed maximum building height is 29.8m and is therefore compliant.</p>
<p>Section 4.4 Floor space ratio The proposed maximum floor space ratio under the proposed draft amendment to the Canterbury-Bankstown LEP on the subject site is part 2.5:1 and part 1.7:1.</p>	<p>The proposed maximum floor space ratio (FSR) control under the proposed draft amendment to the Canterbury-Bankstown LEP is part 2.5:1 and part 1.7:1.</p>

Control	Consideration
	<p>With the 30% bonus FSR applied under the Housing SEPP (+0.75:1 for 150 The Boulevard and +0.51:1 for 34 Dudley St), this would result in a maximum FSR of 3.25:1 at 150 The Boulevard and 2.21 at 34 Dudley Street.</p> <p>As the site is subject to two different FSR controls, the maximum permissible GFA has been calculated by apportioning the site area in accordance with Clause 4.5(3) of the Canterbury-Bankstown LEP. Based on site areas of 3,202 m² (150 The Boulevard) and 687 m² (34 Dudley Street), the total maximum GFA is 11,924.5 m².</p> <p>The proposed development provides a GFA of 8,948 m², equating to an overall FSR of 2.3:1. The proposal is therefore compliant.</p>
Part 5 Miscellaneous provisions	
Section 5.10 – Heritage conservation	There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.
Section 5.21 Flood planning	There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.
Part 6 Additional local provisions	
Section 6.1 Acid sulfate soils	There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.
Section 6.2. Earthworks	There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.
Section 6.15 Design excellence	There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.
<p>6.38 Affordable housing contributions the contribution for development on land identified as “Area C” on the Affordable Housing Map is the following-</p> <ul style="list-style-type: none"> • at least the following minimum proportion of the total residential gross floor area of the development will be used for affordable housing: <ul style="list-style-type: none"> - 2% if determined within 12 months of this instrument being gazetted; - 2.5% if determined 12-24 months of this instrument being gazetted; or iii. 3% if determined after 24 months of this instrument being gazetted, and • the affordable housing will be managed by a registered community housing provider in perpetuity. 	Does not apply to development for the purposes of public housing.

2.7 Canterbury-Bankstown Development Control Plan 2023

Table 11 Consideration of Chapter 3.2 Parking

Control	Consideration / comment						
Section 2 – Off-street parking rates							
<p>Off-Street Parking Schedule</p> <p><u>Zones R4, E1 and E3</u></p> <ul style="list-style-type: none"> • 1 car space per 1 bedroom dwelling; • 1.2 car spaces per 2 bedroom dwelling; • 1.5 car spaces per 3 or more bedroom dwelling; • 1 visitor car space per 5 dwellings. 	<p>Car parking rates are provided and in accordance with the Housing SEPP.</p> <p>No visitor car parking is required under the Housing SEPP.</p>						
Section 3 – Design and layout							
<ul style="list-style-type: none"> • Development must not locate entries to car parking or delivery areas: <ul style="list-style-type: none"> (a) close to intersections and signalised junctions; (b) on crests or curves; (c) where adequate sight distance is not available; (d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island); (e) where right turning traffic entering may obstruct through traffic; (f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or (g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles. 	<p>Vehicular access is proposed along The Boulevard. Refer to the Traffic Impact Assessment at Appendix H.</p>						
<p>Access driveway width and design</p> <ul style="list-style-type: none"> • For new residential development, necessary clear driveway widths are provided in the following table: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d9d9d9;">Driveway width</th> <th style="background-color: #d9d9d9;">Minimum clear width</th> </tr> </thead> <tbody> <tr> <td>One-way</td> <td>3m</td> </tr> <tr> <td>Two-way</td> <td>5.5m</td> </tr> </tbody> </table>	Driveway width	Minimum clear width	One-way	3m	Two-way	5.5m	<p>Vehicle access is to be provided off of The Boulevard via a new driveway. The proposed driveway complies with the design requirements in AS2890.1 for a residential car park.</p>
Driveway width	Minimum clear width						
One-way	3m						
Two-way	5.5m						
<p>Pedestrian access</p> <ul style="list-style-type: none"> • Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits. • Lifts and stair lobbies should be prominently marked to help users find them and to increase personal security. • In split-level/multi-level car parks, a stairway should be located at the split-level, to provide pedestrian access between these levels and eliminate pedestrians having to use vehicular ramps. 	<p>Pedestrian access has been designed to minimise conflict with vehicles.</p> <p>Pedestrian access is provided along both The Boulevard and Dudley Street.</p>						

Control	Consideration / comment
<p>Bicycle parking</p> <ul style="list-style-type: none"> • 1 visitor space per 10 dwellings • Development must incorporate the following elements into the design and location of bicycle parking: <ul style="list-style-type: none"> a) all facilities are clearly visible and as close as possible to the main entrances/exits to the street and within the building; b) short-stay and visitor parking is at-grade and floor and wall-mounted rails are acceptable; c) long-stay and resident parking is on the uppermost level of a basement car park; (d) a safe path of travel between bicycle parking and the main entrances/exits is clearly marked; d) bicycle facilities are not to hinder vehicle and pedestrian movements, or contribute to the likelihood of injury to passing pedestrians; e) access paths to bicycle parking are a minimum of 1.5m wide for one-way access path to allow the passage of a pedestrian pushing a bicycle; and f) standardised information signs are to be used to give directions to bicycle parking areas. 	<p>Canterbury-Bankstown DCP stipulates a bicycle parking rate of 1 visitor space per 10 dwellings for residential flat buildings. Hence, the proposed development is required to provide 12 visitor bicycle parking spaces.</p> <p>The bicycle room located at the northern end of the car park can accommodate 12 bicycles in a vertical parking arrangement.</p> <p>There is no bicycle parking requirement for residents under the Housing SEPP or DCP.</p> <p>Despite the above, the proposal will provide 70 storage cages of which 18 are suitable for horizontal bicycle storage. Residents will have the option to store their bicycles in their apartments.</p>
<p>Visitor parking</p> <ul style="list-style-type: none"> • Visitor spaces must not be located behind security grills and must be easily accessible. • Clearly mark and signpost visitor parking, and locate on the ground floor where possible, so that it is easy to find and access. • Visitor parking should be located near the main pedestrian entrance to the building and can be located in front of the building alignment, but not encroach upon the front setback areas. 	<p>There is no visitor car parking is required under the Housing SEPP.</p> <p>Nonetheless, 1 visitor car parking space is proposed.</p>
<p>Basement parking</p> <ul style="list-style-type: none"> • Provide ventilation to basement parking. • Vehicular access should be via secondary streets, rear lanes or internal driveways where possible. • Provide secure bicycle parking at basement level which is easily accessible from ground level, from apartments and other uses within the development. 	<p>This has been addressed in the design. Refer to the Architectural Plans at Appendix E and the Traffic Impact Assessment at Appendix H.</p>

Table 12 Consideration of Chapter 3.3 – Waste Management

Control	Consideration
Section 3 – Residential flat buildings	

Control	Consideration
<p>General requirements</p> <ul style="list-style-type: none"> • Council or its contractors are solely to provide the waste services to all residential development types as required under the Local Government Act 1993. • Each dwelling is to have: <ul style="list-style-type: none"> a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials. b) A suitable space in the kitchen for a caddy to collect food waste. • Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins. • The location of the nominated collection point and bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings. • The location of the bin storage area should ensure this area: <ul style="list-style-type: none"> a) is screened or cannot be viewed from the public domain; and b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic. • The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes. • Where possible, development may consider providing each dwelling with a suitable space for composting and worm farming, located within the backyard, private courtyard or open space. Composting facilities should locate on an unpaved area, with a minimum size of 1m² per dwelling. • Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection. • Development must comply with the requirements of the applicable Waste Design for New Developments Guide. 	<p>This is addressed in the Operational Waste Management Plan at Appendix W.</p>
<p>Residential flat buildings</p>	<p>This is addressed in the Operational Waste Management Plan at Appendix W.</p>

Control	Consideration
<ul style="list-style-type: none"> • Residential flat buildings are to provide a communal bin storage area that is designed to integrate with Council's standard collect and return service by locating the bin storage area within 10m of a layback to the nominated collection point and ensuring safe parking for Council's service vehicle, without blocking driveways or traffic. Nominated collection points must avoid classified roads and roads with high vehicle and pedestrian traffic. • The communal bin storage area must be of sufficient size to accommodate all allocated bins, and the location and design must: <ul style="list-style-type: none"> a) integrate with the building form and landscape; b) locate either at ground level behind the front building line or within the basement level of the development; c) provide direct and convenient access for the occupants of the development. The maximum walking distance from any entrance of a dwelling to the communal bin storage area must not exceed 30m (lift travel distance not included); d) allow for the safe and direct transfer of all bins from the bin storage area to the collection point; (e) not adversely impact the occupants within and adjoining the development in relation to visual amenity, noise, odour and traffic; (f) not interfere with car parking, landscape and any existing trees and vegetation; e) not adversely impact on the streetscape, building design or amenity of dwellings; f) comply with the requirements of the applicable Waste Design for New Developments Guide; g) ensure walls and floors are solid and impervious; h) ensure compliance with Work, Health and Safety legislation and standards. • The bin-carting route from the bin storage area to the collection point must: <ul style="list-style-type: none"> a) be direct and short as possible; b) be solid, impervious and a minimum 2m wide; c) be non-slip, free from obstacles and steps; d) be a maximum grade of 1:30; e) avoid passing through any internal areas of the building; (ensure compliance with Work, Health and Safety legislation and standards. • Where development is proposing on-site waste servicing and collection or is deemed by Council to be unsuitable for collect and return, the development is to be designed to integrate with Council's standard waste service and to enable all allocated bins to be collected on-site. This includes: 	

Control	Consideration
<ul style="list-style-type: none"> a) designing entry/exit points and internal roads to allow Council’s waste collection vehicles to enter and exit in a forward direction; b) (ensuring the design of the waste collection vehicle route of travel (including manoeuvring areas) and loading area complies with the Australian Standard AS 2890.2; c) ensuring the on-site collection point integrates into the design of the development. The collection point may be directly from the bin storage area or a nominated holding collection area within the site; d) ensuring the design of the on-site collection point complies with the requirements of the applicable Waste Design for New Developments Guide. <p>Note: Council’s standard waste servicing system is a heavy rigid vehicle as per the Australian Standard AS 2890.2.</p> <ul style="list-style-type: none"> • Residential flat buildings must provide a bulky waste storage room(s) for residents to store bulky waste (e.g. white goods, mattresses, furniture) awaiting collection to prevent the illegal dumping of materials on the kerbside or in common areas. The design of the bulky waste storage room(s) must ensure: <ul style="list-style-type: none"> a) it integrates with the building form and landscape; b) does not adversely impact on the streetscape, building design or amenity of dwellings; c) complies with the requirements of the applicable Waste Design for New Developments Guide. • Residential flat buildings with 50 or more dwellings must provide a separate communal bin storage area for the storage of household items (e.g. clothing, mattresses, polystyrene, cardboard and electronic waste) awaiting collection through Council’s Supplementary Recycling Service. • The minimum area required is 9m² and the design is to comply with the requirements of the applicable Waste Design for New Developments Guide. 	

Table 13: Consideration of Chapter 5 – Residential flat buildings (Former Canterbury LGA)

Control	Consideration
Section 5.2 – State Environmental Planning Policy (Housing) 2021 (Chapter 4) applications, three storeys or greater with four or more dwellings	
Minimum lot sizes and frontage	The site’s street frontages along The Boulevard and Dudley Street both exceed 30m.

Control	Consideration
<ul style="list-style-type: none"> The minimum primary street frontage width for residential flat buildings four storeys or greater is 30m. 	
<p>Open space</p> <p><i>Balconies</i></p> <ul style="list-style-type: none"> Refer to Section 4E Private Open Space and Balconies of the ADG. <p><i>Communal open space</i></p> <ul style="list-style-type: none"> Minimum 25% communal open space Communal open space may be provided on podiums, terraces, or in any deep-soil setback or separation between buildings At least one side must have a minimum length of 6m Consolidate communal open space into recognisable areas with reasonable area, facilities and landscape for the uses it will accommodate, and design to generate a variety of visible pedestrian activity Provide communal open space in locations that are sunny, and are adjacent to, as well as visible from, the main building lobby. Provide windows that overlook communal open space and approaches to the building to generate a variety of visible pedestrian activity in the main building lobby. Screen walls surrounding any communal area are no higher than 1.2m, although screens with 50% transparency may be up to 1.8m high. 	<p>The proposal is compliant with private open space and communal open space requirements. Refer to Design Report at Appendix D and Architectural Plans at Appendix E.</p>
<p>Setbacks</p> <p><i>Front, side and rear</i></p> <ul style="list-style-type: none"> Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m Front and rear setback: Minimum 6m Side setback: Minimum 4m All buildings are to have a building form with a podium base element and an upper element which provides an additional setback in accordance with the table below: 	<p>Whilst the proposal does not strictly comply with existing setbacks, it is noted that Council are in the process of preparing an updated DCP for The Punchbowl TOD Precinct.</p> <p>The proposals setbacks have therefore been considered in light of this and are generally consistent with the ADG building separation controls and design guidance in the draft Punchbowl Precinct Plan, as detailed below.</p> <ul style="list-style-type: none"> North (The Boulevard): Predominant 4.6m, increasing to 17.3m on western corner of The Boulevard in order to retain the spotted gum. West (Dudley Street): 6m South: 6.9m East: Varied setback between 3.6m and 13.9m

Control	Consideration												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #a9c9e6;">Total Number of Storeys</th> <th style="background-color: #a9c9e6;">Podium Base Element</th> <th style="background-color: #a9c9e6;">Upper Storey Elements</th> </tr> </thead> <tbody> <tr> <td>4 storey</td> <td>3 storey</td> <td>1 storey</td> </tr> <tr> <td>5 storey</td> <td>3 storey</td> <td>2 storey</td> </tr> <tr> <td>6 storey</td> <td>4 storey</td> <td>2 storey</td> </tr> </tbody> </table> <p>Table 11: Upper storey setbacks</p> <ul style="list-style-type: none"> Minimum deep soil area alongside boundaries of 2m wide and minimum of 5m wide along front and rear boundaries. 	Total Number of Storeys	Podium Base Element	Upper Storey Elements	4 storey	3 storey	1 storey	5 storey	3 storey	2 storey	6 storey	4 storey	2 storey	
Total Number of Storeys	Podium Base Element	Upper Storey Elements											
4 storey	3 storey	1 storey											
5 storey	3 storey	2 storey											
6 storey	4 storey	2 storey											
<p>Building depth</p> <ul style="list-style-type: none"> Maximum of 25m or may be increased to 35m if facades incorporate deep soil courtyards that are: <ul style="list-style-type: none"> Parallel to front or rear boundaries and deep soil setbacks can accommodate at least 3 major canopy trees, or Parallel to side boundaries provided that facades will incorporate deep soil courtyards with a minimum area of 6m x 6m and accommodate at least 1 major canopy tree 	<p>The proposal has been designed to prioritise tree retention, maximise landscaping and deep soil and complies with the maximum building depths. Refer to the Architectural Plans at Appendix E.</p>												
<p>Building separation</p> <p>Refer to Section 3F Visual Privacy of the ADG</p>	<p>The proposal generally complies with the minimum building separation requirements. Refer to the ADG Compliance table in the Design Report at Appendix D.</p>												
<p>Floor to ceiling heights</p> <p>Refer to Section 4C Ceiling Heights of the ADG</p>	<p>The proposal complies with the minimum ceiling height requirements as per the ADG. Refer to the ADG compliance table in the Design Report at Appendix D and the Architectural Plans at Appendix E.</p>												
<p>Building entries</p> <ul style="list-style-type: none"> Provide the main common entry and separate private ground floor apartment entries where it is desirable to activate the street edge or reinforce a rhythm along the street A minimum of one habitable room per dwelling must be oriented towards the street to promote positive social interaction and community safety. Ground level private terraces located within the front setback must be setback at least 1m from the street boundary to accommodate a landscape strip which should remain in communal ownership. 	<p>The proposal generally complies with tRefer to the Architectural Plans at Appendix E.</p>												
<p>Façade treatment</p> <ul style="list-style-type: none"> Development on corner lots must address both street frontages through facade treatment and articulation of elevations 	<p>The proposal has been designed to address both The Boulevard and Dudley Street frontages and provides a high level of articulation through architectural materials and</p>												

Control	Consideration
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- Width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.
- The width of articulating panels shall be in accordance with the numerical requirements below:

Development Type	Street Elevation Facades	Side Elevation Facades
Residential Flat Buildings up to three storeys	4m to 6m	10m to 15m
Residential Flat Buildings four storeys or greater	6m to 8m	10m to 15m

Table 12: Articulating panels numerical requirements

Pavilions

- Pavilion elements shall have a depth between 10-15m
- Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.
- Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.
- Residential flat buildings four or more storeys:
 - (a) Facades should be layered and stepped in order to avoid building forms that are bland, bulky and over scaled.
 - (b) Layering of facades should incorporate the base and upper storey elements.
 - (c) Layering of facades should incorporate the base and upper storey elements.
 - (d) Stepping of facades should be provided by balconies, staggered alignments for exterior walls and by contrasting design elements.

Blank walls

- Large areas of blank, minimally or poorly articulated walls are not acceptable.
- The maximum length of any blank wall must not exceed 5m.
- The maximum height of a blank wall must not exceed 3m.

Solar access and overshadowing

- Refer to Section 4A Solar and Daylight Access of the ADG

Solar access to neighbouring development

- Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21

treatment. Refer to the Architectural Plans at Appendix E.

The proposal complies with the solar access requirements as per the ADG. Refer to the Design Report at Appendix D.

Control	Consideration
<p>June for existing primary living areas and to 50% of the principal private open space.</p> <ul style="list-style-type: none"> • If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property. • Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: <ul style="list-style-type: none"> - Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. - If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight 	
<p>Acoustic privacy</p> <ul style="list-style-type: none"> • Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring living areas. • Above ground access to new dwellings must not include communal balconies that would be located immediately next to a bedroom window. • Bedroom windows in new dwellings that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway. • Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp. • Address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline (2008)' published by the NSW Department of Planning. 	<p>The proposal has been designed to minimise noise impacts and is compliant with the relevant noise criteria, as outlined in the Noise Impact and Vibration Assessment, prepared by Pulse White Noise Acoustics at Appendix P.</p>
<p>Building services</p> <ul style="list-style-type: none"> • Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view. • Substations must not be located forward of the front building line. • New buildings must ensure: <ul style="list-style-type: none"> - 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; - any redundant power poles are removed and replaced with underground supplied street lighting 	<p>Refer to the Architectural Plans at Appendix E.</p>

Control	Consideration
<p>columns;</p> <ul style="list-style-type: none"> - all works are carried out at the landowner's expense. 	

Table 14: Consideration of Chapter 9 – Livable Housing (Former Canterbury LGA)

Control	Consideration
<p>Residential flat buildings and shop top housing</p> <p>A minimum 40% of new dwellings must comply with the Livable Housing Design Guidelines (Livable Housing Australia), to be split as follows:</p> <ul style="list-style-type: none"> • a minimum 20% of new dwellings must achieve the Silver Standard; and • a minimum 20% of new dwellings must achieve the Gold Standard. <p>However, it is noted that shop top housing will not deliver dwellings at the ground floor as this would be inconsistent with the LEP definition.</p> <p>Council may vary the Livable Housing Design Guidelines (Design Element 1–Dwelling Access) if it is demonstrated to Council's satisfaction that it is not possible to achieve step-free pathways.</p>	<p>100% of apartments have been designed to the Gold Level of the Liveable Housing Design Standards.</p>