



# Statutory Compliance

Belmore Affordable housing, State Significant Development

270-278 Burwood Road and 54 Lakemba Street, Belmore

Prepared on behalf of Homes NSW

**31 October 2025**

## Document control

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### Project summary

<b>Prepared on behalf of</b>	NSW Land and Housing Corporation operating as Homes NSW
<b>Land to be developed</b>	270-278 Burwood Road and 54 Lakemba Street, Belmore
<b>Legal description</b>	Lot 1, DP124465
<b>Project description</b>	Construction of a residential flat building for the purpose 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 purpose of affordable housing at 270-278 Burwood Road and 54 Lakemba Street, Belmore 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)
- *Canterbury-Bankstown Development Control Plan 2023* (Canterbury-Bankstown DCP)

## 2 Statutory Compliance

### 2.1 Environmental Planning and Assessment Act 1979

Table 1 Objectives of the EP&A Act

Relevant provisions	Consideration
<b>Section 1.3 – Objects of the EP&amp;A Act</b>	
(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 145 affordable housing apartments within walking distance of Belmore station and Belmore 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 principles of ecologically sustainable development in accordance with Clause 192 of the EP&A Regulation and is pursuing a range of commitments to deliver excellence in sustainability. Refer to the ESD Report at Appendix K.
(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 in accordance with DPHI’s TOD program which seeks to increase housing within 400m of Belmore station.
(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 confirmed by the BDAR Waiver at Appendix P.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site and surrounding area are not identified as having any heritage significance. An Aboriginal Heritage Due Diligence Report has been prepared which has confirmed that Aboriginal objects are unlikely to be present and the proposed works will not impact sites and objects.
(g) to promote good design and amenity of the built environment,	The proposal is supported by a Design Report and Design Verification Statement at Appendix D which outline the design principles and design response to demonstrate good design and amenity of the built environment that will benefit future residents 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.

Relevant provisions	Consideration
(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 <i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i> .
(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 O. Further consultation will be carried out as part of the SSDA assessment process.
<b>Section 4.15(1) – Matters for consideration</b>	
Relevant Environmental Planning Instruments	Addressed in this document.
Relevant proposed Environmental Planning Instruments	<p>The site is in the Deferred Belmore TOD Station Precinct</p> <p>An amendment to the Canterbury-Bankstown LEP is currently being considered by DPHI and based on Council’s draft Precinct Plan for Belmore seeks to increase the sites maximum building height from 14m to 43m and maximum floor space ratio from 1.4:1 to 3:1. There are no changes proposed to the sites R4 High Density Residential land use zoning.</p> <p>Consideration of the proposed amendment to the Canterbury-Bankstown LEP is currently being considered and will be finalised by DPHI 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	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 housing including affordable

Relevant provisions	Consideration
	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 was issued by DPHI on 27 October 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 Burwood Road and Lakemba Street road reserves as detailed in the Architectural Plans at Appendix E, Landscape Plans at Appendix F and Transport Impact Assessment at Appendix H.

Approval from Canterbury-Bankstown Council under Section 138 as the roads authority is required. In accordance with Clause 4.42 of the EP&A Act, a consent under Section 138 of the *Roads Act 1993* cannot be refused if the project is approved and must be substantially consistent with the approval.

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><b>Section 29</b> 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><b>Section 35B</b> 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 TOD controls in Chapter 5 of the Housing SEPP which are to be applied as the base controls to the Site, and the draft planning controls as exhibited by Canterbury-Bankstown Council and now under consideration by the DPHI. This is consistent with Section 3.39 of the EP&amp;A Act, which allows the lodgement of a DA that relies on a draft amendment to an environmental planning instrument and Section 4.38(5) of the EP&amp;A Act,</p>

Relevant provisions	Consideration
	<p>which allows assessment of a SSDA concurrently with a draft planning instrument.</p> <p>As such, the requirements of section 35B of the EP&amp;A Regulation 2021 are not triggered as 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 TOD controls and draft statutory controls being progressed through a draft SEPP, which is a relevant statutory consideration under Section 4.15 of the EP&amp;A Act 1979.</p>
<p><b>Section 190</b> 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><b>Section 191</b> Requires compliance with the environmental assessment requirements</p>	<p>The EIS has been prepared in accordance with the SEARs issued on 13 October 2025.</p> <p>Appendix A outlines how the SEARs have been addressed in the EIS.</p>
<p><b>Section 192</b> 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><b>Section 193</b> 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 K.</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><b>Section 2.6</b> 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 Housing 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><b>Section 2.10</b> 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**

*Table 4 Consideration of the Transport and Infrastructure SEPP*

Relevant provisions	Consideration
<p><b>Section 2.48 Electricity Infrastructure</b> 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><b>Section 2.119 Development with frontage to classified road</b> 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>Not applicable – Burwood Road and Lakemba Street are not classified roads.</p>
<p><b>Section 2.120 – Impact of road noise or vibration on non-road development</b> 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 in accordance with the Section 2.120 and therefore the provisions do not apply to the proposed development.</p>
<p><b>Section 2.122 Traffic-generating development</b> 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>Not applicable – Burwood Road and Lakemba 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
<b>Chapter 2 Affordable housing</b>	
<b>Part 2 Development for affordable housing</b>	
<b>Division 1 In-fill affordable housing</b>	
<p><b>Section 15A Objectives of division</b> 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&amp;A Act 1979, as it is housing provided for very low-</p>

Relevant section	Consideration
<p><b>Section 16 Definitions</b> Relevant definitions in this division include:</p> <p><b>affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.</b></p> <p><b>residential development means development for the following purposes—</b></p> <ul style="list-style-type: none"> <li>(a) attached dwellings,</li> <li>(b) dual occupancies,</li> <li>(c) dwelling houses,</li> <li>(d) manor houses,</li> <li>(e) multi dwelling housing,</li> <li>(f) multi dwelling housing (terraces),</li> <li>(g) residential flat buildings,</li> <li>(h) semi-detached dwellings,</li> <li>(i) shop top housing.</li> </ul> <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>income households. On this basis, the proposal comprises 100% 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><b>Section 15C Development to which division applies</b> This division applies to development that includes residential development if -</p> <ul style="list-style-type: none"> <li>• the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</li> <li>• the affordable housing component is at least 10% and</li> <li>• all or part of the development is carried out <ul style="list-style-type: none"> <li>– for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area – in an accessible area,</li> <li>– or development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</li> </ul> </li> <li>• 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.</li> </ul>	<p>Residential flat buildings are permitted with consent in the R4 High Density Residential zone in Canterbury-Bankstown LEP 2023.</p> <p>Social housing is defined as affordable housing in accordance with the EP&amp;A Act and the Housing SEPP. The proposal includes 100% affordable housing.</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 Belmore station.</p>

Relevant section	Consideration
<p><b>Section 16 Affordable housing requirements for additional floor space ratio</b></p> <p>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 component calculated in accordance</p> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} + 2$ <p>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><b>Current LEP controls</b></p> <p>The proposed maximum floor space ratio (FSR) control and maximum building height under the current Canterbury-Bankstown LEP is 1.4:1 and 14m, respectively.</p> <p>With the 30% bonus FSR under the Housing SEPP applied to the current LEP controls, this would result in a maximum FSR control of 1.82:1 and a maximum building height of 18.2m.</p> <p><b>NSW Government TOD controls</b></p> <p>The proposed maximum floor space ratio (FSR) control and maximum building height under NSW Government standard TOD controls is 2.5:1 and 22m, respectively.</p> <p>With the 30% bonus FSR under the Housing SEPP applied to the TOD controls, the maximum FSR control is 3.25:1 and the maximum building height is 28.6m.</p> <p><b>Council's alternate proposed draft TOD controls</b></p> <p>The proposed maximum FSR control and maximum building height control under the proposed draft amendment to the Canterbury-Bankstown LEP is 3:1 and 43m, respectively.</p> <p>With the 30% bonus FSR applied under the Housing SEPP applied to the draft LEP controls, this would result in a maximum FSR control of 3.25:1 and a maximum building height of 55.9m.</p> <p>The proposed FSR is 2.61:1, which is compliant with the Housing SEPP.</p> <p>The proposed height is 29.125m, which is generally compliant with the Housing SEPP.</p>
<p><b>Section 19 Non-discretionary development standards – the Act, s 4.15</b></p> <p>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"> <li>• A minimum sites area of 450m<sup>2</sup></li> <li>• A minimum landscaped area of 35m<sup>2</sup> or 30% of the site area (whichever is the lesser)</li> <li>• 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.</li> </ul>	<p>The proposed development complies with the non-discretionary standards as detailed below:</p> <ul style="list-style-type: none"> <li>• The total site area is 4,280 sqm, which meets the minimum site area of 450 sqm</li> <li>• The proposal provides a minimum landscaped area of 48.5% (2,108sqm)</li> <li>• The non-discretionary standard for deep soil and solar access does not apply to development to which Chapter 4 applies. The proposed development provides 22.5% deep soil.</li> </ul>

Relevant section	Consideration
<ul style="list-style-type: none"> <li>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.</li> <li>The following number of parking spaces for dwellings used for affordable housing –               <ul style="list-style-type: none"> <li>1 bedroom – at least 0.4 spaces</li> <li>2 bedrooms – at least 0.5 spaces</li> <li>3 bedrooms at least 1 space</li> </ul> </li> <li>The following number of parking spaces for dwellings not used for affordable housing -               <ul style="list-style-type: none"> <li>1 bedroom – at least 0.5 spaces</li> <li>2 bedrooms – at least 1 space</li> <li>3 bedrooms at least 1.5 spaces</li> </ul> </li> <li>A minimum internal area as specified in the Apartment Design Guide.</li> </ul>	<ul style="list-style-type: none"> <li>A minimum of 71 car spaces is required. The proposal provides 73 car spaces which is compliant with the minimum car parking rates.</li> <li>All internal areas of apartments are complaint with the minimum requirements of the ADG. Refer to the Architectural Plans at Appendix E</li> </ul>
<p><b>Section 20 Design requirements</b> 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"> <li>The desirable elements of the character of the local area or</li> <li>For precincts undergoing transition – the desired future character of the precinct.</li> </ul>	<p>The proposed development is consistent with the planned future context for the Belmore local centre in accordance with the TOD program and Council’s draft TOD Alternate proposal.</p> <p>The proposed development aligns with the desired future character for higher density residential development (up to 10 storeys) in the Belmore centre.</p> <p>This is addressed in the Design Report at Appendix D.</p>
<p><b>Section 21 Must be used for affordable housing for at least 15 years</b> 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"> <li>the development will include the affordable housing required for the development under Section 16, 17 or 18 and</li> <li>the affordable housing component will be managed by a registered community housing provider.</li> </ul> <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>Does not apply as the development is carried out by Homes NSW (operating as Land and Housing Corporation).</p>
<p><b>Section 22 Subdivision permitted with consent</b> Sets out that land on which development has been carried out under this division may be subdivided with development consent.</p>	<p>Not applicable.</p>
<p><b>Chapter 4 Design of residential apartment development</b></p>	
<p><b>Section 142 Aims of this chapter</b> The aim of this chapter is to improve the design of residential apartment development in NSW</p>	<p>The proposed development meets the aims of Chapter 4 as detailed below:</p> <ul style="list-style-type: none"> <li>The proposal will provide 145 new affordable housing dwellings with a mix</li> </ul>

Relevant section	Consideration
<ul style="list-style-type: none"> <li>to ensure residential apartment development contributes to the sustainable development of NSW by               <ul style="list-style-type: none"> <li>providing socially and environmentally sustainable housing, and</li> <li>being a long-term asset to the neighbourhood, and</li> <li>achieving the urban planning policies for local and regional areas,</li> </ul> </li> <li>to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</li> <li>to maximise the amenity, safety and security of the residents of residential apartment development and the community,</li> <li>to better satisfy the increasing demand for residential apartment development, considering—               <ul style="list-style-type: none"> <li>the changing social and demographic profile of the community, and</li> <li>the needs of a wide range of people, including persons with disability, children and seniors,</li> </ul> </li> <li>to contribute to the provision of a variety of dwelling types to meet population growth,</li> <li>to support housing affordability,</li> <li>to minimise the consumption of energy from nonrenewable resources, to conserve the environment and to reduce greenhouse gas emissions,</li> <li>to facilitate the timely and efficient assessment of development applications to which this chapter applies.</li> </ul> <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>of 1,2 and 3 bedroom apartments to suit a range of household types and sizes and align with housing need.</p> <ul style="list-style-type: none"> <li>The proposal is consistent with the relevant state and local planning policies as detailed in Section 2 of the EIS.</li> <li>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 context.</li> <li>The proposal incorporates ESD measures to minimise energy consumption and meet relevant sustainability targets as detailed in the ESD Report (Appendix K) and BASIX Assessment Report (Appendix L).</li> </ul>
<p><b>Section 146 Referral to design review panel for development applications</b>            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 has been reviewed by the State Design Review Panel.</p>
<p><b>Section 147 Determination of development applications and modification applications for residential apartment development</b>            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"> <li>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9.</li> <li>the Apartment Design Guide</li> </ul>	<p>This is addressed in the Design Report at Appendix D.</p>

Relevant section	Consideration
<ul style="list-style-type: none"> <li>any advice received from a design review panel within 14 days after the consent authority referred the development application to the panel.</li> </ul>	
<p><b>148 Non-discretionary development standards for residential apartment development – the Act, s 4.15</b> 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"> <li>Car parking must be equal or greater than the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide</li> <li>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</li> <li>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.</li> </ul>	<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 D, all internal areas of apartments and ceiling heights for the building comply Part 4C and Part 4D of the ADG.</p>
<p><b>Chapter 5 – Transport oriented development</b></p>	
<p><b>152 Land to which chapter applies</b> 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"> <li>Bayside,</li> <li>Burwood,</li> <li>Canada Bay,</li> <li>Canterbury-Bankstown,</li> <li>Central Coast,</li> <li>Cumberland,</li> <li>Georges River,</li> <li>Inner West,</li> <li>Ku-ring-gai,</li> <li>City of Lake Macquarie,</li> <li>City of Newcastle,</li> <li>City of Penrith,</li> <li>City of Wollongong.</li> </ol>	<p>The site is in the Canterbury-Bankstown LGA and is within the Deferred Belmore TOD station precinct as listed under Schedule 12 of the Housing SEPP.</p>
<p><b>154 Development permitted with development consent in Transport Oriented Development Areas</b> (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—</p> <ol style="list-style-type: none"> <li>a relevant residential zone,</li> <li>Zone E1 Local Centre or an equivalent land use zone,</li> <li>for land in the Canterbury-Bankstown local government area—Zone B2 Local Centre.</li> </ol>	<p>Complies. The development is for the purpose of a residential flat building in a relevant residential zone (R4 High Density Residential zone).</p>
<p><b>155 Maximum building height and maximum floor space ratio</b></p>	<p>Under the Section 155 of the Housing SEPP the maximum building height for residential flat buildings is 22m and the maximum FSR is 2.5:1.</p>

Relevant section	Consideration
<p>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"> <li>Maximum building height for residential flat buildings in a TOD Area: 22m</li> <li>Maximum floor space ratio in a relevant residential zone or relevant employment zone in a TOD rea: 2.5:1</li> </ul>	<p>With the 30% bonus height and FSR applied under the Housing SEPP (+6.6m / +0.75:1), this would result in a maximum height of 28.6m and maximum FSR of 3.25:1.</p> <p>The proposed development has a proposed FSR of 2.61:1 and height of 29.12m and generally compliant with TOD controls and the 30% Housing SEPP bonus.</p>
<p><b>156 Affordable housing</b> Development consent must not be granted unless the consent authority is satisfied that</p> <ul style="list-style-type: none"> <li>at least 2% of the gross floor area of the building will be used for affordable housing, and</li> <li>the affordable housing will be managed by a registered community housing provider in perpetuity.</li> </ul>	<p>Complies. The proposed development is for the purpose 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><b>157 Affordable housing parking spaces</b> Sets development standards that if complied with prevent the consent authority from requiring more onerous standards for the matters. The following number of parking spaces for each affordable housing dwelling required under that section—</p> <ul style="list-style-type: none"> <li>for each dwelling containing 1 bedroom—0.4 parking space,</li> <li>for each dwelling containing 2 bedrooms—0.5 parking space,</li> <li>for each dwelling containing 3 or more bedrooms—1 parking space.</li> </ul>	<p>Car parking complies with the minimum affordable housing parking rates.</p>
<p><b>159 Minimum lot width</b> 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 Burwood Road and Lakemba Street are greater than 21m.</p>
<p><b>160 Active street frontages</b> (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.</p>	<p>N/A – The site is not in an E1 Local Centre zone.</p>

Relevant section	Consideration
<p>(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.</p> <p>(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><b>161 Consideration of Apartment Design Guide</b> 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"> <li>• Belmore station</li> <li>• Canterbury station</li> <li>• Cockle Creek station</li> <li>• Lakemba station</li> <li>• North Wollongong station</li> <li>• Punchbowl station</li> <li>• St Marys station</li> <li>• Wiley Park station</li> </ul>	<p>Belmore station is listed as a deferred TOD station, and the site is within 400m of Belmore station.</p>

## 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	
<p>Chapter 3 Hazardous and Offensive Development applies to any development which fall under the SEPPs definition of 'potentially hazardous industry' or 'potentially offensive industry'.</p>	<p>The proposed development is not considered to fall within the abovementioned definitions and therefore is not applicable to this application.</p>
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>	<p>The site is deemed suitable for the proposed residential development as confirmed in the Preliminary Site Investigation, Detailed Site Investigation, Remedial Action Plan, Preliminary Long Term Environmental Management Plan at Appendix T to Appendix W.</p>

**2.5.5 State Environmental Planning Policy (Sustainable Buildings) 2022**

*Table 7: Consideration of the Sustainable Buildings SEPP*

Relevant provisions	Consideration
<p><b>Chapter 2, Section 2.1</b> 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"> <li>• 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.</li> </ul>	<p>The proposed development meets or exceeds BASIX targets as outlined in the BASIX Assessment Report at Appendix L.</p>

**2.5.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

*Table 8: Consideration of the Biodiversity and Conservation SEPP*

Relevant provisions	Consideration
<b>Chapter 3 Water Catchments</b>	
<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. The site is identified as being within the Georges River 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"> <li>• Water quality and quantity</li> <li>• Aquatic ecology</li> <li>• Flooding</li> <li>• Recreation and public access</li> </ul>	<p>The proposed development incorporates water sensitive urban design measures and will not result in any unacceptable water quality impacts as outlined in the Integrated Water Management Plan (Appendix J).</p>

## 2.6 Canterbury-Bankstown Local Environmental Plan 2023

The site is zoned R4 High Density Residential under the *Canterbury-Bankstown Local Environmental Plan 2023* (Canterbury-Bankstown LEP).

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

The site is within 400m of the Belmore Train Station and is identified within the Belmore Transport Oriented Development (TOD) Station precinct. However, the controls for the Belmore TOD Station Precinct have been deferred, to allow Canterbury-Bankstown Council (Council) to prepare alternate TOD controls for the Belmore Station Precinct.

A draft Environmental Planning Instrument (EPI) amendment is currently being finalised by the Department of Planning, Housing and Infrastructure (DPHI) which seeks the following planning control changes for the site:

- Increase the maximum building height from 14m to 43m
- Increase the maximum floor space ratio from 1.4:1 to 3:1
- No change is proposed to the current R4 High Density Residential zoning.

It is Homes NSW understanding that the established DPHI TOD controls of 22m and 2.5:1 would apply as the base controls to the Site. Notwithstanding, the proposed development complies with the proposed alternate TOD built form controls including the proposed maximum height and FSR control.

Section 3.39 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states 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 SSD 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.

The finalisation of the draft EPI amendment is imminent and based on ongoing consultation, finalisation is anticipated by the end of 2025, prior to the determination of this SSDA.

Detailed consideration of the relevant controls under the Canterbury-Bankstown LEP and proposed draft amendment to the Canterbury-Bankstown LEP is outlined at Table 9 and 10 below.

**Table 9: Canterbury-Bankstown LEP**

Control	Consideration
<b>Part 2 Permitted and prohibited development</b>	
<p><b>Land use zone – objectives</b> The objectives of the R4 High Density Residential zone are as follows:</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a high density residential environment.</li> <li>• To provide a variety of housing types within a high density residential environment.</li> </ul>	<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 Belmore.</p> <p>The proposed development is an area that is accessible by public transport and good access to surrounding services, open space,</p>

Control	Consideration
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.</li> <li>To promote a high standard of urban design and local amenity.</li> </ul>	<p>schools and amenities.</p>
<p><b>Permissible uses</b> 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>
<p><b>Part 4 Principal development standards</b></p>	
<p><b>Section 4.1 Minimum subdivision lot size</b> The site has a minimum lot size of 460sqm</p>	<p>No subdivision is proposed.</p>
<p><b>Section 4.3 Height of buildings</b> The maximum height of buildings on the subject site is 14m.</p>	<p>The maximum building height control under the current Canterbury-Bankstown LEP is 14m.</p> <p>With the 30% bonus height applied under the Housing SEPP (+4.2m), this would result in a maximum height of 18.2m.</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 TOD controls in Chapter 5 of the Housing SEPP and 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&amp;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&amp;A Act, which allows assessment of a SSDA concurrently with a draft planning instrument.</p> <p>The proposed maximum building height is 29.125m, which is consistent with the proposed height control of 43m for the site and generally consistent with the Housing SEPP height control of 28.6m.</p>
<p><b>Section 4.4 Floor space ratio</b> The maximum floor space ratio on the subject site is 1.4:1.</p>	<p>The proposed maximum floor space ratio (FSR) control under the current Canterbury-Bankstown LEP is 1.4:1.</p> <p>With the 30% bonus FSR applied under the Housing SEPP (+0.42:1) this would result in a maximum FSR of 1.82:1.</p> <p>This SSDA does not seek to rely on the current FSR provisions of Canterbury-Bankstown LEP.</p>

Control	Consideration
	<p>Instead, the proposal has been assessed against the TOD controls in Chapter 5 of the Housing SEPP and 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&amp;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&amp;A Act, which allows assessment of a SSDA concurrently with a draft planning instrument.</p> <p>The proposed FSR is 2.61:1, which is consistent with Council's proposed FSR control of 3:1 and the Housing SEPP FSR of 2.86:1.</p>
<b>Part 5 Miscellaneous provisions</b>	
<p><b>Section 5.10 – Heritage conservation</b> 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>The site is not identified as a heritage item, within a heritage conservation area or land within the vicinity of a heritage item or conservation area.</p> <p>The Historical Heritage Constraints Assessment confirms the proposed development will not result in any heritage impacts and a Statement of Heritage Impact is not required.</p>
<p><b>Section 5.21 Flood planning</b> 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>Flood risk and potential impacts are addressed in the Flood Risk Impact and Risk Assessment at Appendix I.</p>
<b>Part 6 Additional local provisions</b>	
<p><b>Section 6.1 Acid sulfate soils</b> 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 R confirms that an Acid Sulfate Soils Management Plan is not required.</p>
<p><b>Section 6.2. Earthworks</b> Requires consent for earthworks.</p>	<p>Consent is sought for earthworks as part of this SSDA.</p> <p>The Geotechnical Investigation Report confirms that based on an estimated bulk excavation level of RL 11.9, excavation depths of 5m to 7m are anticipated. For further information refer to the Geotechnical Report and at Appendix R.</p>

Control	Consideration
<p><b>6.3 Stormwater management and water sensitive urban design</b> Requires the consent authority to consider stormwater impacts and requires water sensitive urban design measures as part of new development.</p>	<p>Potential stormwater impacts and proposed stormwater management measures are addressed in the Integrated Water Management Plan at Appendix J.</p>
<p><b>6.9 Essential services</b> Requires essential services to be available to service the development</p>	<p>The proposed development can be serviced. Utilities servicing and approval requirements (water, wastewater and electricity) will be addressed through conditions of consent.</p> <p>The provision of essential services is also addressed in the following reports:</p> <ul style="list-style-type: none"> <li>• Architectural Plans at Appendix E</li> <li>• Integrated Water Management Report at Appendix J,</li> <li>• Transport Impact Assessment at Appendix H</li> <li>• Operational Waste Management Plan at Appendix X.</li> </ul>
<p><b>Section 6.15 Design excellence</b> Requires the consent authority to consider the following matters to determine whether development exhibits design excellence:</p> <ol style="list-style-type: none"> <li>a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</li> <li>b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</li> <li>c) whether the development detrimentally impacts on view corridors,</li> <li>d) how the development addresses the following matters:             <ol style="list-style-type: none"> <li>i) heritage issues,</li> <li>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,</li> <li>iii) bulk, massing and modulation of buildings,</li> <li>iv) street frontage heights</li> <li>v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</li> <li>vi) the achievement of the principles of ecologically sustainable development,</li> <li>vii) pedestrian, cycle, vehicular and service access, circulation and requirements,</li> <li>viii) the impact on, and any proposed improvements to, the public domain,</li> </ol> </li> </ol>	<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> <p>Design excellence is addressed in the Design Report and Design Verification Statement at Appendix D.</p>

Control	Consideration
<ul style="list-style-type: none"> <li>ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design</li> <li>x) Aboriginal cultural heritage</li> <li>xi) the protection of green infrastructure</li> <li>xii) achieving appropriate interfaces at ground level between the development and the public domain,</li> </ul> <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><b>6.38 Affordable housing contributions</b>            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"> <li>• the Canterbury-Bankstown Affordable Housing Principles,</li> <li>• the impact of the development on the existing mix and likely future mix of residential accommodation in Canterbury-Bankstown.</li> </ul> <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 Amendment to Canterbury-Bankstown LEP 2023**

Control	Consideration
<b>Part 2 Permitted and prohibited development</b>	
<p><b>Land use zone – objectives</b>            The objectives of the R4 High Density Residential zone are as follows:</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a high density residential environment.</li> <li>• To provide a variety of housing types within a high density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.</li> <li>• To promote a high standard of urban design and local amenity.</li> </ul>	<p>There are no proposed changes to current R4 zoning under the proposed draft amendment to Canterbury-Bankstown LEP.</p>

Control	Consideration
<p><b>Permissible uses</b> Residential flat buildings are permissible with consent in the R4 zone.</p>	<p>There is no change to permissibility under the proposed draft amendment to Canterbury-Bankstown LEP. Residential flat buildings are permissible with consent.</p>
<p><b>Section 4.1 Minimum subdivision lot size</b></p>	<p>There is no proposed change to the minimum lot size under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p><b>Section 4.1B Minimum lot sizes and special provisions for certain dwellings</b> 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 site's lot size is greater than 1,500sqm. Both frontages along Burwood Road and Lakemba Street are greater than 30m.</p>
<p><b>Section 4.3 Height of buildings</b> The proposed maximum height of buildings under the proposed draft TOD amendment to the Canterbury-Bankstown LEP is 43m.</p>	<p>The proposed maximum building height control under the proposed draft amendment to the Canterbury-Bankstown LEP is 43m.</p> <p>With the 30% bonus height applied under the Housing SEPP (+12.9m), this would result in a maximum height of 55.9m.</p> <p>The proposed maximum building height is 29.125m, which is consistent with the proposed height control of 43m for the Site.</p>
<p><b>Section 4.4 Floor space ratio</b> The proposed maximum floor space ratio under the proposed TOD amendment to the Canterbury-Bankstown LEP is 2.5:1.</p>	<p>The proposed maximum floor space ratio (FSR) control under the proposed draft amendment to the Canterbury-Bankstown LEP is 3:1</p> <p>With the 30% bonus FSR applied under the Housing SEPP (+0.75:1) this would result in a maximum FSR of 3.25:1.</p> <p>The proposed FSR is 2.61:1, which complies with the draft FSR control of 3:1.</p>
<p><b>Part 5 Miscellaneous provisions</b></p>	
<p><b>Section 5.10 – Heritage conservation</b></p>	<p>There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p><b>Section 5.21 Flood planning</b></p>	<p>There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p><b>Part 6 Additional local provisions</b></p>	
<p><b>Section 6.1 Acid sulfate soils</b></p>	<p>There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p><b>Section 6.2. Earthworks</b></p>	<p>There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.</p>

Control	Consideration
<p><b>Section 6.15 Design excellence</b></p>	<p>There are no proposed changes under the proposed draft amendment to Canterbury-Bankstown LEP.</p>
<p><b>6.38 Affordable housing contributions</b>            Consent must not be granted unless the consent authority has considered the Canterbury-Bankstown Affordable Housing Principles and is satisfied that -</p> <ul style="list-style-type: none"> <li>• 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"> <li>- 2% if determined within 12 months of this instrument being gazetted;</li> <li>- 2.5% if determined 12-24 months of this instrument being gazetted;</li> <li>or iii. 3% if determined after 24 months of this instrument being gazetted,</li> <li>- 3% if determined after 24 months of this instrument being gazetted, or</li> <li>- 5% if land identified as a 'Area 11' on the Special Provisions Map</li> </ul> </li> <li>• the affordable housing will be managed by a registered community housing provider in perpetuity.</li> </ul>	<p>Does not apply to development for the purposes of public housing.</p>

## 2.7 Canterbury-Bankstown DCP 2023

Table 11 Consideration of Chapter 3.2 Parking

Control	Consideration / comment
<b>Section 2 – Off-street parking rates</b>	
<p><b>Off-Street Parking Schedule</b>  <u>Zones R4, E1 and E3</u></p> <ul style="list-style-type: none"> <li>• 1 car space per 1 bedroom dwelling;</li> <li>• 1.2 car spaces per 2 bedroom dwelling;</li> <li>• 1.5 car spaces per 3 or more bedroom dwelling;</li> <li>• 1 visitor car space per 5 dwellings.</li> </ul>	<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>
<b>Section 3 – Design and layout</b>	
<ul style="list-style-type: none"> <li>• Development must not locate entries to car parking or delivery areas:               <ul style="list-style-type: none"> <li>(a) close to intersections and signalised junctions;</li> <li>(b) on crests or curves;</li> <li>(c) where adequate sight distance is not available;</li> <li>(d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island);</li> </ul> </li> </ul>	<p>The proposed driveway is located at the southern end of Burwood Road, at the furthest point possible from the intersection of Burwood Road and Lakemba Street to minimise potential impacts.</p> <p>The Transport Impact Assessment confirms the proposed driveway is appropriately located and designed and will not result in any queuing to Burwood Road. Refer to the Transport Impact Assessment at Appendix H.</p>

Control	Consideration / comment						
<p>(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>							
<p><b>Access driveway width and design</b></p> <ul style="list-style-type: none"> <li>For new residential development, necessary clear driveway widths are provided in the following table:</li> </ul> <table border="1" data-bbox="177 748 767 913"> <thead> <tr> <th>Driveway width</th> <th>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>The proposed driveway and ramp comply with the design requirements in AS2890.1 for residential car park.</p>
Driveway width	Minimum clear width						
One-way	3m						
Two-way	5.5m						
<p><b>Pedestrian access</b></p> <ul style="list-style-type: none"> <li>Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits.</li> <li>Lifts and stair lobbies should be prominently marked to help users find them and to increase personal security.</li> <li>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.</li> </ul>	<p>Pedestrian access has been designed to minimise conflict with vehicles.</p> <p>The proposed development includes separate pedestrian entry from Burwood Road.</p> <p>The residential entry and building lobbies are clearly visible from Burwood Road.</p>						
<p><b>Bicycle parking</b></p> <ul style="list-style-type: none"> <li>1 visitor space per 10 dwellings.</li> <li>Development must incorporate the following elements into the design and location of bicycle parking:                             <ol style="list-style-type: none"> <li>all facilities are clearly visible and as close as possible to the main entrances/exits to the street and within the building;</li> <li>short-stay and visitor parking is at-grade and floor and wall-mounted rails are acceptable;</li> <li>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;</li> <li>bicycle facilities are not to hinder vehicle and pedestrian movements, or contribute to the likelihood of injury to passing pedestrians;</li> <li>access paths to bicycle parking are a minimum of 1.5m wide for one-way</li> </ol> </li> </ul>	<p>The proposed development includes bicycle storage cages for 145 bicycles for residents in the basement level and 15 visitor spaces within a bicycle shed at ground level which exceeds the DCP requirements.</p>						

Control	Consideration / comment
<p>access path to allow the passage of a pedestrian pushing a bicycle; and</p> <p>f) standardised information signs are to be used to give directions to bicycle parking areas.</p>	
<p><b>Basement parking</b></p> <ul style="list-style-type: none"> <li>• Provide ventilation to basement parking.</li> <li>• Vehicular access should be via secondary streets, rear lanes or internal driveways where possible.</li> <li>• Provide secure bicycle parking at basement level which is easily accessible from ground level, from apartments and other uses within the development.</li> </ul>	<p>The basement entry is located at the southern of Burwood Road to minimise any potential traffic impacts.</p> <p>Secure resident bicycle parking is provided in the basement.</p>

**Table 12: Consideration of Chapter 5 – Residential flat buildings (Former Canterbury LGA)**

Control	Consideration
<p><b>Section 5.2 – State Environmental Planning Policy (Housing) 2021 (Chapter 4) applications, three storeys or greater with four or more dwellings</b></p>	
<p><b>Minimum lot sizes and frontage</b></p> <ul style="list-style-type: none"> <li>• The minimum primary street frontage width for residential flat buildings four storeys or greater is 30m.</li> </ul>	<p>The site’s street frontage along Burwood Road and Lakemba Street both exceed 30m.</p>
<p><b>Open space</b></p> <p><i>Balconies</i></p> <ul style="list-style-type: none"> <li>• Refer to Section 4E Private Open Space and Balconies of the ADG.</li> </ul> <p><i>Communal open space</i></p> <ul style="list-style-type: none"> <li>• Minimum 25% communal open space</li> <li>• Communal open space may be provided on podiums, terraces, or in any deep-soil setback or separation between buildings</li> <li>• At least one side must have a minimum length of 6m</li> <li>• 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</li> <li>• Provide communal open space in locations that are sunny, and are adjacent to, as well as visible from, the main building lobby.</li> <li>• 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.</li> <li>• Screen walls surrounding any communal area are no higher than 1.2m, although screens with 50% transparency may be up to 1.8m high.</li> </ul>	<p>The proposed development achieves the minimum requirements for balconies in accordance with the ADG.</p> <p>The proposed development provides 36% of the site as communal open space, exceeding the ADG requirement of 25%.</p> <p>The proposed development achieves 22.5% deep soil, exceeding the recommended ADG provision of 7% deep soil.</p>

Control	Consideration												
<p><b>Setbacks</b> <i>Front, side and rear</i></p> <ul style="list-style-type: none"> <li>Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m</li> <li>Front and rear setback: Minimum 6m</li> <li>Side setback: Minimum 4m</li> <li>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:</li> </ul> <table border="1" data-bbox="178 696 748 857"> <thead> <tr> <th>Total Number of Storeys</th> <th>Podium Base Element</th> <th>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><small>Table 11: Upper storey setbacks</small></p> <ul style="list-style-type: none"> <li>Minimum deep soil area alongside boundaries of 2m wide and minimum of 5m wide along front and rear boundaries.</li> </ul>	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>The proposed development generally complies with the recommended building separation in the ADG for the side and rear setbacks. The side setbacks exceed 4m.</p> <p>The proposed development includes a predominate 6m front setback to Burwood Road and 6m landscaped setback to Lakemba Street consistent with the DCP.</p> <p>A setback of 3m is proposed at the corner of Burwood Road and Lakema Street to mark the corner as the gateway to the Belmore centre. This is consistent with Council advice and the recommended setbacks for high density residential in Council’s Lakemba and Belmore TOD Alternate proposal.</p>
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><b>Building depth</b></p> <ul style="list-style-type: none"> <li>Maximum of 25m or may be increased to 35m if facades incorporate deep soil courtyards that are: <ul style="list-style-type: none"> <li>Parallel to front or rear boundaries and deep soil setbacks can accommodate at least 3 major canopy trees, or</li> <li>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</li> </ul> </li> </ul>	<p>The proposed development includes two buildings with shared landscaped central communal space and building entry to reduce bulk and scale and break up the building.</p> <p>The proposal has been designed to maximise landscaping and deep soil. Deep soil is provided in all setbacks to accommodate significant landscaping and tree canopy cover of 34.5%.</p>												
<p><b>Building separation</b> Refer to Section 3F Visual Privacy of the ADG</p>	<p>Generally complies with recommended separation distances in the ADG and achieves the ADG objectives for visual privacy.</p> <p>Addressed in Section 6.2 of this EIS, and addressed in the Design Report and ADG assessment at Appendix D.</p>												
<p><b>Floor to ceiling heights</b> Refer to Section 4C Ceiling Heights of the ADG</p>	<p>Complies. Addressed in the Design Report and ADG assessment at Appendix D.</p>												
<p><b>Building entries</b></p> <ul style="list-style-type: none"> <li>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</li> <li>A minimum of one habitable room per dwelling must be oriented towards the street to promote positive social interaction and community safety.</li> </ul>	<p>The proposed development includes a generous entry from Burwood Road co-located with communal open space and the communal room to create an activated entry and central communal space.</p> <p>Apartments are designed to address the street and ground floor apartments provide terraces and balconies that overlook all street frontages and the communal open space along the western boundary.</p>												

Control	Consideration									
<ul style="list-style-type: none"> <li>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.</li> </ul>										
<p><b>Façade treatment</b></p> <ul style="list-style-type: none"> <li>Development on corner lots must address both street frontages through facade treatment and articulation of elevations</li> <li>Width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.</li> <li>The width of articulating panels shall be in accordance with the numerical requirements below:</li> </ul> <table border="1" data-bbox="172 831 794 949"> <thead> <tr> <th>Development Type</th> <th>Street Elevation Facades</th> <th>Side Elevation Facades</th> </tr> </thead> <tbody> <tr> <td>Residential Flat Buildings up to three storeys</td> <td>4m to 6m</td> <td>10m to 15m</td> </tr> <tr> <td>Residential Flat Buildings four storeys or greater</td> <td>6m to 8m</td> <td>10m to 15m</td> </tr> </tbody> </table> <p><small>Table 12: Articulating panels numerical requirements</small></p> <p><b>Pavilions</b></p> <ul style="list-style-type: none"> <li>Pavilion elements shall have a depth between 10-15m</li> <li>Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.</li> <li>Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.</li> <li>Residential flat buildings four or more storeys:             <ul style="list-style-type: none"> <li>(a) Facades should be layered and stepped in order to avoid building forms that are bland, bulky and over scaled.</li> <li>(b) Layering of facades should incorporate the base and upper storey elements.</li> <li>(c) Layering of facades should incorporate the base and upper storey elements.</li> </ul> </li> <li>(d) Stepping of facades should be provided by balconies, staggered alignments for exterior walls and by contrasting design elements.</li> </ul> <p><b>Blank walls</b></p> <ul style="list-style-type: none"> <li>Large areas of blank, minimally or poorly articulated walls are not acceptable.</li> <li>The maximum length of any blank wall must not exceed 5m.</li> <li>The maximum height of a blank wall must not exceed 3m.</li> </ul>	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	<p>The proposed development has been carefully designed to address the corner of Burwood Road and Lakemba Street as detailed in the Design Report at Appendix D.</p> <p>The proposed development provides a high level of articulation through architectural materials and treatment. Refer to the Architectural Plans at Appendix E.</p>
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								
<p><b>Solar access and overshadowing</b></p> <ul style="list-style-type: none"> <li>Refer to Section 4A Solar and Daylight Access of the ADG</li> </ul>	<p>The proposed development optimises solar access to apartments in accordance with the ADG.</p>									

Control	Consideration
<p><b>Solar access to neighbouring development</b></p> <ul style="list-style-type: none"> <li>• Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</li> <li>• 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.</li> <li>• Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: <ul style="list-style-type: none"> <li>- Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</li> <li>- If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight</li> </ul> </li> </ul>	<p>The proposed development does not result any overshadowing to the dwellings to the west after 1pm in mid-winter. This ensures a high level of amenity for surrounding dwellings with a minimum of 2hrs solar access maintained between 9am and 3pm mid-winter.</p>
<p><b>Acoustic privacy</b></p> <ul style="list-style-type: none"> <li>• Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.</li> <li>• Above ground access to new dwellings must not include communal balconies that would be located immediately next to a bedroom window.</li> <li>• 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.</li> <li>• Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.</li> <li>• Address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline (2008)' published by the NSW Department of Planning.</li> </ul>	<p>The proposal has been designed to minimise noise impacts and subject to standard acoustic treatments can comply with the relevant noise criteria, as outlined in the Noise Impact and Vibration Assessment at Appendix Q.</p>
<p><b>Building services</b></p> <ul style="list-style-type: none"> <li>• Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view.</li> <li>• Substations must not be located forward of the front building line.</li> <li>• New buildings must ensure: <ul style="list-style-type: none"> <li>- 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>- any redundant power poles are removed and replaced with underground supplied street lighting columns;</li> <li>- all works are carried out at the landowner's expense.</li> </ul> </li> </ul>	<p>The proposed development includes a kiosk substation within the front setback due to servicing and site requirements.</p> <p>The kiosk substation is screened with landscaping and integrated into the design of the building. The kiosk substation is appropriately screened with landscaping and will not result in any adverse streetscape impacts.</p> <p>Services are integrated into the design of the building. Refer to the Architectural Plans at Appendix E.</p>

**Table 13: Consideration of Chapter 9 – Livable Housing (Former Canterbury LGA)**

Control	Consideration
<p><b>Residential flat buildings and shop top housing</b></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"> <li>• a minimum 20% of new dwellings must achieve the Silver Standard; and</li> <li>• a minimum 20% of new dwellings must achieve the Gold Standard.</li> </ul> <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 Silver and Gold Level of the Liveable Housing Design Standards.</p>