

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

### **83-99 North Terrace and 62 The Mall, Bankstown**

Demolition of existing structures and construction of proposed mixed use development comprising of: Council administration building 4,426 square metres, ground and first floor retail and commercial premises of 7,054 square metres, and upper levels in four residential flat buildings containing 471 apartments, with car parking for 794 spaces and 2 lot stratum subdivision

**For:**

Fioson Pty Ltd

**Submitted to:**

Canterbury - Bankstown Council

**Date:**

September 2016

2016.0020

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## 1. INTRODUCTION

This report constitutes a Statement of Environmental Effects (SEE) accompanying a Development Application (DA) for:

Demolition of all existing structures and proposed mixed use redevelopment including:

- ground floor retail and commercial premises,
- first floor commercial premises,
- Council administration (cold shell) building,
- Four residential flat buildings containing 471 apartments,
- car parking for 803 spaces, and
- stratum subdivision into 2 lots.

This SEE report is submitted to:

Canterbury-Bankstown Council

Address of land affected:

83-99 North Terrace and 62 The Mall, Bankstown

This SEE has been prepared on behalf of the applicant Fioson Pty Ltd (Fioson) by Higgins Planning in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg.).

This SEE provides:

- A description of the site and locality;
- A description of the proposed development;
- An assessment of relevant environmental planning considerations under Section 79C of the EP&A Act including compliance with relevant planning instruments and controls, environmental impacts, site suitability and the public interest; and
- Conclusions on the environmental planning assessment and merits of the proposed development on which the application can be supported by Council and granted consent.

The team who prepared this DA include:

Role	Name
<b>Applicant</b>	Fioson Pty Ltd
<b>Design Architects</b>	h3
<b>Design Architects</b>	Nettleton Tribe
<b>Urban Design</b>	GMU
<b>Traffic and Transport Assessment</b>	Traffix
<b>Civil Design and sewer diversion</b>	Wood & Grieve Engineers
<b>Flood Mitigation Design and Reporting</b>	Lyall & Associates
<b>Flood Peer Review</b>	Drew Bewsher Consulting
<b>Landscape Concept and Public Domain Design</b>	LSA Design
<b>Acoustic Assessment</b>	SLR
<b>Urban Planning</b>	Higgins Planning
<b>Voluntary Planning Agreement and Legal Documents</b>	Corrs Chambers Westgarth
<b>Quantity Surveyors</b>	Napier & Blakeley
<b>BCA</b>	McKenzie
<b>Aeronautical Assessment</b>	Ambigji
<b>Access</b>	Accessible Building Solutions
<b>Geotechnical Investigations</b>	J K Geotechnics
<b>Contamination Investigations</b>	Environmental Investigation Services
<b>BASIX</b>	Wood & Grieve Engineers
<b>Wind Assessment</b>	CPP
<b>Waste Assessment</b>	Waste Audit
<b>Arborist Assessment</b>	The Ents Tree Consultancy

## 2. THE SITE

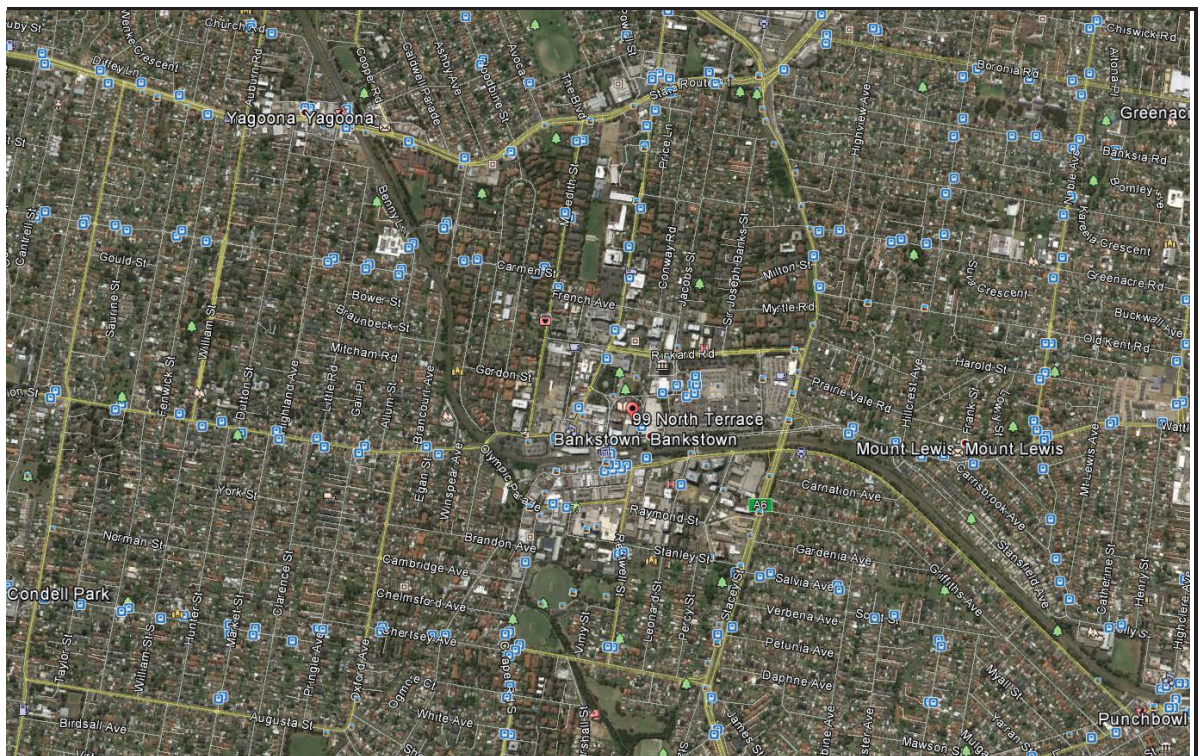
### 2.1 LOCATION AND CONTEXT

The subject site is located at 83-99 North Terrace and 62 The Mall, Bankstown, within the Canterbury-Bankstown local government area (LGA).

The subject site is approximately 30 kilometres south-west of Sydney's Central Business District (CBD). Neighbouring suburbs of Bankstown include Yagoona and Potts Hill to the north, Condell Park to the west, Beverly Hills, Riverwood and Padstow to the south, and Punchbowl, Lakemba and Mt Lewis to the east.

The subject site is located some 70m in close proximity to Bankstown Railway Station and is within the Bankstown city centre. As such, the locality is characterised by a mix of civic, residential and commercial uses.

The location of the site is shown in **Figure 1** and **Figure 2** below.



**Figure 1:** Site aerial context (site identified by red dot and 99 North Terrace).

Source: Google Earth





**Figure 2: Site detail aerial (site identified by red outline)**

Source: SIX Maps



**Figure 3: Site cadastral (site identified by red outline)**

Source: SIX Maps

## 2.2 LEGAL DESCRIPTION

The subject site has an overall site area of approximately 10,122 square metres. This consists of the land owned by Fioson having an area of 8,173 square metres and the land owned by Council having an area of 1,949 square metres.



The overall site is made up of a number of allotments of land, which can be legally described in Table 1 as follows:

**Table 1 – Summary of allotments and ownership**

Address	Lot	DP	Ownership (at time of lodgement)
83-99 North Terrace, Bankstown	15	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	16	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	17	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	18B	412699	Fioson Pty Ltd
83-99 North Terrace, Bankstown	19	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	20	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	21	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	22	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	23	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	24	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	27	5541	Fioson Pty Ltd
83-99 North Terrace, Bankstown	1	507818	Fioson Pty Ltd
83 – 99 North Terrace, Bankstown	1	207810	Fioson Pty Ltd
62 The Mall, Bankstown - Old Library site and Phil Engisch Reserve	9	777510	Bankstown-Canterbury Council

A cadastral map extract of the site can be viewed at **Figure 3** above. An overall site survey by Linkers and an updated survey of Fetherstone Street and The Mall road and footpath areas by Higgins Surveyors are included at **Appendix A**.

**Photos 1 – 16** below demonstrate the existing development on the subject site and in immediate vicinity of the site in Bankstown.



**Photo 1:** View of existing site development Old Library at The Mall.



**Photo 2:** View of existing development Compass Centre at The Appian Way.



**Photo 3:** View of existing Compass Centre buildings at North Terrace.



**Photo 4:** View of existing Compass Centre buildings on Fetherstone Street.



**Photo 5:** View of existing Old Library building at Fetherstone Street frontage and exit driveway from at-grade parking to Compass Centre.



**Photo 6:** View of existing 6 level Compass Centre office building and 10 level mixed use building from corner of North Terrace and The Appian Way.



**Photo 7:** View of existing 10 level mixed use building at 3-7 Fetherstone Street.



**Photo 8:** View of raised pedestrian crossing at the corner of The Mall and Fetherstone Street to Bankstown Library.





**Photo 9:** View of Paul Keating Park opposite the site at The Mall frontage.



**Photo 10:** View of park area adjacent to Bankstown local courts opposite site at corner of Fethestone Street and The Mall.



**Photo 11:** View of building in which Canterbury Bankstown Council administrative services are currently located.



**Photo 12:** View of pedestrian entry to Bankstown Central shopping centre from The Appian Way.



**Photo 13:** View of Swane Reserve opposite site adjacent to Railway Corridor on North Terrace.



**Photo 14:** View of pedestrian entry pathway to Bankstown Railway Station diagonally opposite site at corner of North Terrace with Fetherstone Street.



**Photo 15:** View of development opposite site at corner of Fetherstone Street with North Terrace.



**Photo 16:** View of existing development opposite site in Fetherstone Street.

### 2.3 OTHER SURROUNDING DEVELOPMENT

The land to the east of the site fronting The Appian Way has been developed for a shopping centre known as Bankstown Central.

Land to the immediate west of the site fronting Fetherstone Street has been developed for traditional shop-top housing and commercial premises generally over 2/3 storeys which would be over 50 years old with small/modest floor plates.

To the immediate north of the subject site is land known as Paul Keating Park and Bankstown Library.

South of this site is the Bankstown Railway Line which runs east/west along the southern side of Swane Reserve on the southern side of North Terrace, with Bankstown Railway Station located to the south-west 70m of the site.



### **3. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

#### **3.1 OVERVIEW OF MIXED USE REDEVELOPMENT PROPOSAL**

The proposal involves a mixed use redevelopment including a new Council administrative services cold shell building (civic building) of 4,426 square metres, ground floor and first floor commercial premises of some 7,054 square metres and upper levels in four residential flat buildings containing 471 apartments with car parking for 794 spaces, and stratum subdivision into 2 lots.

The proposal can be described in detail as comprising:

- Demolition of all existing buildings and structures;
- Removal of all existing trees;
- Bulk earthworks and excavation for 2 basement car parking levels;
- Construction of Basement level 2 has been designed to accommodate 308 residential car parking spaces with storage associated with apartments, inclusive of visitor and disabled parking spaces, and a car wash bay and this level is accessed via the entry/exit ramps from Fetherstone Street. In addition, a number of storage cages are also proposed on this level. Access to each residential apartment building is available from basement level 2. The basement 2 access from within basement level 1 to the residential car parking area will include provision of a roller shutter door which will be capable of access only by residents of the apartment buildings;
- Construction of Basement Level 1. Basement level 1 has been designed to accommodate the loading dock facilities with access from The Appian Way for trucks and vehicles. The loading dock access from The Appian Way will include provision of a roller shutter door which will be closed when the loading dock operational hours cease, this access driveway also includes provision of a 150mm speed hump adjacent to the proposed site boundary within the site and a flood gate at the top of this access driveway to prevent water at the 1:100 year ARI. The loading dock area includes access for trucks which will service the site include waste management services along with garbage waste rooms for each of the residential apartment buildings, a bin holding area, waste storage areas for the non-residential components of the mixed use redevelopment various storage and plant areas.

Access from Basement level 1 to the ground floor retail level is available via two lifts and escalators

Car access to Basement Level 1 is proposed from Fetherstone Street to a total of 169 retail and commercial car parking spaces inclusive of 5 disabled parking spaces, 3 motorcycle spaces and 32 bicycle rails.

Basement entry and exit points to The Appian Way and Fetherstone Street car parking levels access will include the installation of a number plate recognition controlled access car parking system. The basement access from Fetherstone Street will include provision of a roller shutter door which will be closed when the trading hours of the commercial centre cease;

- Construction of Public Domain Improvement Works around the perimeter of the site with widened footpath areas to be dedicated to Council, lighting, street furniture, street tree plantings, new kerbs, replaced and new driveway accesses, new stormwater infrastructure, new flood mitigation infrastructure, new and replaced footpath areas and road areas, and public art. Details of which have been designed in accordance with Council's specifications to a standard as implemented already in Fetherstone Street as shown in the Public Domain Landscape Plans prepared by LSA Design and Public Domain Civil Plans including flood management and mitigation measures prepared by Lyall & Associates. These public domain improvement works associated with the roadways, footpath areas and flood mitigation measures form part of the applicant's Voluntary Planning Agreement Offer (VPA Offer);
- Construction of a Podium Base for the building occupying the entire ground floor and first floor levels (except for residential lift lobbies, car parking, driveways and new infrastructure/services), built to each of the street frontages for commercial premises gross floor area of some 7,054 square metres inclusive of crime prevention measures;
- Provision at the ground floor level of a thru-site link to enable pedestrians to traverse through the commercial premises from North Terrace northwards to The Mall and at a mid-way point along the thru-site link, access to the east to The Appian Way at the location of the existing traffic signalised pedestrian crossing. The thru-site link will be open to the public only during the trading hours of the new commercial centre between the hours of 6.00am and midnight daily except when retail trading is not permitted by State laws. The access to the internal mall component of the thru-site link will have roller shutter doors to each entry to prevent access after the trading hours of the centre have ceased;
- Provision of 109 commercial car parking spaces of which 86 car parking spaces will be available for exclusive use by Council within a stratum lot, and outside of Council usage hours these spaces, will be available for all users of the commercial component of the mixed use redevelopment to be located at Level 1 with access and egress via the up ramp from Fetherstone Street, inclusive of disabled car parking spaces and motorcycle parking spaces. Entry and exit points to the upper level commercial parking spaces from Fetherstone Street will include the installation of a number plate recognition controlled access car parking system along with a roller shutter door which will close when the centre is not operational;

- Provision of 208 residential car parking spaces to be located at the second and third floor level with access and egress via the up ramp from Fetherstone Street inclusive of disabled car parking spaces and motorcycle parking spaces and storage for residential apartment owners. The upper levels of residential car parking, levels 2 and 3 can be accessed from level 1 and will include provision of a roller shutter door which will be capable of access only by residents of the building;
- Construction of 4 residential apartment buildings above level 1 of the podium, labelled as Building A – North-west corner, Building B – North-east corner, Building C – South-east corner and Building D – South-west corner. The residential flat building components of the mixed use redevelopment are proposed to consist of units as detailed in Table 2 below:

**Table 2 – Numerical overview of the dwelling mix and numbers**

Building	Dwelling Numbers & Mix	Total Residential GFA per Building (m2)
<b>A</b>	0 x 1 bedroom	6,635
	0 x 1 bedroom plus study	
	48 x 2 bedroom	
	15 x 3 bedroom	
	9 x 4 bedroom	
<b>B</b>	69 x 1 bedroom	12,111
	0 x 1 bedroom plus study	
	77 x 2 bedroom	
	7 x 3 bedroom	
	1 x 4 bedroom	
<b>C</b>	39 x 1 bedroom	9,430
	1 x 1 bedroom plus study	
	70 x 2 bedroom	
	4 x 3 bedroom	
	2 x 4 bedroom	
<b>D</b>	12 x 1 bedroom	10,954

Building	Dwelling Numbers & Mix	Total Residential GFA per Building (m2)
	24 x 1 bedroom plus study	
	90 x 2 bedroom	
	1 x 3 bedroom	
	2 x 4 bedroom	

- Landscaping;
- Council administration cold shell building being 4,350 square metres gross floor area (GFA) of office administration over ground floor level being 350 square metres GFA, level 1 with 1,340 square metres GFA, level 2 with 1,330 square metres GFA, and level 4 with 1,330 square metres, 46 square metres of end of journey trip facilities (the end of journey trip facilities consist of 3 toilets, 3 showers, 0 lockers), and storage room of 30 square metres. These works form part of the applicant's VPA Offer; and
- Stratum Subdivision to create 2 lots, proposed stratum lot 1 to contain the Council administration cold shell building, end of trip facilities, storage and level 1 car parking, and proposed stratum lot 2 to contain the remainder of the redevelopment.

Detailed architectural drawings of the proposed redevelopment are included at **Appendix B**.

Detailed architectural drawings, landscape drawings, public domain drawings, and engineering drawings prepared for the proposed redevelopment include the information detailed in Table 3 below:

**Table 3 – Drawing Summary**

DRAWING NUMBER	DESCRIPTION	AUTHOR
DA 0.01	COVER SHEET	H3 AND NETTLETON TRIBE
DA 0.02	LOCATION PLAN	H3 AND NETTLETON TRIBE
DA 0.03	SITE PLAN	H3 AND NETTLETON TRIBE
DA 0.04	SITE ANALYSIS	H3 AND NETTLETON TRIBE
DA 0.05	COMPLIANCE SUMMARY	H3 AND NETTLETON TRIBE
DA 1.01	BASEMENT 02	H3 AND NETTLETON TRIBE
DA 1.02	BASEMENT 01	H3 AND NETTLETON TRIBE



DRAWING NUMBER	DESCRIPTION	AUTHOR
DA 1.03	GROUND FLOOR	H3 AND NETTLETON TRIBE
DA 1.04	LEVEL 1	H3 AND NETTLETON TRIBE
DA 1.05	LEVEL 2	H3 AND NETTLETON TRIBE
DA 1.06	LEVEL 3	H3 AND NETTLETON TRIBE
DA 1.07	LEVEL 4	H3 AND NETTLETON TRIBE
DA 1.08	LEVEL 5	H3 AND NETTLETON TRIBE
DA 1.09	LEVEL 6	H3 AND NETTLETON TRIBE
DA 1.10	LEVEL 7	H3 AND NETTLETON TRIBE
DA 1.11	LEVEL 8	H3 AND NETTLETON TRIBE
DA 1.12	LEVEL 9	H3 AND NETTLETON TRIBE
DA 1.13	LEVEL 10	H3 AND NETTLETON TRIBE
DA 1.14	LEVEL 11	H3 AND NETTLETON TRIBE
DA 1.15	LEVEL 12	H3 AND NETTLETON TRIBE
DA 1.16	LEVEL 13	H3 AND NETTLETON TRIBE
DA 1.17	LEVEL 14	H3 AND NETTLETON TRIBE
DA 1.18	LEVEL 15	H3 AND NETTLETON TRIBE
DA 1.19	LEVEL 16	H3 AND NETTLETON TRIBE
DA 1.20	LEVEL 17	H3 AND NETTLETON TRIBE
DA 1.21	LEVEL 18	H3 AND NETTLETON TRIBE
DA 1.22	LEVEL 19	H3 AND NETTLETON TRIBE
DA 1.23	LEVEL 20	H3 AND NETTLETON TRIBE
DA 1.24	LEVEL 21	H3 AND NETTLETON TRIBE
DA 1.25	LEVEL 22	H3 AND NETTLETON TRIBE

DRAWING NUMBER	DESCRIPTION	AUTHOR
DA 1.26	LEVEL 23	H3 AND NETTLETON TRIBE
DA 1.27	LEVEL 24	H3 AND NETTLETON TRIBE
DA 1.28	ROOF PLAN	H3 AND NETTLETON TRIBE
DA 2.01	NORTH ELEVATION	H3 AND NETTLETON TRIBE
DA 2.02	EAST ELEVATION	H3 AND NETTLETON TRIBE
DA 2.03	SOUTH ELEVATION	H3 AND NETTLETON TRIBE
DA 2.04	WEST ELEVATION	H3 AND NETTLETON TRIBE
DA 3.01	SECTION A	H3 AND NETTLETON TRIBE
DA 3.02	SECTION B	H3 AND NETTLETON TRIBE
DA 3.03	SECTION C	H3 AND NETTLETON TRIBE
DA 3.04	SECTION D	H3 AND NETTLETON TRIBE
DA 3.05	SECTION E	H3 AND NETTLETON TRIBE
DA 3.06	SECTION F	H3 AND NETTLETON TRIBE
DA 4.01	TYPICAL ADAPTABLE/UNIVERSAL APARTMENT	H3 AND NETTLETON TRIBE
DA 4.02	APARTMENT UNIT LAYOUT – 1	H3 AND NETTLETON TRIBE
DA 4.03	APARTMENT UNIT LAYOUT – 2	H3 AND NETTLETON TRIBE
DA 4.04	APARTMENT UNIT LAYOUT – 3	H3 AND NETTLETON TRIBE
DA 4.05	TYPICAL FLOOR PLAN - BLOCK A	H3 AND NETTLETON TRIBE
DA 4.06	TYPICAL FLOOR PLAN - BLOCK B	H3 AND NETTLETON TRIBE
DA 4.07	TYPICAL FLOOR PLAN - BLOCK C	H3 AND NETTLETON TRIBE
DA 4.08	TYPICAL FLOOR PLAN - BLOCK D	H3 AND NETTLETON TRIBE
DA 5.01	RETAIL & COMMERCIAL GFA DIAGRAM	H3 AND NETTLETON TRIBE

DRAWING NUMBER	DESCRIPTION	AUTHOR
<b>DA 5.02</b>	RESIDENTIAL GFA DIAGRAM LEVELS 02-05	H3 AND NETTLETON TRIBE
<b>DA 5.03</b>	RESIDENTIAL GFA DIAGRAM LEVELS 06-09	H3 AND NETTLETON TRIBE
<b>DA 5.04</b>	RESIDENTIAL GFA DIAGRAM LEVELS 10-13	H3 AND NETTLETON TRIBE
<b>DA 5.05</b>	RESIDENTIAL GFA DIAGRAM LEVELS 14-17	H3 AND NETTLETON TRIBE
<b>DA 5.06</b>	RESIDENTIAL GFA DIAGRAM LEVELS 18-21	H3 AND NETTLETON TRIBE
<b>DA 5.07</b>	RESIDENTIAL GFA DIAGRAM LEVELS 22-23	H3 AND NETTLETON TRIBE
<b>DA 6.01</b>	SOLAR ACCESS DIAGRAM LEVEL 02-05	H3 AND NETTLETON TRIBE
<b>DA 6.02</b>	SOLAR ACCESS DIAGRAM LEVEL 06-09	H3 AND NETTLETON TRIBE
<b>DA 6.03</b>	SOLAR ACCESS DIAGRAM LEVEL 10-13	H3 AND NETTLETON TRIBE
<b>DA 6.04</b>	SOLAR ACCESS DIAGRAM LEVEL 14-17	H3 AND NETTLETON TRIBE
<b>DA 6.05</b>	SOLAR ACCESS DIAGRAM LEVEL 18-21	H3 AND NETTLETON TRIBE
<b>DA 6.06</b>	SOLAR ACCESS DIAGRAM LEVEL 22-23	H3 AND NETTLETON TRIBE
<b>DA 7.01</b>	CROSS VENTILATION LEVEL 02-05	H3 AND NETTLETON TRIBE
<b>DA 7.02</b>	CROSS VENTILATION LEVEL 06-09	H3 AND NETTLETON TRIBE
<b>DA 8.01</b>	SHADOW DIAGRAMS -JUNE 21 9AM – 1PM	H3 AND NETTLETON TRIBE
<b>DA 8.02</b>	SHADOW DIAGRAMS -JUNE 21 2PM - 3PM	H3 AND NETTLETON TRIBE
<b>DA 8.03</b>	ADJACENT BUILDING SHADOW DIAGRAM 01	H3 AND NETTLETON TRIBE
<b>DA 8.04</b>	ADJACENT BUILDING SHADOW DIAGRAM 02	H3 AND NETTLETON TRIBE
<b>DA 8.05</b>	ADJACENT BUILDING SHADOW DIAGRAM 03	H3 AND NETTLETON TRIBE
<b>DA 9.01</b>	PROPOSED FSR LIMIT/ LEP HEIGHT PLANE	H3 AND NETTLETON TRIBE
<b>DA 9.02</b>	BUILDING HEIGHTS PLAN	H3 AND NETTLETON TRIBE

DRAWING NUMBER	DESCRIPTION	AUTHOR
DA 9.03	BUILDING HEIGHTS- NORTH ELEVATION	H3 AND NETTLETON TRIBE
DA 9.04	BUILDING HEIGHTS- EAST ELEVATION	H3 AND NETTLETON TRIBE
DA 9.05	BUILDING HEIGHTS- SOUTH ELEVATION	H3 AND NETTLETON TRIBE
DA 9.06	BUILDING HEIGHTS- WEST ELEVATION	H3 AND NETTLETON TRIBE
DA 10.1	COMMUNAL OPEN SPACE	H3 AND NETTLETON TRIBE
DA 10.2	EXCAVATION PLAN	H3 AND NETTLETON TRIBE
DA 10.3	EXCAVATION SECTION	H3 AND NETTLETON TRIBE
DA 11.01	NORTHERN FORECOURT EXTERNAL	H3 AND NETTLETON TRIBE
DA 11.02	NORTHERN FORECOURT INTERNAL	H3 AND NETTLETON TRIBE
DA 11.03	SOUTHERN FORECOURT EXTERNAL	H3 AND NETTLETON TRIBE
DA 12.01	3D VIEW 1	H3 AND NETTLETON TRIBE
DA 12.02	3D VIEW 2	H3 AND NETTLETON TRIBE
DA 12.03	3D VIEW 3	H3 AND NETTLETON TRIBE
DA 12.04	3D VIEW 4	H3 AND NETTLETON TRIBE
DA L 0001	COVER SHEET AND LANDSCAPE NOTES	LSA DESIGN
DA L 0002	GROUND FLOOR PUBLIC DOMAIN PLAN	LSA DESIGN
DA L 0003	GROUND FLOOR PUBLIC DOMAIN SECTIONS	LSA DESIGN
DA L 0004	GROUND FLOOR INDICATIVE IMAGES/PLANT SCHEDULE	LSA DESIGN
DA L 0005	LEVEL 04 COMMUNAL GARDEN LANDSCAPE CONCEPT PLAN	LSA DESIGN
DA L 0006	LEVELS 02 + 10 COMMUNAL GARDEN LANDSCAPE CONCEPT PLAN	LSA DESIGN

DRAWING NUMBER	DESCRIPTION	AUTHOR
<b>DA L 0007</b>	LEVELS 02, 18 + 24 COMMUNAL GARDEN LANDSCAPE CONCEPT PLAN	LSA DESIGN
<b>DA L 0008</b>	COMMUNAL GARDEN SECTIONS	LSA DESIGN
<b>DA L 0009</b>	COMMUNAL GARDEN INDICATIVE IMAGES/PLANT SCHEDULE	LSA DESIGN
<b>DA L 0010</b>	COMMUNAL GARDEN INDICATIVE PERSPECTIVES 1 OF 2	LSA DESIGN
<b>DA L 0011</b>	COMMUNAL GARDEN INDICATIVE PERSPECTIVES 2 OF 2	LSA DESIGN
<b>C SK001</b>	STREET BOUNDARY DESIGN LEVELS	WOOD & GRIEVE ENGINEERS
<b>28397-SYD- C001</b>	COVER SHEET, LOCALITY PLAN AND DRAWING LIST	WOOD & GRIEVE ENGINEERS
<b>28397-SYD- C101</b>	CIVIL SERVICES – PODIUM LEVEL DESIGN PLAN	WOOD & GRIEVE ENGINEERS
<b>28397-SYD- C102</b>	CIVIL SERVICES – GROUND FLOOR DESIGN PLAN	WOOD & GRIEVE ENGINEERS
<b>28397-SYD- C103</b>	CIVIL SERVICES – BASEMENT LEVEL 1 DESIGN PLAN	WOOD & GRIEVE ENGINEERS
<b>28397-SYD- C151</b>	CIVIL SERVICES – SEDIMENTATION AND EROSION CONTROL PLAN	WOOD & GRIEVE ENGINEERS
<b>28397-SYD- C152</b>	CIVIL SERVICES – SEDIMENTATION AND EROSION CONTROL DETAILS	WOOD & GRIEVE ENGINEERS
<b>29397-SYD- C104</b>	CIVIL SERVICES – CONCEPT STORMWATER MANAGEMENT PLAN OSD	WOOD & GRIEVE ENGINEERS
<b>Sketch</b>	SEWER DIVERSION PLAN	WOOD & GRIEVE ENGINEERS
<b>ED405 – C01</b>	GENERAL ARRANGEMENT PLAN	LYALL & ASSOCIATES
<b>ED405 – C02</b>	LAYOUT OF FLOOD STORAGE TANK	LYALL & ASSOCIATES
<b>ED405 - C03</b>	SECTIONS AND ELEVATION	LYALL & ASSOCIATES

DRAWING NUMBER	DESCRIPTION	AUTHOR
ED405 – C04	700 HIGH VERTICAL GRATE ARRANGEMENT DETAILS	LYALL & ASSOCIATES
ED405 – C05	FLOOD STORAGE TANK ACCESS HATCH DETAILS SHEET 1 OF 2	LYALL & ASSOCIATES
ED405 – C06	FLOOD STORAGE TANK ACCESS HATCH DETAILS SHEET 2 OF 2	LYALL & ASSOCIATES

A numerical overview of the proposed mixed use redevelopment is shown in **Table 4** below.

**Table 4 – Numerical overview of the proposed redevelopment**

Component	Proposed Redevelopment
<b>Total Site area</b>	10,122m <sup>2</sup>
<b>Total GFA</b>	Council – 4,426m <sup>2</sup> Retail – 5,020m <sup>2</sup> Commercial – 2,034m <sup>2</sup> Residential – 39,130m <sup>2</sup> Total - 50,610m <sup>2</sup>
<b>Total FSR</b>	5.0:1
<b>Building Height</b>	Building A – RL91.50 to top of plant roof or 68.0m maximum Height of Building measured to existing ground - 19 storeys. Building B – RL106.0 to top of plant roof or 83m maximum Height of Building measured to existing ground - 24 storeys. Building C – RL90.50 to top of plant roof or 69.02m maximum Height of Building measured to existing ground - 19 storeys. Building D - RL96.7 to top of plant roof or 70.74m maximum Height of Building measured to existing ground – 21 storeys.
<b>Landscaped common open space</b>	Podium level and rooftop terraces 39.2% or 3,968m <sup>2</sup> Deep soil zone N/A

Component	Proposed Redevelopment
<b>No. of car parking spaces</b>	86 - Council
	132 - Retail
	60 - commercial
	120 - 1 bedroom
	25 – 1 bedroom plus study
	285 – 2 bedroom516 residential car spaces
	27 – 3 bedroom
	14 – 4 bedroom
	45 visitor
	794 total car spaces

### 3.2 DEMOLITION

The demolition of existing site structures will be carried out in accordance with Australian Standard AS 2601 – 2001 The Demolition of Structures.

### 3.3 LANDSCAPE CONCEPT AND PUBLIC DOMAIN IMPROVEMENTS

A landscape concept plan is detailed in Table 3. As shown on the landscape plan the proposed redevelopment involves the following landscaping in the form of trees, shrubs and ground cover within the common open space areas on the podium level which also makes provision for recreation facilities and meeting spaces, along with landscaped roof terraces.

Detailed landscape concept and public domain drawings of the proposed redevelopment are included at **Appendix I**.

The public domain improvements seeks to create a harmonious, accessible and visually appealing renewed public domain environments as demonstrated in the following rendered imagery:





**Figure 4:** Computer Rendered image of Northern forecourt.

**Source:** h3 Architects



**Figure 5:** Computer Rendered image of Northern façade to Building A and Council civic building viewed from Paul Keating Park.

**Source:** h3 Architects



### **3.4 STORMWATER MANAGEMENT**

The existing site development has an existing stormwater management connections which exist beyond the boundary of the site within each street frontage, which subsequently connects to line of pipes which runs towards The Appian Way.

The proposal seeks to manage the runoff so as to be equivalent flow and rate to the connect at the site boundary via the existing line of pipe that connects with the drainage pit located within North Terrace and The Appian Way with the use of OSD and GPT as required by Council. As such, the proposed redevelopment can manage its stormwater in a similar manner as that is required as a result of this application. Refer to the stormwater management drawings detailed in table 3.

Detailed civil engineering drawings of the proposed redevelopment are included at **Appendix S**.

Detailed flood mitigation measures and design drawings of the proposed redevelopment are included at **Appendix R**.

### **3.5 ACCESS AND PARKING**

#### **3.5.1 Pedestrian and disabled access**

Access into each frontage of the site has been designed into the ground floor retail shops proposed along each frontage to comply with disabled access requirements. The site has a relatively flat and even grade along its Fetherstone Street frontage. The site has a significant grade running from a high point at the corner of Fetherstone Street with North Terrace (RL25.95), down along the North Terrace frontage to the corner of The Appian Way with North Terrace (RL21.56) in the order of 4.39m which is equivalent to the full height of the ground floor level being 6m internally.

Given the proposal occupies the entire site except for 3-7 Fetherstone Street, the ground floor retail finished floor level has been designed to seek a balance between the site topography being its highest along Fetherstone Street and lowest along The Appian Way. More importantly the finished floor level determined for the ground floor level has had to respond to the maximum probable flood level and add an additional 500mm freeboard. Therefore, the finished floor level at the ground floor is RL23.80. This is also a mid-point of the existing footpath levels along North Terrace (as detailed above). Importantly the floor level of the shops along The Appian Way are designed to comply and be above with the flood planning level and its required freeboard as required by Bankstown Local Environmental Plan 2015 and the associated provisions of the Bankstown Development Control Plan while at the same time providing for appropriate street activation, and as a compromise to ensure the building is flood protected the shops between the entry to the ground floor retail from The Appian Way and the residential lobby of Building C cannot be designed at the street edge as this an existing flood prone area.

Pedestrian and disabled access is provided via defined pathways with ramp entries into the proposed ground floor retail commercial premises including North Terrace, The Appian Way and The Mall frontages. A lobby area for each of the residential apartment buildings have been defined separately from the retail access points off The Mall to Building A, off The Appian Way to Building B, off The Appian Way to Building C, and off North Terrace to Building D to the platform lift, to lift lobbies with 2 lifts per core and corridors through to the different levels of each building as shown in the architectural drawings included at **Appendix B**. An Accessibility Report is also included at **Appendix Q** which outlines measures to be incorporated into the proposed development to ensure functional and equitable access for all consumers, residents and visitors.

### **3.5.2 Vehicle access**

It was decided very early in the design development of the project that no vehicular access driveways would be proposed from The Mall frontage so as to protect this frontage for a zone likely to generate a high volume of pedestrian movements, to “showcase” the active street frontages leading to both the Northern Forecourt food and dining precinct and in particular the civic function of the Council building frontage.

Further, it was also decided that due to the significant grade change along the North Terrace frontage and it being a natural path of pedestrian travel currently which will be maintained, as such no vehicular access is proposed from this frontage.

A driveway off Fetherstone Street is proposed to provide two-way entry and exit access to the basement parking levels (basement level 1 for non-residential parking and basement level 2 for residential parking) in the proposed development. Vehicle access from the street to the basement car parking levels are provided by a ramp which is accessed from the driveway located off Fetherstone Street. The location of this driveway provides for suitable sight distances along Fetherstone Street, can include a signal system for enhancing pedestrian safety and signage to drivers exiting the ramp, and has been positioned so as cars exiting the building do not exit into the flood hazard in The Appian Way.

In addition, a second driveway off Fetherstone Street is proposed to provide two-way entry and exit access to the car parking proposed at levels 1, 2 and 3 parking for both retail and residents. The location of this driveway is similar to the existing driveway in Fetherstone Street, provides for suitable sight distances along Fetherstone Street, can include a signal system for enhancing pedestrian safety and signage to drivers exiting the ramp, and has been positioned so as cars exiting the building do not exit into the flood hazard in The Appian Way.

A loading dock driveway entry and exit is proposed from The Appian Way and includes flood mitigation measures for trucks, Ute, vans and other commercial delivery vehicles servicing the site. The gradient has been designed to the inclines which permit a large ridge truck and garbage trucks.

The design includes grade separation between truck and car, and disperses movements and traffic generation with the use of more than just one entry and exit point so as to ensure the smooth flow of traffic both within the site and around the local street network of the site.

A Transport Impact Statement has been prepared by Traffix and is included at **Appendix F** of this SEE report, which has assessed the car parking design as being compliant with the Australian Standard along with swept paths as complying, and traffic impact assessment as being satisfactory without resulting in significant adverse impacts which warrant refusal of the application in its current form.

### **3.5.3 Car parking**

As described previously, the proposed development includes two basement levels of parking and parking on levels 1, 2 and 3 as shown in **Appendix B**.

## **3.6 UTILITY SERVICES**

All existing site development have connections to all utility services, and the proposed mixed use redevelopment includes reconnections to existing utility services infrastructure available on the subject site including water, sewer, gas, electricity and telecommunications. The proposal requires as a result of very early consultation with the electricity provider the replacement of existing substations on the site along with the provision of additional substations. The design and location of the substations have been dictated by the electricity provider and have been designed to comply with their requirements.

The proposal requires the diversion of the existing sewer main which runs through the site and this is shown in the drawing included in Table 3.

In addition, the proposal requires the diversion of the existing sewer main which runs through the site and this is shown in the drawing included at **Appendix N**.

## **3.7 SITE MANAGEMENT**

The mixed use redevelopment will be subject to an initial stratum subdivision to create the Council administration cold shell building in proposed stratum lot 1 and the remainder of the mixed use redevelopment will be in proposed stratum lot 2. Refer to **Appendix Y**. The future stratum subdivision of proposed lot 2 will be subject to future development application/s. The stratum subdivisions will require various building management statements to specify responsibilities for building management and maintenance. Then each of the residential apartment buildings will be subject to separate strata subdivision plans.

A strata management scheme can be implemented as part of a future strata subdivision to establish management responsibilities for the site including common areas, and separation of the retail components from the residential components such as garbage room via a stratum subdivision.

The non-residential components of the mixed use redevelopment will also have a building manager. The non-retail components of the proposed mixed use redevelopment will operate as part of the “retail centre” which seek to trade and operate between the hours of 6am and midnight daily except for public holidays which have restricted trading under NSW laws. The loading dock is located underneath the building within a wholly enclosed basement level 1, which will enable noise to be contained and mitigate impacts of residential levels above level 1. As such, because of the

various uses with the mixed use redevelopment and the need to stagger users of the loading dock as part of the future site management, the hours of operation of the loading dock need to reflect the same trading hours of the retail centre being 6am and midnight daily except public holidays which restrict trading under NSW laws.

### **3.7.1 Waste management**

Four garbage rooms are proposed within basement level 1, being one for each apartment building. In addition a separate holding room to enable access by Council contractors while separate area for commercial waste and recycling are proposed for the retail tenancies as shown in the appended architectural drawings.

Building occupants will be responsible for transferring waste from individual residential and retail units to ground floor waste storage rooms. The strata corporations established for the scheme may wish to appoint a building manager/s who would be responsible for transferring bins from the waste management room to the bin holding room which can be accessed from the public road area located adjacent to loading dock. A waste management plan is included at **Appendix G**.

### **3.7.2 Security and access control**

The proposed development will be fitted with access controls including secure doors with key access at pedestrian and disabled access points, and vehicle driveway roller door and loading bay access points.

An Accessibility Report is included at **Appendix Q**.

## **3.8 DESIGN STATEMENT**

A design statement has been prepared by h3 Architects and Nettleton Tribe as the architects for the project. This design statement is included at **Appendix D** of this SEE report. In addition a façade design statement has been prepared by Nettleton Tribe which can be found at **Appendix C**.

The location and design includes lift access from the ground floor level to each residential level and basement level 2 of the proposed development with pedestrian accesses from The Mall, The Appian Way and North Terrace. The design includes an active frontage to each of the sites street frontages while also accommodating appropriate sight distances for pedestrian safety considerations as detailed in the traffic report for the driveways to Fetherstone Street and The Appian Way.

## **3.9 BUILDING HEIGHT**

The proposed development has a maximum height of 83 metres, based on the maximum RL of building B at 106, as shown on the architectural drawings included at **Appendix B**.

## **3.10 MULTIPLE CONSTRUCTION CERTIFICATES AND OCCUPATION CERTIFICATES**

The applicant intends to stage construction works due to the scale of the development and to enable each building to be developed at each street frontage. The applicant does not seek a staged development approval under Section 83B of the EP&A Act. Therefore, to enable flexibility

associated with the construction management, the applicant requests Council consider the wording of conditions required to be satisfied prior to and at the construction certificate stage to enable the issue of multiple construction certificates and associated occupation certificates. We specifically ask that Council consider inserting into its standard conditions the words “the relevant construction certificate” and “the relevant occupation certificate” to allow for multiple construction certificates and occupations certificates to be issued. Council is advised that the detailed planning associated with the construction methodology has not been established at this time as a tendering process cannot commence until certainty associated with the development application process has been completed and a bankable development consent achieved to enable finance and the appointment of a builder to be undertaken by the applicant.

As such, given the complexities of the project, and the desire of the applicant to avoid wording in conditions which result in hindrances associated with the issue of the staged construction certificates, the applicant requests council make available draft conditions prior to their finalisation and work with the applicant to enable the first construction certificate to be issued swiftly after achieving development consent.

## **4. ENVIRONMENTAL ASSESSMENT**

### **4.1 COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT**

The applicant has been in direct consultation with Bankstown Airport, who have liaised with CASA, Air Services Australia and the Commonwealth Department of Infrastructure and Regional Development. The application does not trigger a controlled actin under the Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC Act). The applicant has been liaising with Bankstown Airport throughout the design development and prior to lodgement of the DA. The applicant has provided via separate correspondence information to Bankstown Airport for CASA and Air Services Australia to consider about the aeronautical performance of the development as detailed in **Appendix V**.

### **4.2 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)**

The following section of this SEE report provides an assessment against the relevant provisions of the EP&A Act:

#### **4.2.1 Section 23G of the EP&A Act - Joint Regional Planning Panels**

Pursuant to Section 23G of the EP&A Act , the Minister by Order as published, constituted the Joint Regional Planning Panels (JRPP) to determine any DA with a Capital Investment Value (CIV) greater than \$20 million on land within the local government area of Canterbury-Bankstown Council. The proposed redevelopment involves works with a value of greater than \$20,000,000.00 or \$5,000,000.00 (due to the Council asset). As the proposal does have a CIV more than \$20 million, it does trigger the determining authority as the JRPP (or the District Panel), rather Council as the determining authority.

#### **4.2.2 Section 79B of the EP&A Act - Concurrence**

Pursuant to Section 79B of the EP&A Act, concurrence is required under State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) where a proposal shares its rear boundary with the railway corridor and works are proposed adjacent to the rear boundary.

As the proposal does not involve works within 25m of the rail corridor there is no trigger for a concurrence under the Infrastructure SEPP, and therefore it will not be necessary for Council to seek the concurrence of Sydney Trains to the proposed redevelopment.

#### **4.2.3 Section 79C of the EP&A Act - Evaluation**

This section of the SEE provides an assessment of the relevant environmental planning issues associated with the proposed redevelopment in accordance with Section 79C(1) of the EP&A Act, which states:

### **79C(1) Matters for consideration – general**

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) the provisions of:
 
  - (i) any environmental planning instrument, and*
  - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,**
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

## **4.3 SECTION 79C(1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS**

The following environmental planning instruments have been considered in the assessment and preparation of this application:

- *Bankstown Local Environmental Plan 2015 (BLEP);*
- *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);*
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65); and*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX).*

### **4.3.1 Bankstown Local Environmental Plan 2015**

The main environmental planning instrument applying to the proposed mixed use redevelopment is the Bankstown Local Environmental Plan 2015 (BLEP).



#### 4.3.1.1 Site Specific Planning Proposal

In November 2015, the applicant approached Council with respect to seeking inclusion of the land known as the Old Library within the redevelopment of the land controlled by Fioson. This also included a request for Council to consider if it is willing to enter into negotiations associated with a Voluntary Planning Agreement (VPA) and that a site specific amendment to the BLEP be considered by Council to increase the Height of Building (HOB) mapping controls and Floor Space Ratio (FSR) mapping control, as they apply to a combined Fioson and Old Library land via a Planning Proposal.

Council at its meeting held on 24 November 2015 considered a report within respect to a site specific Planning Proposal to amend the BLEP. The 24 November 2015 report states in part:

*The notification also included a formal request:*

- *Firstly, to prepare a planning proposal to amend certain development standards that apply to the subject site. The intended outcome is to achieve a better design outcome for the subject site that delivers public benefits to the Bankstown CBD.*
- ...
- *Secondly, to enter into a voluntary planning agreement with Council. The land owner is offering to dedicate a component (4,350m<sup>2</sup>) of the mixed use development on the subject site to accommodate a public administration building, including relevant parking in accordance with Council's planning controls.*
- ...

The report also states in part:

*The land owner has submitted a proposed scheme which combines the properties at Nos. 83–99 North Terrace and No. 62 The Mall in Bankstown into a single development site. The proposed scheme is a mixed use development (commercial and residential floor space) which dedicates a component of the commercial space to accommodate a public administration building. As part of this arrangement, the amount of floor space being utilised by the public administration building (no more than 0.5:1) would transfer to the remainder of the site, resulting in a 5:1 FSR.*

*The proposed scheme is the result of the land owner testing several development options. Council commissioned an architectural peer review of the proposed scheme which found the additional floor space and height for this large site will continue to provide high amenity apartments without significantly impacting on the amenity of surrounding buildings.*

*Should Council enter into a voluntary planning agreement to realise the public benefits of this development, the preferred option is to proceed with a planning proposal.*

...

*The planning proposal provides a site specific framework which will provide a broad range of short and long term benefits to the Bankstown CBD including:*

- *The provision of employment and housing floor space.*
- *The delivery of a public administration building that responds to the City's needs.*
- *The delivery of a range of urban design benefits arising from a high quality building design appropriate to its context.*

...

#### Voluntary planning agreement

*Section 93F(1)(a) of the Environmental Planning and Assessment Act 1979 enables a proponent to provide a material public benefit through entering into an agreement with a planning authority. A voluntary planning agreement is the legal mechanism for securing public benefits. Planning*



*agreements are voluntary and must be freely entered into by a planning authority and a proponent. They are also publicly exhibited and held on a publicly accessible register.*

*The Environmental Planning & Assessment Act 1979 and the Bankstown Planning Agreements Policy inform Council's position on voluntary planning agreements. Opportunities to enter into voluntary planning agreements will continue to rise as the City of Bankstown changes, and there is an increased need for essential infrastructure to support the growing population.*

*The offer from the land owner outlines the public benefits that will be provided. The key commitment by the land owner is to provide Council a stratum lot of at least 4,350m<sup>2</sup> of internal and external floor space for the purposes of a public administration building and associated parking in accordance with Council's planning controls.*

*Council would also require the development of the subject site to deliver the highest standard of architectural, urban, landscape and environmental design, energy and water measures as well as appropriate public domain improvements.*

*It is recommended a voluntary planning agreement be prepared as the preferred mechanism to ensure that the public benefits mentioned above.*

*The detailed terms of the voluntary planning agreement are yet to be finalised. A recommendation of this report requests that the voluntary planning agreement is publicly exhibited alongside the planning proposal. It is noted that the above commitments are in addition to any required contribution required under the Bankstown Section 94A Development Contributions Plan.*

Council resolved to forward the site specific Planning Proposal to the Department of Planning and Environment (DP&E) for a Gateway Determination as follows:

**ITEM 5.5 PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT**

**(NOS. 83–99 NORTH TERRACE AND NO. 62 THE MALL IN BANKSTOWN)**

**(1346) CLR. NAJJAR:/CLR. PARKER**

**RESOLVED that**

- 1. Council submit a planning proposal to the Department of Planning & Environment to seek a Gateway determination as shown in Attachment A.*
- 2. Council seek authority from the Department of Planning & Environment to exercise the delegation of the Minister for Planning under section 59 of the Environmental Planning & Assessment Act 1979.*
- 3. Council delegate authority to the General Manager to prepare a draft voluntary planning agreement as outlined in this report in accordance with the Environmental Planning & Assessment Act 1979.*
- 4. Council exhibit the voluntary planning agreement concurrently with the planning proposal and the matter be reported to Council following the exhibition.*

**- CARRIED**

**For:-** Ctrs Downey, Kuskoff, Najjar, Stromborg, Tadros, Waud, Winterbottom, Asfour, Nguyen and Parker

**Against:-** Ctr Golledge

The DP&E webpages advises in part the objective of the site specific planning proposal:

*The proposal is to add a provision in Bankstown Local Environmental Plan 2015 which would increase the maximum building height for the site to 72 metres, increase the maximum floor space ratio to 5.0:1, and permit dwellings on the first floor, subject to provision of a public administration building and associated car parking spaces, achieving the highest standard of architectural, urban and*

*landscape design and compliance with the energy and water targets specified in clause 4.4A of the Plan.*

*The current maximum building height is 41-53 metres (clause 4.3), maximum floor space ratio is 4.5:1 (clause 4.4) and the commercial floor space (ground and first floor) requirement (clause 6.9) will continue to apply to other permissible development for the subject land.*

With the following proposed wording to amend the BLEP also being reported to the 24 November 2015 Council meeting:

**83–99 North Terrace and 62 The Mall, Bankstown – Alternative Building Envelope and Public Benefits**

- (1) This clause applies to the site at 83–99 North Terrace and 62 The Mall in Bankstown.*
- (2) The objective of this clause is to allow development for the purposes of a building with a height and floor space ratio greater than that otherwise permitted under this Plan but only if the building includes certain public benefits.*
- (3) Despite clauses 4.3, 4.4 and 6.9 of this Plan, development consent may be granted to the erection of a building with a building height up to 72 metres, a floor space ratio up to 5:1, and dwellings on the first floor on the land to which this clause applies but only if the consent authority is satisfied that the building includes the following public benefits:*
  - (a) public administration building and associated car parking spaces,*
  - (b) the highest standard of architectural, urban and landscape design, and*
  - (c) compliance with the energy and water targets under clause 4.4A of Bankstown Local Environmental Plan 2015.*

The cover letter from Council to DP&E also states in part:

*Please note that Council intends to apply Section 72K of the Environment Planning & Assessment Act 1979, which is the joint exhibition of the planning proposal and the advertising of the development application as closely together as is practicable.*

A Gateway Determination was issued on 22 January 2016 which required the process to be completed by 29 September 2016. Negotiations with Council concerning the Voluntary Planning Agreement (VPA) have been ongoing with Council since the Gateway Determination. Council considered a report at its meeting held on 23 August 2015 in which consideration was given to increasing the maximum height of building for Building B to 83m. Council resolved to support a revised planning proposal to be sent to the Department seeking a maximum height of building of 83m for Building B and 72m for the remainder of the site. The Gateway Determination was revised in late September 2016.

The site specific Planning Proposal and DA are being exhibited concurrently. The VPA is currently being prepared.

The applicant asked Council to include a provision in the drafting of the site specific LEP amendment as detailed above, to overcome the “savings provisions” of the BLEP 2015. The BLEP 2015 includes the following clause:

### **1.8A Savings provision relating to development applications**

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

This application was lodged under the current Bankstown LEP 2015. Therefore this clause will apply despite any mapping amendment to change the Height of Building (HOB) or Floor Space Ratio (FSR) controls for the land applicable to the site in the exhibited in the Planning Proposal.

Therefore, Clause 1.8A will require the inclusion of a further subclause to specifically state that it does not apply to the subject site.

Please see below example wording included in a recent LEP Amendment undertaken by Lane Cove Council which specifically avoids the issue that the when it came time to determine the DA as the LEP amendments had been gazetted, this was not possible without the suspension of the “savings provisions”. Should this additional subclause not be included in the wording of the LEP Amendment then the applicant will be forced to resubmit the DA after the gazettal of the Amendment associated with the HOB and FSR mapping having been changed for the site.

#### **Lane Cove Local Environmental Plan 2009 (Amendment No 19)**

under the

Environmental Planning and Assessment Act 1979

##### **1 Name of Plan**

This Plan is *Lane Cove Local Environmental Plan 2009 (Amendment No 19)*.

##### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

##### **3 Land to which Plan applies**

This Plan applies to land at 1-13 Marshall Avenue, St Leonards, being part of Lot 100, DP 1200133.

##### **4 Maps**

The maps adopted by *Lane Cove Local Environmental Plan 2009* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

##### **5 Amendment of Lane Cove Local Environmental Plan 2009**

**Clause 1.8A Savings provisions relating to development applications**

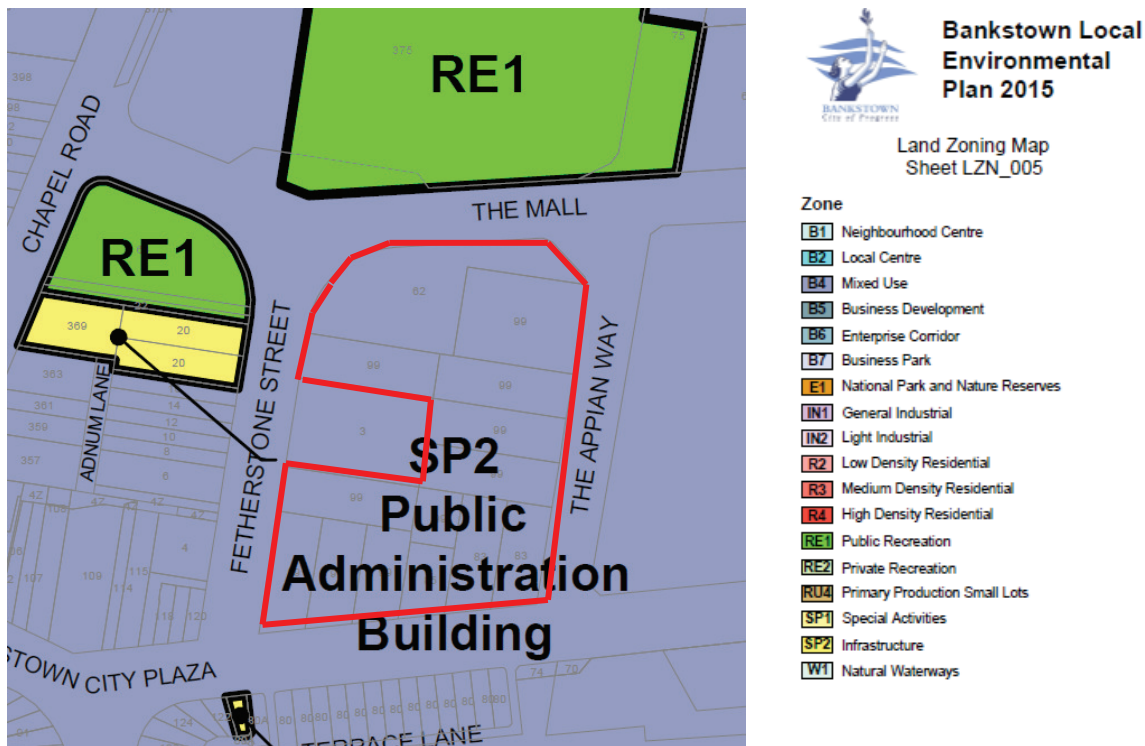
Insert after clause 1.8A (3):

- (4) To avoid doubt, *Lane Cove Local Environmental Plan 2009 (Amendment No 19)* applies to the determination of a development application made (but not finally determined) before the commencement of that Plan.

This SEE report provides an assessment of the proposal against the relevant current provisions of the BLEP with the site specific planning proposal also being considered.

#### 4.3.1.2 Clause 2.1 – Land use zones

The subject site on which the proposed mixed use building is to be located is zoned B4 Mixed Use under the BLEP Land Zoning Map, as shown in **Figure 6** below.



**Figure 6:** BLEP Land Zoning Map extract  
**Source:** NSW Legislation BLEP Mapping

#### 4.3.1.3 Land use table

The **Land use table** of the BLEP states as follows in relation to the B4 Mixed Use zone:

##### **Zone B4 Mixed Use**

##### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To maintain the role of the Bankstown CBD as a major metropolitan centre.

##### **2 Permitted without consent**

Nil

### 3 Permitted with consent

*Boarding houses; Building identification signs; Business identification signs; Child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; **Any other development not specified in item 2 or 4***

### 4 Prohibited

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse and distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies*

It is also noted that item 3 above includes “any other development not specified in item 2 or 4” as permissible with development consent, which operates as an innominate uses provision. As such, development for the purposes of a “residential flat building” and “commercial premises” are permissible with development consent on the subject site.

A “residential flat building” is defined as follows:

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note.** Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

A “commercial premises” is defined as follows:

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

The proposed development includes a ground floor level and first floor level design to permit uses which fit within both these definitions and is permissible. The upper levels of each building (A, B, C and D) will be used for residential flat buildings also consistent with the above definition.

The proposed development is also considered to be consistent with the objectives of the B4 zone in the following respects:

- It will add to the mix of compatible uses in the locality;
- It will integrate retail and residential development in a location close to Bankstown Railway Station and Bankstown CBD to maximise public transport patronage and encourage walking and cycling;
- It will enhance the viability, vitality and amenity of Bankstown CBD through high quality design; and
- It will encourage the orderly and efficient development of land through the agglomeration of individual properties into one development.

As such, the proposal is consistent with the zone objectives.

#### 4.3.1.4 Clause 2.6 Subdivision – consent requirements

The provisions of Clause 2.6 of the BLEP 2015 have been considered in the preparation of this land subdivision, which states:

##### **2.6 Subdivision—consent requirements**

*(1) Land to which this Plan applies may be subdivided, but only with development consent.*

*Notes.*

*1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.*

*2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.*

*(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.*

*Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.*

The proposed stratum subdivision is not considered to be exempt or complying development, thus this application has been prepared.

Therefore, “subdivision” is permitted with development consent, and this DA seeks that consent.

#### 4.3.1.5 Clause 4.1 Minimum Subdivision Lot Size

The provisions of Clause 4.1 Minimum Subdivision Lot size and the associated map have been considered:



#### 4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to protect the productive capacity of agricultural land by minimising potential land use conflicts,
- (b) to maintain viable farm sizes to promote agricultural production,
- (c) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area and will not lead to the fragmentation of natural areas,
- (d) to encourage social and economic diversity by providing a range of lot sizes in residential areas.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

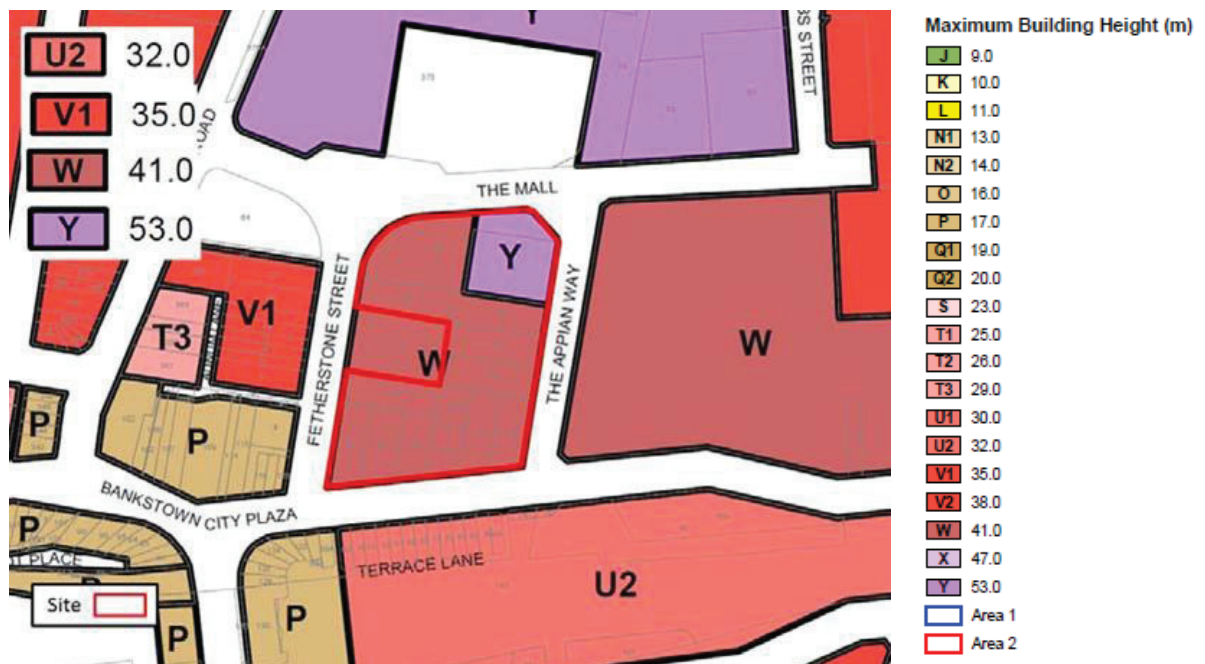
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

The subject site is not subject to a minimum lot size under the BLEP Minimum Lot Size map and as such the provisions of Clause 4.1 are not applicable to the proposed 2 lots stratum subdivision. Please refer to the draft stratum plan at **Appendix Y**.

#### 4.3.1.6 Clause 4.3 Height of buildings

The subject site currently has a maximum permissible building height of 41 metres and 53 metres under the BLEP Height of Buildings map, as shown in **Figure 7**.



**Figure 7:** BLEP Height of Buildings Map extract

Source: NSW Legislation

**Clause 4.3** states as follows:

#### **4.3 Height of buildings**

(1) *The objectives of this clause are as follows:*

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,*
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,*
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to define focal points by way of nominating greater building heights in certain locations.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2):*

- (a) for land in Zone B2 Local Centre—if a lot is in “Area 1” as identified on the Height of Buildings Map and has a width of less than 20 metres at the road frontage, the maximum building height is 17 metres, and*
- (b) for land in Zone B6 Enterprise Corridor—if a lot is in “Area 2” as identified on the Height of Buildings Map and has an area less than 5,000 square metres, the maximum building height is 11 metres.*

(2B) *Despite subclause (2), the following restrictions apply to development on land in Zone R2 Low Density Residential:*

- (a) for a secondary dwelling that is separate from the principal dwelling—the maximum building height is 6 metres and the maximum wall height is 3 metres,*
- (b) for a dwelling house or a dual occupancy—the maximum wall height is 7 metres,*
- (c) for multi dwelling housing and boarding houses:*
  - (i) the maximum building height for a dwelling facing a road is 9 metres and the maximum wall height is 7 metres, and*
  - (ii) the maximum building height for all other dwellings at the rear of the lot is 6 metres and the maximum wall height is 3 metres.*

(2C) *In this clause, **wall height** means the vertical distance between ground level (existing) and the underside of the eaves at the wall line or the top of the parapet or the flat roof (whichever is the highest).*

Table 5 below summarises the proposed building heights compared to the existing and proposed HOB controls:

**Table 5 – Height of Building summary**

Residential Tower Element	Proposed Height	Variation to existing 41m control	Variation to existing 53m control	Variation to draft 72m and 83m control in site specific Planning Proposal
<b>Building A</b>	68.0m	24.1m	N/A	Under 72m
<b>Building B</b>	83.0m	N/A	30m	Complies with 83m
<b>Building C</b>	69.02m	28.02m	N/A	Under 72m
<b>Building D</b>	70.74m	29.74m	N/A	Under 72m

The development application has been prepared concurrently with a Site Specific Planning Proposal which has been endorsed by Council and received a Gateway Determination.

Strict compliance with the current building height controls is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

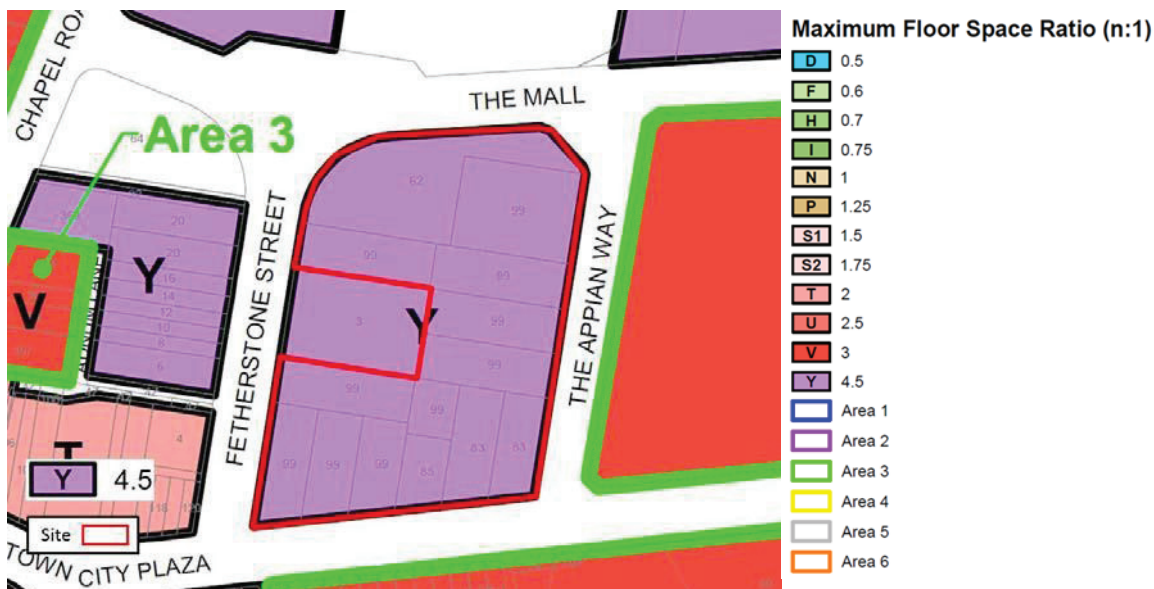
- The proposed redevelopment for a mixed use outcome has been designed to comply with the 72 metre and 83 metre draft height of buildings control provided for under the Site Specific Planning Proposal which has achieved a Gateway Determination and is exhibited concurrently with this DA. It should be noted that three of the four proposed tower elements (Buildings A, C and D) are less than the draft 72m and all comply with the draft height of building control, and Building B is 83m in height which complies with the maximum proposed height of building control.
- The basis for the increase in height under the Planning Proposal is to provide sufficient capacity to accommodate the FSR in a modulated and articulated form necessary to achieve design excellence and a high level of amenity for the development.
- The proposed variation to the current height control allows the proposed floor space within the development to be accommodated within slimmer buildings with much greater separation which can be described as compliant with SEPP 65 and the ADG. This facilitates a greater level of modulation in scale between the various buildings within the development as well as improved environmental performance within the development, reduced impacts on adjacent properties, and a much higher level of visual permeability throughout the site.
- The proposed height variation facilitates a 24 storey landmark tower for Building B which anchors the north-eastern corner of the site within the CBD, with the scale of the other buildings dropping away to provide a transition in scale to the east and the west such that the proposed arrangement of heights is appropriate for the site and its CBD context.

- A solar analysis prepared by h3 Architects and Nettleton Tribe accompanies the subject application and demonstrates that the proposal does not result in a significant adverse impact to the apartments within the adjacent 3-7 Fetherstone Street development.

The scale of the proposed buildings will not be perceived as jarring or antipathetic in the future streetscape and urban design context which will develop in the area.

#### 4.3.1.7 Clause 4.4 Floor space ratio

Clause 4.4(2) of the BLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is within area 'Y' on the Floor Space Ratio Map and accordingly a Floor Space Ratio (FSR) of 4.5:1 applies under the BLEP Floor Space Ratio map, as shown in **Figure 8**.



**Figure 8:** BLEP FSR Map extract

**Source:** NSW Legislation Mapping

The overall site, inclusive of the Council "Old Library" land has a site area of approximately 10,122 square metres. Based on a FSR of 4.5:1, the available gross floor area 45,549 square metres.

The proposal has a gross floor area of 50,610 square metres and seeks consent for a floor space ratio of 5:1 which exceeds the 4.5:1.

The development application has been prepared concurrently with a Site Specific Planning Proposal which has been endorsed by Council and received a Gateway Determination.

Strict compliance with the current 4.5:1 floor space ratio is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- The proposed development has been designed to comply with the 5:1 floor space ratio provided for the site under the site specific Planning Proposal.
- The proposal meets the necessary prerequisites for enjoying the 5:1 floor space ratio as provided under the Planning Proposal including the provision of a number of new public infrastructure facilities within the development and the public domain.
- The availability and capacity of local infrastructure, public transport and recreational opportunities supports the proposed floor space.
- The density proposed does not give rise to any unreasonable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this SEE report.
- A high level of amenity is provided for occupants of the development.
- The proposed density assists in meeting the demand for housing and employment in the local government area in an appropriate location.

#### 4.3.1.8 Clause 5.6 Architectural roof features

The provisions of Clause 5.6 apply to the proposal:

##### **5.6 Architectural roof features**

*(1) The objectives of this clause are as follows:*

- (a) to enable minor roof features to exceed the maximum height for a building,*
- (b) to provide opportunities for architectural roof features that form an integral part of the building's design.*

*(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*

*(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:*

*(a) the architectural roof feature:*

- (i) comprises a decorative element on the uppermost portion of a building, and*
- (ii) is not an advertising structure, and*
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and*
- (iv) will cause minimal overshadowing, and*

*(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

The proposal seeks to provide a suitably enclosed and finished roof top feature for all plant rooms and lift overruns at the top of each building, along with the inclusion of roof top terrace areas as common open space for residents of each building, refer to **Appendix B**.

#### 4.3.1.9 Clause 6.9 Restrictions on development in Zone B4 Mixed Use

The provisions of Clause 6.9 apply to the proposal:

##### **6.9 Restrictions on development in Zone B4 Mixed Use**

(1) *The objectives of this clause are as follows:*

- (a) *to reinforce the status of the Bankstown CBD as the major centre for Bankstown and a place for employment,*
- (b) *to encourage the economic growth of the Bankstown CBD by having commercial floor space in the commercial core,*
- (c) *to promote active street frontages in the commercial core.*

(2) *This clause applies to land identified as “Area 3” on the Special Provisions Map.*

(3) *Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the ground floor and first floor of the building are to be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use.*

Site with “Area 3” on the Bankstown LEP 2015 Special Provisions Map. Therefore, the ground and first floor levels of the proposed development are to include non-residential uses. As demonstrated in the architectural design drawings at **Appendix B**, the proposal does not include any residential uses at the ground and first floor levels.

#### 4.3.1.10 Clause 5.9 Preservation of Trees or Vegetation

The site currently has limited vegetation comprising a total of 24 trees predominantly along the northern sides of the at grade car parking areas on the site and several within the northern boundary frontages. Whilst these trees currently provide amenity for these areas of the site, the reasonable development of the site in a manner which will substantially improve and enhance the Bankstown CBD is not possible with the retention of these trees and accordingly all trees on the site are proposed to be removed. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime for the street setback areas with more suitable tree species which will achieve a high quality landscaped treatment for the site corner as illustrated in the landscape concept plans. All trees affected by the proposal have been considered in the arborist report prepared by Nour Co Gardening which accompanies this application at **Appendix U**.

The proposal include landscape concept plans and public domain improvement plans prepared by LSA dESIGN, refer to **Appendix I**, in which new landscape vegetate in proposed on the podium level and new street trees.

#### 4.3.1.11 Clause 6.1 Acid Sulphate Soils

Clause 6.1 of the BLEP relates to acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.



The site is not identified on the Acid Sulfate Soils Map as being within any of the Class 1 to Class 5 lands. Whilst the proposed is located within 500 metres of an adjacent Class 5 land to the south, it is unlikely to lower the watertable by 1 metre in the adjacent class land. Accordingly, an acid sulfate soils management plan is not required.

#### 4.3.1.12 Clause 6.2 Earthworks

The proposed development involves the construction of two levels of basement parking which requires earthworks. In accordance with Clause 6.2 of the BLEP this development application seeks approval for earthworks.

Clause 6.2 states that prior to granting development consent Council must consider the following matters:

##### **6.2 Earthworks**

*(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

*(2) Development consent is required for earthworks unless:*

*(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

*(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

*(b) the effect of the development on the likely future use or redevelopment of the land,*

*(c) the quality of the fill or the soil to be excavated, or both,*

*(d) the effect of the development on the existing and likely amenity of adjoining properties,*

*(e) the source of any fill material and the destination of any excavated material,*

*(f) the likelihood of disturbing relics,*

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed mixed use redevelopment includes earthworks for the construction of the basement levels for car parking, loading facilities and storage. The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items in the vicinity of the subject site and any features of the surrounding land.

The extent of proposed earthworks are unlikely to result in a disruption of drainage patterns at the site. A detailed stormwater management and drainage plan has been prepared and accompanies this application. The plans detail provision for onsite stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of basement car parking.

The proposed earthworks will achieve a positive outcome for the area because they will result in basement levels with nil protrusion above existing ground level, serving to reduce the apparent mass and scale of the development and provide an improved relationship between the buildings and surrounding public domain.

#### 4.3.1.13 Clause 6.3 Flood Planning

The provision of Clause 6.3 have been considered in the preparation of this DA as the subject site has been identified as being impacted by flood prone land. Clause 6.3 states:

##### **6.3 Flood planning**

(1) *The objectives of this clause are as follows:*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to land at or below the flood planning level.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*

(5) *In this clause:*

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The DA is supported by a number of reports and information which can be found at **Appendix R**, including:

1. Flood certificate issued by Council. It should be noted that the design of the development involved extrapolation to determine the finished floor level of the ground floor of the development so as the ground floor allows for the required 500mm freeboard above the Probable Maximum Flood.
2. Flood modelling report as undertaken by WMB BMT which is based on the sub-catchment modelling undertaken by Council. This modelling identifies that the site impacted by flooding along with parts of the sites frontages to The Appian Way and The Mall.
3. Stormwater Assessment report by WGE which identifies a number of flood mitigation measures including the use of a Flood Gate and appropriate back-up measures (eg. a fail-safe system can be included as part of the detailed design for the construction certificate) associated with preventing flood waters from entering and includes a response to the evacuation route.
4. Site specific flood modelling and analysis by Lyall & Associates, including flood response measure of a flood water storage tank design which is located at the north-east corner of the site. Should Council deem this necessary mechanisms can be designed into the access hatch to include safety requirements and various safety requirements to prevent unauthorised entry by children or the like, and this can be achieved via the imposition of a condition. The applicant is conscious of the aesthetic presentation of the flood solution at the north eastern corner of the site has included a landscape solution detailed in the work by LSA and include graphic imagery to demonstrate the presentation when viewed from the public domain areas which the applicant seeks to enhance.
5. In addition to the flood gate and any pump systems can be conditioned to include the fail-safe mechanisms and have its own back-up power supply in the event of mains power failing in the event of the probable maximum flood and any event greater than the probable maximum flood, the design includes a 150mm high speed hump (to overcome the level change difference at the entry to the loading dock being need to be increased by 101mm, 121mm and 145mm at the 3 points to achieve the Probable maximum flood level requirement under the DCP), within the site adjacent to the boundary at the top of the access ramp into the loading dock area so as to ensure the flood level for the land and therefore now complies with the DCP.
6. The proposal also includes the provision of OSD to collect stormwater run-off within the development. Stairs exiting the basement allow during a flood emergency response so that people can leave the basement without having egress paths being blocked by incoming water flows. Elevator controls can be included so as to be 'flood-smart' so that an elevator cannot descend into a flooded basement and drown the occupants. Back-up power for the elevator has also been provided so that non-ambulant people can leave the basement and can be conditioned for the same. A flood emergency response plan (FERP) can be prepared that deals with how flood risks are to be managed on the site at the construction certificate stage, this can include the installation of a visual and aural alarm system in the basement which is activated once flooding starts to occur outside. Once again details of these could be developed as part of the relevant CC.

As such, the proposed development could be conditioned to deal with the following matters:

- a. Council may wish to impose a condition associated with the relevant Construction Certificate, seeking a detailed civil engineering design to provide details of the Lyall & Associates concept associated with restricting access to the flood storage tank in the north-eastern basement levels 1 and 2 as a means of stopping unauthorised access in the form of a back-up safety mechanism, as this level of detail can readily be undertaken at the Construction Certificate stage, does not result in any uncertainty and Council has through the determining authority the ability to condition for the same.
- b. A maintenance regime inclusive of annual demonstrations associated with the pump-out mechanism and a fail-safe system can be required in a similar manner as that associated with systems such as the fire safety regime for an apartment building, and Council can condition for the same.
- c. A similar maintenance regime can be required for the flood gate proposed at the entry point to the loading dock from The Appian Way, and Council can condition for the same. In addition a “speed-hump” being at least 150mm high is also proposed adjacent to the property boundary within the site to comply with the Council’s DCP floor requirements

Therefore the consent authority can support the proposed development subject to conditions associated with the relevant construction certificate, under Clause 6.3(3) given:

- The development is compatible with the flood hazard of the land, and
- The development will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- The development incorporates appropriate measures to manage risk to life from flood, and
- The development will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- The development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

#### **4.3.2 State Environmental Planning Policy (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) aims to provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. It assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, water and electricity. The ISEPP was created to support greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

#### 4.3.2.1 Clause 85 – Development immediately adjacent to rail corridors

**Clause 85** of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) specifies the following requirements for development immediately adjacent to a rail corridor. The subject site is located immediately adjacent to Sydney's Bankstown/East Hills Suburban rail line.

**Clause 85** of the ISEPP states as follows:

**85 Development immediately adjacent to rail corridors**

*(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:*

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
- (b) take into consideration:*
  - (i) any response to the notice that is received within 21 days after the notice is given, and*
  - (ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

In accordance with **Clause 85(2)** of the Infrastructure SEPP Council, the consent authority, is to notify RailCorp (Sydney Trains) of the DA for the proposed development and take into account any response made by RailCorp in relation to the DA. However, this is a referral process and not a concurrence as the site is not within 25m of the corridor.

Furthermore, the consent authority is to take into consideration the *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The proposed development is consistent with the relevant sections of the Guideline as demonstrated by the acoustic report which can be viewed at **Appendix M**.

#### 4.3.2.2 Clause 86 – Excavation in, above or adjacent to rail

**Clause 86** of the ISEPP specifies the requirements for development that involves the excavation in or above a rail corridor, or within a horizontal distance of 25 metres from the corridor.

**Clause 86** of the ISEPP states as follows:



#### **86 Excavation in, above or adjacent to rail corridors**

*(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*

- (a) within or above a rail corridor, or*
- (b) within 25m (measured horizontally) of a rail corridor. or*
- (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
- (b) take into consideration:*
  - (i) any response to the notice that is received within 21 days after the notice is given, and*
  - (ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*

*(3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*

*(4) In deciding whether to provide concurrence, the chief executive officer must take into account:*

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
  - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*

- (a) the consent authority has given the chief executive officer notice of the development application, and*
- (b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

The subject site is not located with 25 metres (measured horizontally) from the rail corridor therefore **Clause 86 does not** applies to the proposed development. In accordance with **Clause 86(2)** of the Infrastructure SEPP, therefore has no obligation to seek concurrence from RailCorp (Sydney Trains) of the DA for the proposed development and does not have to take into account any response made by RailCorp in relation to the DA.

#### 4.3.2.3 Clause 87 – Impact of rail noise or vibration on non-rail development

**Clause 87** of the ISEPP specifies the requirements development in rail corridors in order to minimise the impact of rail noise and vibration on non-rail development, including residential. **Clause 87** of the ISEPP states as follows:

**87 Impact of rail noise or vibration on non-rail development**

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:*

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

An acoustic report has been prepared by SLR and is included at **Appendix M**. The report outlines measures to be incorporated into the design of the proposed development to ensure that it is not adversely affected by rail noise or vibration from the adjacent rail corridor and is compliant with **Clause 87** of the Infrastructure SEPP.

#### 4.3.2.4 Clause 101 – Development with frontage to classified road

**Clause 101** of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) specifies the following requirements for development with a frontage to a classified road as identified in the Roads and Maritime Services (RMS) *Schedule of Classified Roads and State & Regional Roads* ('the Schedule'). The subject site does not have a primary frontage to any identified classified road

**Clause 101** of the ISEPP states as follows:

**101 Development with frontage to classified road**

*(1) The objectives of this clause are:*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
- (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

It is noted that the subject site does not proposed any vehicular access from a classified road and therefore the proposed development satisfies subclause 2(a) above.

As such, the proposed development is compliant with **Clause 101** of the ISEPP.

#### 4.3.2.5 Clause 104 Traffic-generating development

**Clause 104** of the ISEPP specifies the following requirements for development that falls within the criteria in Schedule 3, including apartment or residential flat buildings with 300 or more dwellings or shops with a floor space area of 10,000m<sup>2</sup> being a size and capacity – site with access to any road:

Column 1	Column 2	Column 3
<b>Purpose of Development</b> <i>Note: The development pay be the erection of new premises or the enlargement or extension of existing premises</i>	<b>Size and capacity – site with access to any road</b>	<b>Size or capacity – site with access to a classified road or to a road that connects to a classified road (if access within 90m of connection, measured along alignment of connecting road)</b>
<b>Apartment or residential flat building</b>	300 or more dwellings	75 or more dwellings
<b>Commercial premises</b>	10,000m <sup>2</sup>	2,500m <sup>2</sup>

Where Clause 104 states:

#### **104 Traffic-generating development**

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

(2) In this clause, "relevant size or capacity" means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

- (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection- the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
    - (ii) *the accessibility of the site concerned, including:*
      - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
    - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Clause 104 of the ISEPP 2007 specifies the following requirements for development that falls within the criteria in Schedule 3 of the SEPP including “shops” and “residential units”:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
    - (ii) *the accessibility of the site concerned, including:*
      - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
    - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The proposed development seeks approval for 469 units over the Council administration building, retail and commercial tenancies at ground and first floor level with a total floor space area of 11,744 square metres. Therefore, the proposed mixed use development is not a size or capacity to trigger the criteria of under Schedule 3 of the ISEPP.

However, Council as the consent authority may decide to notify and take into account any submission by the RMS on the DA in accordance with **Clause 104(3)** of the ISEPP.

A Traffic and Parking Impact Assessment prepared by Traffix is included at **Appendix F**.

The proposed development will not result in an adverse impact to the efficiency of the classified roads, will not result in unsafe egress movements and will not result in unacceptable traffic and parking implications under the ISEPP. The number of car parking spaces on the site is sufficient for the proposed development in accordance with the car parking rates required by Council.

Council as the assessment authority is therefore not required to notify or take into account any submission by the RMS in accordance with clause 104(3) of the ISEPP 2007. The accessibility of the site and potential traffic and parking implications of the proposed development are addressed in a Traffic impact assessment report prepared by Traffix included at **Appendix F** in satisfaction of clause 104(3)(b) of SEPP (Infrastructure) 2007.

The JRPP as the consent authority does need to notify and take into account any submission by the RMS in accordance with clause 104(3) of the ISEPP 2007. The accessibility of the site and potential traffic and parking implications of the proposed mixed use redevelopment are addressed below in **Section 4.8** of this SEE and in a Traffic impact assessment report at **Appendix F** in satisfaction of clause 104(3)(b) of SEPP (Infrastructure) 2007.

#### **4.3.3 State Environmental Planning Policy No 55 – Remediation of Land**

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers.

Clause 7 of SEPP 55 states as follows:

##### ***7 Contamination and remediation to be considered in determining development application***

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) 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.*



*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A Phase 2 Environmental Site Assessment under SEPP 55 has been prepared has been conducted and prepared by EnviroTech in accordance with the requirements of the EPA, SEPP 55 and the associated guidelines, which are included at **Appendix H**. This assessment report concludes the site is suitable for the proposed development upon demolition of existing structures so as further bore testing can be completed prior to the bulk earthworks at which time any contamination identified can be addressed:

*The guidelines recommend sampling from a minimum of 22 evenly spaced sampling points for this site with an area of approximately 12,000m<sup>2</sup>. At the present time there are inaccessible areas to sample from. As such the below sampling density was undertaken with the remaining number of samples to be sampled after demolition stage.*

*Samples for this investigation were obtained from 6 sampling points as shown on the attached Figure 3. This density is approximately 28% of the minimum sampling density recommended by the NEPM 2013 guidelines. The sampling locations were placed in accessible areas of the site only. Results were then compared against appropriate guidance values including Health Investigation Levels (HILs) and Ecological Investigation Levels (EILs).*

*Soil sample results were compared to the Health Investigation Levels (HILs) Guidelines and Ecological Screening Levels (ESLs) for (NEPM 2013). All areas required for the contamination assessment for a full suite of analysis indicated chemical concentrations below the relevant health investigation levels.*

*Asbestos was not detected within any of the soil samples collected across the site.*

*In relation to the area of investigation this area is deemed suitable for the proposed development.*

*It is noted however that this investigation only sampled 28% of the recommended sampling guidelines. These results are therefor only an indicative investigation into the potential contamination within soils on the site.*

*It is recommended that a further 16 boreholes be sampled once demolition has occurred. This would finalize the 100% requirement of sampling density across the site and would provide a complete contamination status of the site.*

As such, it is considered the site is suitable for the proposed redevelopment and can be supported under SEPP 55.

#### **4.3.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

*State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) aims to improve the design quality of residential flat development in New South Wales and to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, built form and scale, density, sustainability, landscaping, amenity, safety, housing diversity and social interaction and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

***“Residential flat building means a building that comprises or includes:***

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The provisions of SEPP 65 apply when Clause 4 is triggered by a development, when:

#### **4 Application of Policy**

*(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:*

- (a) the development consists of any of the following:*
  - (i) the erection of a new building,*
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
  - (iii) the conversion of an existing building, and*
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) the building concerned contains at least 4 or more dwellings.*

*(2) If particular development comprises development to which subclause (1) applies and other development, this Policy applies to the part of the development that is development to which subclause (1) applies and does not apply to the other part.*

*(3) To remove doubt, this Policy does not apply to a building that is a class 1a or 1b building within the meaning of the Building Code of Australia.*

*(4) Unless a local environmental plan states otherwise, this Policy does not apply to a boarding house or a serviced apartment to which that plan applies.*

The proposed development involves a residential component which is considered to trigger the provisions of Clause 4 and therefore SEPP 65 applies to the proposal.

The proposed development involves four residential apartment building for 469 dwellings as part of a mixed use redevelopment of the land. As per the definition of a 'Residential Flat Building' and the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the proposed development.

SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained in clauses 9-18 of SEPP 65 and the matters contained in the Apartment Design Guide (ADG).

As a result of Amendment No. 3 of SEPP 65, the provisions of Clause 30 were amended to the following:

***30 Standards that cannot be used as grounds to refuse development consent or modification of development consent***

*(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:*

*(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*

*(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*

*(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

**Note.** The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

*(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:*

*(a) the design quality principles, and*

*(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.*

*(3) To remove doubt:*

*(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and*

*(b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.*

**Note.** The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

In response to Clause 30(1):

*(a) if the **car parking for the building will be equal to, or greater than**, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*

- The proposed design includes car parking for the residential component in accordance with Part 3J of the ADG, which states in part:

<p><b>Objective 3J-1</b></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>
<p><b>Design criteria</b></p> <p>1. For development in the following locations:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>
<p><b>Design guidance</b></p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site</p> <p>Where less car parking is provided in a development, council should not provide on street resident parking permits</p>

The proposed residential component of the development seeks to provide for the minimum car parking set out in the Bankstown DCP for residential flat buildings located within the Bankstown CBD, rather than the car parking requirements for residents and visitors as set out in the RMS Guide to Traffic Generating Development. Please refer to the Traffic and Parking Impact Assessment prepared by Traffix at **Appendix F** and the DCP Table at **Appendix E** for a detailed discussion on the calculation of car parking.

- The proposed design include apartments with sizes referred to in Part 4D of the ADG, which states in part:

<b>Objective 4D-1</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity											
<b>Design criteria</b>											
1. Apartments are required to have the following minimum internal areas:											
<table> <tr> <th>Apartment type</th><th>Minimum internal area</th></tr> <tr> <td>Studio</td><td>35m<sup>2</sup></td></tr> <tr> <td>1 bedroom</td><td>50m<sup>2</sup></td></tr> <tr> <td>2 bedroom</td><td>70m<sup>2</sup></td></tr> <tr> <td>3 bedroom</td><td>90m<sup>2</sup></td></tr> </table>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	
Apartment type	Minimum internal area										
Studio	35m <sup>2</sup>										
1 bedroom	50m <sup>2</sup>										
2 bedroom	70m <sup>2</sup>										
3 bedroom	90m <sup>2</sup>										
<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</p>											
2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms											
<b>Design guidance</b>											
Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)											
A window should be visible from any point in a habitable room											
Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits											

- The proposed design includes ceiling heights in Part 4C of the ADG of not less than 2700mm.

This statement assesses this DA against the 9 design quality principles (Schedule 1) of the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP65); and objectives and design criteria of Part 3 & 4 of *Apartment Design Guide* (ADG).



An Urban Design Report has been prepared by GMU Urban Design and Architecture to analysis the site locality, the proposed massing and scale including the future character of the completed development, which can be found at **Appendix X**.

An architectural design verification statement and assessment report under SEPP 65 principles and which also addresses the ADG has been prepared jointly by h3 Architects and Nettleton Tribe Architects which can be found at **Appendix D**.

Subject site is known as 83-99 North Terrace and 62 The Mall, Bankstown, which occupies the entire street-block between Fetherstone Street and The Appian Way, except for 3-7 Fetherstone Street. It is zoned as B4 Local Centre, in which mixed use development which include shop-top housing are permitted with consent under Council LEP.

The area is mixed with existing shop-top housing developments, shops and commercial premises along each street frontage, with residential dwellings and high-rise apartments to the north of Paul Keating Park, as complete or under construction.

The proposed mixed use development is consistent with the desired future character of the locality.

An Apartment Design Guide (ADG) assessment is also included in **Appendix D**.

The required Architect Design Verification Statement is attached at **Appendix D**.

The project architects from h3 have prepared a Site Analysis addressing the SEPP 65 Design Principles a copy of which is included at **Appendix D**.

#### **4.3.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX assessment is required for all new dwellings proposed throughout NSW, and is a tool to measure proposed development for sustainability against the BASIX targets that are based on the NSW home benchmark average. BASIX certificates and stamped plans for the proposed dwellings as part of the group home development can be found with the architectural drawings at **Appendix I**.

#### **4.4 SECTION 79C(1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT**

There are no draft environmental planning instruments affecting the proposed mixed use redevelopment.

#### **4.5 SECTION 79C (1) (A) (III) DEVELOPMENT CONTROL PLANS**

The Bankstown Development Control Plan (BDCP) has been considered and a DCP Compliance table can be found at **Appendix E** and demonstrates that the proposed development generally complies with the provisions of the BDCP.

With respect to the application of the BDCP we note that an LEP is a legal document prepared by the Council and made by the State Government to regulate land use and development. A DCP provides detailed planning and design guidelines to support the planning controls in the LEP. In the past the Land and Environment Court progressively increased the role and importance of DCPs. Courts have also held that DCPs which have been applied more consistently should be given greater weight. As a result, Councils felt obligated to treat DCPs as inflexible documents, which must be consistently applied when considering development applications. This strict approach led to increased concerns in the development industry.

In 2013 the NSW Government made legislative amendments aimed at restating the strength of DCPs. The amendments have returned the DCPs status to what was initially intended, being a 'flexible guideline' that would complement the development controls provided by the legally binding LEP. The amendments also provide that during the decision making process, the Council is required to (s.79C(3A)):

- Use a flexible approach in applying DCP standards,
- Not to enforce more onerous standards than those contained in the standards of the LEP.

#### **4.6 SECTION 79C (1) (A) (IIIA) PLANNING AGREEMENTS**

A Planning Agreement is proposed to be in force relevant to this DA and site.

#### **4.7 SECTION 79C (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION**

Clause 92 of the *Environmental Planning and Assessment Regulation 2000* specifies that in the case of a development application for the demolition of a building, the provisions of Australian Standard AS 2601—1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993 are a prescribed matter for the purposes of section 79C (1) (a) (iv) of the EP&A Act.

The applicant proposes to carry out the demolition of buildings and structures which exist on the site, and a condition with respect to ensuring compliance with the relevant Australian Standard associated with the detailed drawings for a Construction Certificate is considered appropriate. There are no other prescribed matters under the *Environmental Planning and Assessment Regulation 2000* that are relevant to the proposed redevelopment.

The applicant will carry out all demolition work in accordance with the Australian Standard.

#### **4.8 SECTION 79C (1) (A) (IV) ANY COASTAL ZONE MANAGEMENT PLAN**

Not applicable. The site is not located in the coastal zone and not subject to any coastal zone management plan.

#### **4.9 SECTION 79C (1) (B) IMPACTS OF DEVELOPMENT**

Pursuant to Section 79C (B) of the Act, '*the likely impacts of that development*' have been considered as follows:

#### **4.9.1 Context and Setting**

The proposed redevelopment is consistent with the existing and desired future character of the locality in Bankstown. It will enhance the amenity of the site along each of its street frontages as part of the Bankstown city centre and main commercial area by redeveloping the site with a contemporary high quality design containing revitalised buildings and uses. The proposed development is an appropriate form of development on the site considering its location and close proximity to Bankstown Railway Station.

#### **4.9.2 Building Height, Scale, Bulk and Design Form**

The proposed development is consistent with the building height and FSR objectives under the *Bankstown Local Environmental Plan 2015* as described previously in this SEE.

The height, scale and bulk of the proposed development is considered appropriate in relation to its context and location in Bankstown, a regional centre in Sydney. The proposed development will not result in any unreasonable environmental impacts on surrounding properties in terms of solar access, visual and acoustic privacy or views. In these circumstances, the height, bulk and scale of the development is suitable for the site.

The design of the proposed development is responsive to the surrounding built form and has a façade design that provides architectural interest which is appropriate for its location in Bankstown city centre to activate each streetscape.

#### **4.9.3 Streetscapes**

The proposed development provides for an appropriate streetscape to each of its street frontages with active street edges which are consistent with the surrounding area in the following respects:

- the amenity of surrounding streetscapes will be enhanced with a new building façade;
- clear and legible access points are provided for pedestrians;
- weather protection for pedestrians is provided by the proposed new awnings; and
- street trees can be provided along frontages and retained in Fetherstone Street.

#### **4.9.4 Impact on Adjacent Properties**

The adjacent properties surrounding the site are mainly used for commercial and retail uses and have been built to the street alignment. Most of the properties to the west consist of shop top houses and other commercial buildings. As such, the proposed development is compatible with the surrounding land uses as a podium base provides for a pedestrian scale similar to that of existing built form. The proposed development has been designed to reflect the streetscape and existing built form in the locality at the street level, and will not result in any unreasonable environmental impacts on surrounding properties in terms of solar access, visual and acoustic privacy, views or shadowing as demonstrated by the architectural drawings included at **Appendix B**.

#### **4.9.5 Heritage**

No heritage item are located on the subject site in accordance with the BLEP. The site is not located within a heritage conservation area and is not located in the vicinity of a heritage item.

#### **4.9.6 Access, Traffic and Parking**

A Traffic Impact Assessment prepared by Traffix is included at Appendix F, which indicates the proposed development is acceptable, will comply with the relevant Australian Standards and will not result in any unacceptable adverse impacts.

An Accessibility Report is included at **Appendix Q**. This report attempts to deliver equality, independence and functionality to residents and visitors, including people with a disability, as part of the proposed development in terms of egress and ingress, paths of travel, accommodation, residential car parking, garbage areas, storage areas and mailbox areas. The report recommends measures to be implemented in order for the proposed development to comply with Australian Standards, BCA, DDA and Part C1 Section 7 of the DCP.

Furthermore, the BCA report included at **Appendix K** outlines measures to be implemented to ensure that the proposed development complies with Section D Access & Egress of the BCA.

#### **4.9.7 Utility Service Infrastructure**

The site has access to essential services including water, sewerage, electricity, telecommunications and gas, which have the capacity to accommodate the proposed development. Utility services are required to be augmented to support the proposed redevelopment of the land and appropriate approvals will be sought at the Construction Certificate stage.

#### **4.9.8 Stormwater Management**

A concept stormwater plans and engineering drawings have been prepared and are included at **Appendix R and Appendix S**. The proposed development does not seek to change the manner in which stormwater is collected from the subject site and connects into Council's existing stormwater system.

#### **4.9.9 Soils**

The proposed development will involve earthworks as part of the construction of the basement car parking levels; however, it is unlikely that it will have any adverse impacts on the soil quality of the subject site based on the context and location of the site in Bankstown city centre.

The stormwater concept plans included at **Appendix S** outlines erosion and sediment control measures are to be implemented as part of the proposed development to reduce soil impacts.

#### **4.9.10 Air and Microclimate**

The proposed development is not considered likely to give rise to a change in the existing microclimate.

#### **4.9.11 Flora and Fauna**

The removal of existing vegetation on the site and the proposed development will not have a significant affect any fauna or flora. Existing street trees around the site have been assessed refer to the report at **Appendix U**, are proposed to be removed and replaced with new street trees and landscaping within the development as detailed in the landscape concept plans and public domain plans prepared by LSA included at **Appendix I**.

#### **4.9.12 Waste**

A Waste Management Plan is included at **Appendix G** in accordance with Council's DCP.

#### **4.9.13 Resource, Energy and Water Efficiency**

Measures will be incorporated into the proposed development to ensure that the proposed mixed-use development will be resource efficient, energy efficient and water efficient. A BASIX Assessment Report has been prepared by ESD Synergy and included at **Appendix J**.

An Energy Efficiency Certificate has also been prepared by ABSA and is included at **Appendix J**.

A BCA report is included at **Appendix K** which outlines the measures to be implemented in the proposed development to ensure compliance with BCA Section 7 Energy Efficiency.

#### **4.9.14 Noise and Vibration**

A Noise Impact Assessment has been prepared by SLR Consulting and is included at **Appendix M**. This assessment examined road traffic noise intrusion to internal spaces, noise emission from mechanical plant and Internal Sound Insulation Requirements (NCC), and used the results of noise measurements conducted in the area to determine in-principle measures that will be required to control rail and road traffic noise intrusion to internal spaces and appropriate industrial noise emission criteria.

Noise and vibration may also occur during the demolition and construction phase of the proposed development. As outlined in the Demolition and Construction Management Plan included at **Appendix O** the noise impact on surrounding properties will be limited by undertaking construction works within the approved hours obtained in the development consent.

#### **4.9.15 Natural and Technological Hazards**

The site is not subject to any known natural or technological hazards which would preclude the DA.

#### **4.9.16 Social and Economic Impact**

It is considered that the proposed development is likely to result in a range of important economic benefits to the community with key positive impacts including the following:

- increased supply and mix of housing in Bankstown;



- employment in commercial uses with the improved tenancy layouts and active street fronts providing an additional shops with frontages to each street frontage; and
- employment in construction industry and jobs from the supplier induced multiplier effects.

#### **4.9.17 Construction**

A Demolition and Construction Management Plan is included at **Appendix O**. The CMP has been prepared to manage potential impacts of construction activities including site safety, security and access control, construction vehicles, soil and water management, dust suppression, waste management, noise and construction hours as a result of the proposed development.

Construction of the proposed redevelopment will be undertaken in accordance with Work Cover and environmental protection guidelines.

#### 4.10 SECTION 79C(1)(C) SITE SUITABILITY

Section 79C(c) of the act requires consideration of the suitability of the site for the redevelopment. The primary matters under Section 79C (C) are whether the proposal fits into the locality and if the site attributes are conducive to redevelopment.

The site is suitable for the proposed development in the following respects:

- it is in a mixed use zone that allows the proposed development;
- it is in an accessible location in the Bankstown city centre within walking distances of buses and trains, and main roads with capacity to accommodate the development;
- it is surrounded by a mix of compatible residential and commercial land uses;
- it is located in Bankstown's main commercial area, which can benefit from the improved amenity provided by a modern development;
- its size and topography are capable of supporting the proposed development;
- the full range of necessary utility services are available including water, sewer, electricity and telecommunications which we understand have capacity to support the proposed development; and
- there are no environmental constraints of such significance as to preclude the proposed development.

The site and surrounding locality do not present any significant physical, ecological, technological or social constraints on the redevelopment of the site for the proposed redevelopment. In summary, there are limited constraints on the redevelopment of the site and minimal conflicts will occur with surrounding land uses.

#### **4.11 SECTION 79C(1)(E) THE PUBLIC INTEREST**

Section 79C(D) and (E) of the EP&A Act require that any public submissions made in accordance with the Act or the public interest be considered in the development assessment process.

The proposed redevelopment is considered to be in the public interest as it complies with Canterbury-Bankstown Council's planning controls for the site and provides a wider range of housing options in the Bankstown city centre close to Bankstown Railway Station, additional car parking, and improved amenity with a modern high quality design that is consistent with the streetscape. The proposed development will make contribute to improving Bankstown as an attractive place to live and work.

The proposed development will not significantly impact on the environment, will improve consumer choice in the locality, will result in a good design outcome and is consistent with the applicable planning controls and strategic documents for the site. It is therefore considered to be in the public interest.

#### **4.12 SECTION 91A OF THE EP&A ACT - INTEGRATED DEVELOPMENT**

The provisions of Section 91 of the EP&A Act states:

***91 What is “integrated development”?***

*(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:*

Under the provisions of Section 91A of the EP&A Act, where a proposed development triggers the requirements for an approval from a State Government department, agency or authority a proposal is integrated.

The site of the proposed development does not trigger any items under Section 91 of the EP&A Act.

Therefore, the DA does not trigger the need for an integrated referral.

## 5. SUMMARY AND CONCLUSION

This SEE accompanies a DA lodged with Canterbury-Bankstown Council for a mixed-use development involving the demolition of existing structures on the site, construction of a proposed mixed use redevelopment involving a Council administration building 4,426 square metres, ground and first floor retail and commercial premises of 7,318 square metres GFA and upper level residential flat buildings in four buildings containing 469 apartments, with car parking for 803 spaces.

The aim of this report has been to provide the following:

- Description of the site and locality;
- Description of the proposed development;
- Assessment of relevant environmental planning matters for consideration under Section 79C of the EP&A Act including compliance with planning instruments and controls, environmental impacts, site suitability and the public interest; and
- A conclusion with respect to the proposal.

In summary, the proposed redevelopment is appropriate within the context of the subject site and is generally consistent with the statutory and policy requirements of both Council and the State government.

The environmental planning assessment makes the following conclusions about the proposed development:

- it complies with relevant planning instruments;
- it is consistent with the existing and desired future character of the locality in the mixed use zone in the Bankstown city centre;
- the scale, bulk and height of the proposed building is consistent with the objectives for the future height limits and FSR maximum under the amendments to the Bankstown LEP 2015;
- the building form and design is consistent with its purpose and includes appropriate modulation and articulation of building wall facades with different built elements, materials and finishes that break up the visual scale of the building and provide an appropriate design amenity, aesthetic and activation along each frontage and key pedestrian access points;
- it provides for an improved and appropriate streetscapes with an articulated and activated building façades at the ground floor level and podium levels;
- it will not have any unreasonable impact on adjacent properties in terms of sunlight access, acoustic, visual privacy or views, or significant heritage values;
- it provides pedestrian access that meets the relevant Australian Standards and BCA requirements for equitable access for the disabled;
- it includes a waste minimisation and management plan;



- it will have positive social and economic effects in the locality generating employment at both the construction and operation phases;
- it includes a range of measures for efficient use of water and energy resources, reducing carbon footprint and lowering potential global warming emissions;
- a construction management plan will be prepared prior to the commencement of works to manage potential impacts of construction activities;
- the site is suitable in that it is in a commercial zone and location that is accessible and has utility services infrastructure available and currently used for the proposed uses, capable of supporting the proposed development, can be rejuvenated to enhance the site, and no environmental constraints of such significance as to preclude the proposed development.

No significant impacts are envisaged to occur upon the amenity of surrounding properties. The proposal will result in a redevelopment which exhibits a high level of amenity for future residents and is expected to have a positive economic and social impact on the locality.

Given the above assessment, the proposed development has environmental planning merit and is considered to be in the public interest, and therefore we request the DA be granted consent by Council.

## **APPENDIX A**

### **Site Surveys (Reduced)**



## **APPENDIX B**

### **Architectural Drawings (reduced)**





## **APPENDIX C**

### **Facade Design Statement**



## **APPENDIX D**

### **SEPP 65 Design Statement**



## **APPENDIX E**

### **DCP Compliance Table**





## **APPENDIX F**

### **Traffic and Parking Assessment Report**



## **APPENDIX G**

### **Waste Management Plan**



## **APPENDIX H**

### **Contamination Report**





## **APPENDIX I**

### **Concept Landscape Plans, Public Domain Plan and Street Alignment Plan**



## **APPENDIX J**

### **BASIX Certificate and Stamped Plans**



## **APPENDIX K**

### **BCA Report**





## **APPENDIX L**

### **CPTED Report**



## **APPENDIX M**

### **Acoustic Report**





## **APPENDIX N**

### **Sewer Diversion Concept Plan**





## **APPENDIX O**

### **Demolition and Construction Management Plan**



## **APPENDIX P**

### **QS Report**



## **APPENDIX Q**

### **Access Report**



## **APPENDIX R**

### **Flood Assessment Report and Drawings**





## **APPENDIX S**

### **Stormwater Assessment Report, Drawings and Sedimentation and Erosion Control Plans**



## **APPENDIX T**

### **Geotechnical Report**



## **APPENDIX U**

### **Arborist Report**





## **APPENDIX V**

### **Aeronautical report and associated drawings**



## **APPENDIX W**

### **Wind Assessment**



## **APPENDIX X**

### **Urban Design Report**



## **APPENDIX Y**

### **Draft Stratum Subdivision**





## **APPENDIX Z**

### Substation Relocation

