



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

7 May 2018 - 6.00pm

Location:

**Council Chambers
Cnr Chapel Road and the Mall,
Bankstown**

ORDER OF BUSINESS

REVESBY WARD

- 1 297-299 Canterbury Road, Revesby**
Application to amend Bankstown Local Environmental Plan 2015: 297–299
Canterbury Road in Revesby.....3

BANKSTOWN WARD

- 2 280 Chapel Road, Bankstown**

Demolition of existing structures and construction of a three storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level.....35
- 3 220 - 222 South Terrace, Bankstown**

Demolition of existing dwelling, consolidation of two lots, relocation of existing sewer pipe, construction of two storey basement car parking, nine storey mixed use building comprising ground floor commercial premises (restaurant) and 91 residential units with associated services and on-site landscaping.
S96(2) Modification: Proposed addition of one level of basement (B3) under the approved building.....67

ADMINISTRATION

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Canterbury Bankstown Local Planning Panel - 7 May 2018

ITEM 1 Application to amend Bankstown Local Environmental Plan 2015: 297–299 Canterbury Road in Revesby

AUTHOR Planning

PURPOSE AND BACKGROUND

Council is in receipt of an application to prepare a planning proposal for the site at 297–299 Canterbury Road in Revesby.

To date, the assessment identifies the need for additional information to determine whether the proposal demonstrates strategic merit to proceed to the Gateway. The additional information includes the need for a prescribed airspace study to determine the maximum building height, and an appropriate mechanism to realise the supporting infrastructure in a timely manner.

ISSUE

In accordance with the Local Planning Panel's Direction, the purpose of this progress report is to request the Panel to identify any other matters that Council should consider prior to determining whether the proposal should proceed to the Gateway.

RECOMMENDATION

That the Local Planning Panel identifies any matters that Council should consider prior to determining whether the proposal proceeds to the Gateway.

ATTACHMENTS

A. Assessment Findings

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

At this stage, this matter has no financial implications for Council.

COMMUNITY IMPACT

Hospitals are an important piece of infrastructure and this proposal presents the opportunity to deliver a facility, which may benefit the community.

DETAILED INFORMATION

SITE DESCRIPTION

The site is located at the corner of Canterbury Road and Mavis Street in Revesby and comprises the following properties:

Property Address	Lot and DP Description	Site Area
297 Canterbury Road	Lot 9, DP 663160	3,712m ²
299 Canterbury Road	Lot 202, DP 840245	5,467m ²

The site is within Zone IN1 General Industrial under Bankstown Local Environmental Plan 2015. Hospitals are permitted in this zone subject to consent. The maximum FSR on the site is 1:1. The industrial zones do not have a maximum building height standard.

The site is occupied by industrial buildings including warehouses, offices and showrooms. The site is also subject to drainage easements and rights-of-carriageway.

In relation to local context, the site is located within the Bankstown Industrial Precinct and is surrounded by industrial development. Mavis Street is a cul-de-sac and B-Double trucks use this road to access industrial properties. The site is also subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport.

The Bankstown-Lidcombe Hospital is a 1km walking distance to the north via Claribel Road. Public transport is limited to bus services. The nearest railway station is Bankstown (3.5km) to the north.



Figure 1: Site

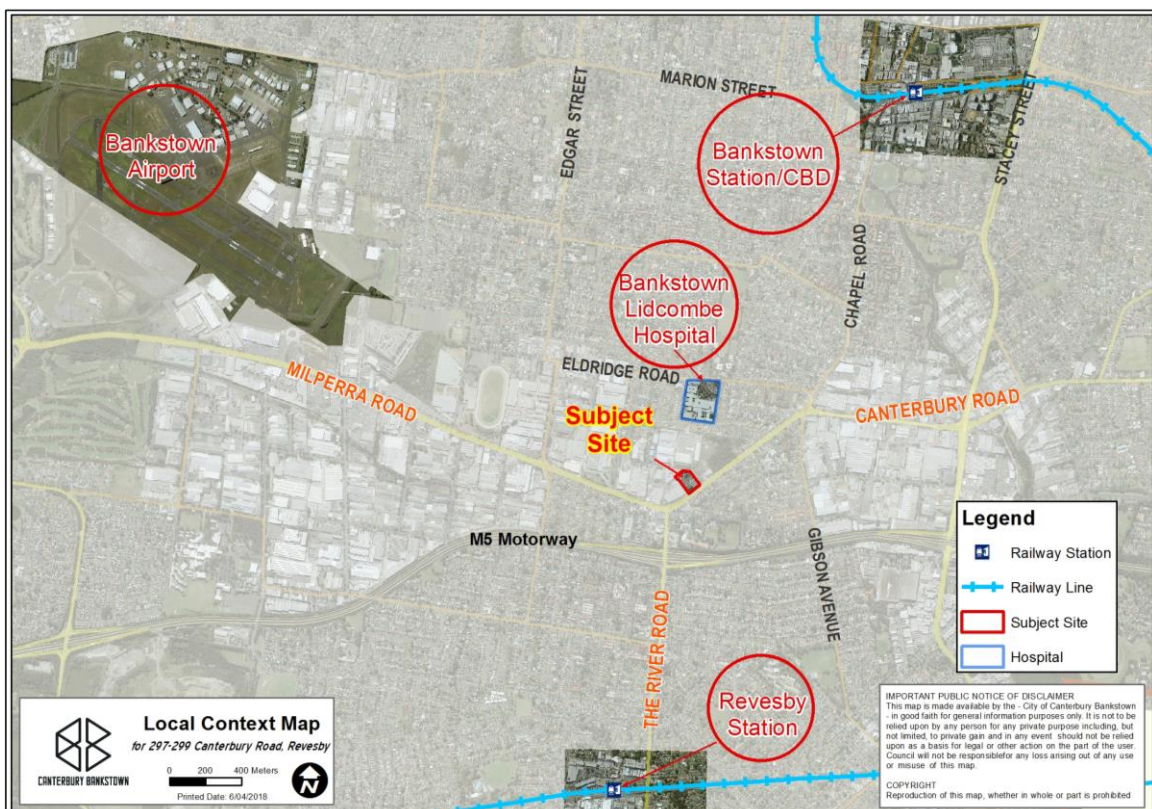


Figure 2: Locality Map

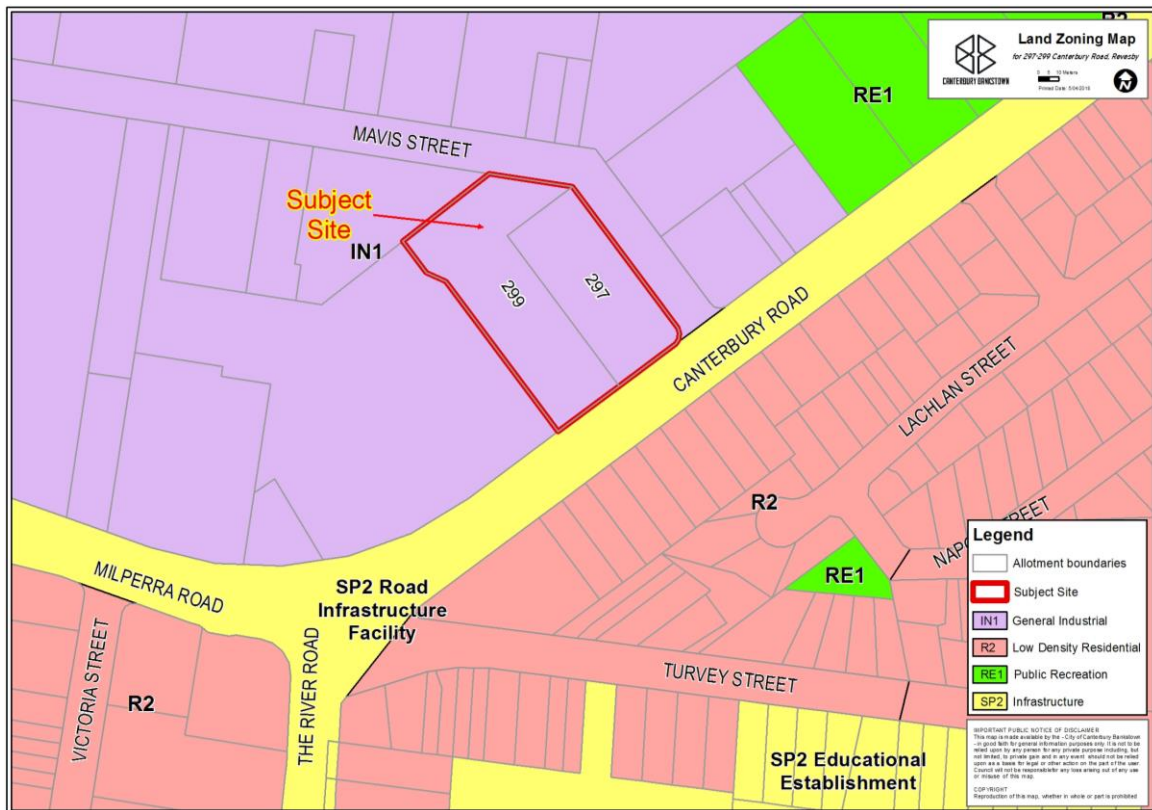


Figure 3: Current Land Zoning Map

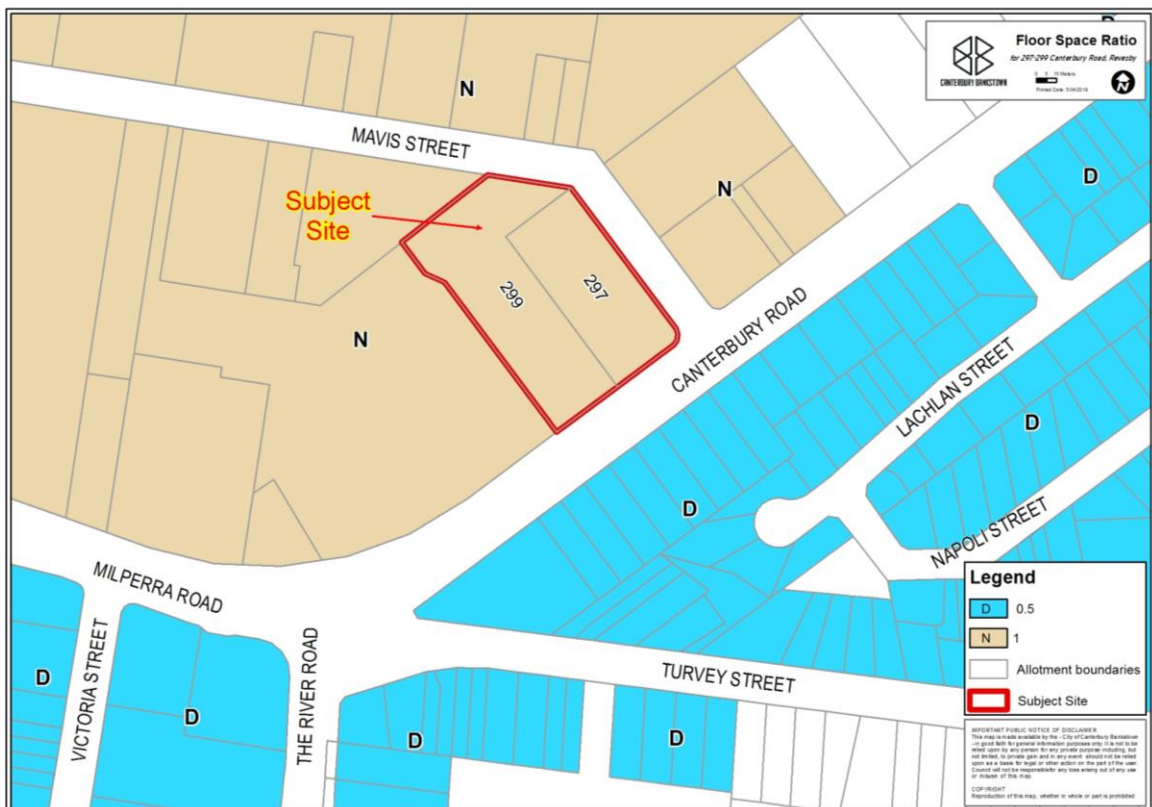


Figure 4: Current Floor Space Ratio Map

PROPOSAL

In February 2018, Council received an application requesting to amend the Floor Space Ratio Map under Bankstown Local Environmental Plan 2015 as follows:

Property Address	Current FSR	Proposed FSR
297 Canterbury Road	1:1	2.9:1
299 Canterbury Road	1:1	2.9:1

According to the proponent, *'the planning proposal is to facilitate the redevelopment of the subject site to accommodate a new 251 bed private hospital. The proposal will include operating theatres, associated services and tenancies. The proposal will also include car parking for approximately 433 vehicles, located within three basement levels and landscaping along the street frontages to Canterbury Road and Mavis Street. The proposal will have a height of six storeys above ground level and will have an FSR of 2.73:1. Vehicle access to the car park is from Mavis Street'*.

In March 2018, the proponent further explained that the request for a 2.9:1 FSR is *'in the event changes are required to be made to the 2.73:1 scheme as a result of any further consultant design input'*.

The proponent submitted a planning proposal report (prepared by GSA Planning, dated February 2018) and associated studies in support of the application, these documents have been provided to the Canterbury Bankstown Local Planning Panel.

For comparison purposes, the proposed 251 bed private hospital is similar in size to the Canterbury Hospital, which contains 215 beds.

CONSIDERATIONS

Based on the Environmental Planning & Assessment Act 1979 and the Department of Planning & Environment's guidelines, the following key policies are relevant:

- Metropolitan Plan (*A Plan for Growing Sydney*)
- Greater Sydney Region Plan
- South District Plan
- Council's Employment Lands Development Study
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

SUMMARY

A key issue is managing the likely effects as a result of the proposal. An assessment identifies the need for additional information to determine whether the proposal should proceed to the Gateway. The additional information includes:

- A prescribed airspace study to determine the maximum building height for the purposes of FSR Testing.
- An appropriate mechanism to realise the supporting infrastructure that is required to meet the demands arising from the proposal. This may involve a planning agreement

to legally capture the public benefits. The proposal does not include a planning agreement.

- Additional traffic information requested by the Roads & Maritime Services to inform the supporting infrastructure requirements.

Should the proposal demonstrate strategic merit and Council decides to proceed with a planning proposal, the assessment also identifies the need for the following information post-Gateway:

- A detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.
- Consultation with the Department of Planning and Environment to identify a site specific mechanism which may allow a higher FSR to be applied to the site solely for the purposes of a hospital.

Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct.

ASSESSMENT

Strategic Merit Test

In August 2016, the Department of Planning and Environment introduced the Strategic Merit Test to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*, the following issues are raised:

- 1. Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?**

The proposal is generally consistent with the Greater Sydney Region Plan and the South District Plan.

According to the Plans, Bankstown is a strategic centre comprising an emerging health and education precinct. The precinct contains the Bankstown-Lidcombe Hospital and the proposed Western Sydney University Campus. As the precinct grows and evolves, the principle is to ensure new hospitals are '*located within or directly adjacent to the precinct and ideally co-located with supporting transport infrastructure*'.

The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown-Lidcombe Hospital. Council's investigations identify the site as having the potential to support the emerging health and education precinct.

However, quality design and adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. To this extent, the following information is required to demonstrate strategic merit:

(i) Prescribed airspace study

The site is affected by prescribed airspace restrictions due to the proximity to the Bankstown Airport. A prescribed airspace study is required to determine the maximum building height for the purposes of FSR Testing. This would occur in consultation with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport.

(ii) Infrastructure delivery mechanism

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus stops on Canterbury Road, adjacent to the site.
- The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures.
- The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities.

In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.

The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.

2. Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

The proposal is consistent with Council’s Employment Lands Development Study.

According to the study, the site is located within the Bankstown Industrial Precinct and is in proximity to the Bankstown–Lidcombe Hospital. The proposal has the potential to support the emerging health precinct surrounding the Bankstown–Lidcombe Hospital.

3. Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

The proposal does not respond to a change in circumstances.

OTHER CONSIDERATIONS

In relation to other considerations, Council assessed the proposal based on the justification matters outlined in the Department of Planning & Environment's publication *A Guide to Preparing Planning Proposals*.

The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway based on consistency with relevant state environmental planning policies and Ministerial Directions.

A key issue is managing the likely effects as a result of the proposal. The assessment identifies the need for additional information should Council decide to proceed with a planning proposal, namely:

- A detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.
- Consultation with the Department of Planning & Environment to identify a site specific mechanism which may allow a higher FSR to be applied to the site solely for the purposes of a hospital. Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct.

Attachment A outlines the assessment findings.

ATTACHMENT A–Assessment Findings

Attachment A outlines the assessment findings and is based on the justification matters as set out by the Department of Planning & Environment.

1. Strategic Merit Test

Section 1 assesses the proposal based on the Department of Planning & Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway. A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

1.1 Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?

1.1.1 Greater Sydney Region Plan

	Consistent
<p>Proponent's Submission: The subject site is well located to optimise the use of existing infrastructure in accordance with Objective 4. This includes utilising the existing arterial road network in close proximity as well as the various public transport networks. The proposed private hospital will serve the community by providing high-quality health care. This is particularly important as the community ages and is consistent with Objective 6. The health-care services provided will also contribute to a healthier community and satisfy Objective 7.</p> <p>The Hospital will generate significant local employment which will contribute to creating a 30-minute city in accordance with Objective 14. This is also achieved through the integration of land use and transport by the site's proximity to bus and rail public transport services. Objective 21 is met by providing high quality health care services in proximity to the existing Bankstown Lidcombe Hospital. These have the potential to form an internationally competitive health precinct with knowledge sharing and cluster economic benefits.</p> <p>Council's Assessment: The proposal is generally consistent with the Greater Sydney Region Plan subject to additional information to address the following objectives:</p> <p><u>Objective 22: Investment and business activity in centres.</u></p> <p>According to this objective, Bankstown is a strategic centre comprising an emerging health and education precinct. The precinct contains the Bankstown–Lidcombe Hospital and the proposed WSU Campus. As the precinct grows and evolves, the principle is to ensure new hospitals are</p>	<p>Yes, subject to additional information to address Objectives 22 and 37.</p>

'located within or directly adjacent to the precinct and ideally co-located with supporting transport infrastructure'.

The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown–Lidcombe Hospital. Council's investigations identify the site as having the potential to support the emerging health and education precinct.

However, quality design and adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. To this extent, the following information is required:

(i) Prescribed airspace study

The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport.

To date, the submitted concept design shows the proposed building height at 54 metres (6 storeys). In April 2018, the proponent highlighted the findings of some preliminary work with their aviation consultant, which indicate the Obstacle Limitation Surface level is 51 metres AHD. This means, as a starting point, the proposed building height would need to be below 51 metres AHD.

A prescribed airspace study is therefore required to determine the maximum building height for the purposes of FSR Testing. This would occur in consultation with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport.

(ii) Infrastructure delivery mechanism

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus stops on Canterbury Road, adjacent to the site.
- The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures.
- The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities. The image below illustrates the proposed footpath connection (refer to the orange line).



Figure 5: Aerial Perspective

 Subject Site

In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.

The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.

Objective 37: Exposure to natural and urban hazards is reduced.

According to this objective, it is important to reduce the exposure of sensitive land uses to urban hazards such as contaminated land, noise and air pollution.

Should Council decide to proceed with a planning proposal, additional information would be required to address this objective, namely a detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.

1.1.2 South District Plan

	Consistent
<p>Proponent's Submission: The Canterbury Bankstown LGA falls within the South District, identified by the Draft Greater Sydney Region Plan. The proposal is consistent with a number of goals within the document, including 'improving 30-minute access to jobs and services by providing additional employment within an area highly accessible by public transport'. In particular, the proposed hospital is consistent with Planning Priority S8 which states, inter alia: <i>Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District</i>. The proposal is in proximity to Bankstown-Lidcombe Public Hospital which will create knowledge sharing and cluster economic benefits. The proposed hospital will also provide significant local employment opportunities. Accordingly, the proposal will facilitate growth as an economic catalyst for the district.</p> <p>Council's Assessment: The proposal is generally consistent with the South District Plan subject to additional information to address the following planning priorities:</p> <p><u>Planning Priority S8: Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District and Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres.</u></p> <p>According to these planning priorities, Bankstown is a strategic centre comprising an emerging health and education precinct. The precinct contains the Bankstown-Lidcombe Hospital, the proposed WSU campus and Sydney Metro Line, TAFE Bankstown College and a range of allied health care providers and services.</p> <p>As the precinct grows and evolves, the actions are to create the conditions for the continued co-location of health / education facilities and to support links to the Bankstown-Lidcombe Hospital. The jobs target is 17,000–25,000 new jobs in Bankstown by 2036.</p> <p>The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown-Lidcombe Hospital. Council's investigations identify the site as having the potential to support the emerging health and education precinct.</p> <p>However, quality design and adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. To this extent, the following information is required:</p>	<p>Yes, subject to additional information to address Planning Priorities S8, S9 and S18.</p>

(i) Prescribed airspace study

The site is affected by prescribed airspace restrictions due to the proximity to the Bankstown Airport.

To date, the submitted concept design shows the proposed building height at 54 metres (6 storeys). In April 2018, the proponent highlighted the findings of some preliminary work with their aviation consultant, which indicate the Obstacle Limitation Surface level is 51 metres AHD. This means, as a starting point, the proposed building height would need to be below 51 metres AHD.

A prescribed airspace study is therefore required to determine the maximum building height for the purposes of FSR Testing. This would occur in consultation with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport.

(ii) Infrastructure delivery mechanism

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus stops on Canterbury Road, adjacent to the site.
- The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures.
- The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities.

In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.

Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change.

According to this planning priority, it is important to reduce the exposure of sensitive land uses to urban hazards such as contaminated land, noise and air pollution.

Should Council decide to proceed with a planning proposal, additional information would be required to address this objective, namely a detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.

This planning priority also suggests an urban tree canopy along busy roads to reduce exposure to noise and air pollution.

1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

1.2.1 Employment Lands Development Study

	Consistent
<p>Proponent's Submission: Yes. Canterbury Bankstown Council has generated Local Area Plans for the majority of the LGA. The subject site appears to be located between the North Central and South East areas and, as such is not encapsulated by these plans. A Specialised Centre Plan is currently being prepared which applies to Bankstown Airport and the Milperra and Condell Park Industrial Precincts. This will likely include the subject site.</p> <p>However, Council has also undertaken strategic citywide studies including the Employment Lands Study which was formally adopted on 22 September 2009. This document refers to the Airport – Milperra Specialised Centre which includes the subject site. This area is recognised as being a key employment generator for the LGA with a focus on deepening its economic base. The proposed hospital will provide significant local employment with a different land-use which will increase the economic resilience of the area. Accordingly, the planning proposal is consistent with the Employment Lands Study.</p> <p>Council's Assessment: On 22 September 2009, the former Bankstown City Council adopted the Employment Lands Development Study. The intended outcome of the study is to provide recommendations for the renewal of key employment precincts.</p> <p>The site is located within the Bankstown Industrial Precinct and is in proximity to the Bankstown–Lidcombe Hospital.</p> <p>The study recognises the Bankstown–Lidcombe Hospital is relatively isolated from other activities. If the Bankstown–Lidcombe Hospital is to achieve long term success, it is important to improve the links to other activities. Action 9 of the study therefore recommends expanding the health and medical specialisations around the hospital precinct and to consider extending the precinct to the Bankstown CBD.</p>	Yes

Council's investigations identify the site as having the potential to support the emerging health precinct, in keeping with Action 9 of the study.	
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1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

	Complies
<p>Proponent's Submission: The proposed hospital is consistent with the 12 strategies priorities released by the NSW Premier as <i>NSW Making It Happen</i>. In particular, the hospital will invest in infrastructure and services and enhance the provision of medical services within the Sydney Metropolitan Area. This will generate additional local employment and has the potential to cut surgery waiting times.</p> <p>Council's Assessment: The proposal does not respond to a change in circumstances.</p>	No

1.4 Does the proposal have regard to the natural environment (including known significant environmental values, resources or hazards)?

	Complies
<p>Proponent's Submission: The proposal appropriately responds to the existing natural environment of the site, including suitable drainage and landscaping provisions and is subject to investigations that will render the site suitable for a hospital use, which is permissible in the zone.</p> <p>Council's Assessment: The proposal has regard to the natural environment (including known significant environmental values and hazards).</p>	Yes

1.5 Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?

	Complies
<p>Proponent's Submission: The site is located near other health land uses which are likely to complement each other. As noted, the proposal is in proximity to arterial road networks and public transport in the form of buses and heavy rail stations. These facilities are available to meet the transport demands arising from the proposal, creating a more efficient use of existing infrastructure. Accordingly, the proposal is considered to have strategic merit.</p>	Yes, subject to prescribed airspace study.

<p>Council's Assessment: The proposal has regard to the existing and likely future uses of land in the vicinity of the land for the reasons outlined in section 1.1 of this attachment.</p>	
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1.6 Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

	Complies
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):</p> <ul style="list-style-type: none"> • The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services. • The installation of new bus stops on Canterbury Road, adjacent to the site. • The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures. • The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities. <p>In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.</p>	<p>Yes, subject to mechanism to realise the infrastructure works in a timely manner.</p>

2. Planning Proposals–Justification Matters

Section 2 assesses the proposal based on the justification matters as outlined in the Department of Planning & Environment's publication *A Guide to Preparing Planning Proposals*. The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway.

2.1 Is the planning proposal a result of any strategic study or report?

	Complies
<p>Proponent's Submission: No. The planning proposal has resulted from a recommendation of the DP&E as part of their SEARs response rather than any specific strategic study or report. However, the proposal is consistent with the principles outlined in 'A Plan for Growing Sydney' and the Draft South District Plan.</p> <p>Council's Assessment: The proposal is not the result of any strategic study or report.</p>	No

2.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

	Complies
<p>Proponent's Submission: Yes. The planning proposal facilitates the requested site-specific changes to planning controls for the purpose of developing a private hospital on the site without compromising the integrity of the Bankstown LEP 2015.</p> <p>An option of rezoning was considered. However, as hospitals are permissible in the IN1 zone, a rezoning would have disrupted the consistency of land zoning along this portion of Canterbury Road. A rezoning would also not provide Council with security that industrial-type uses would be provided on the site, which is what Council envisions in the locality.</p> <p>Following the SEARs issued by the DP&E and advice from Council, an amendment to the LEP to increase the FSR for the site is the most appropriate means to enable the development of a hospital on the site. The current maximum FSR would not accommodate the extent of services required for a private hospital in the locality.</p> <p>Council's Assessment: In October 2017, the proponent submitted a Concept Development Application to the Department of Planning & Environment to assess the proposal as state significant development. The proposal is to construct a 6 storey hospital with a 2.67:1 FSR (251 beds and 433 parking spaces).</p> <p>In March 2018, the Department issued the Secretary's Environmental Assessment Requirements. The SEARs recommends the planning proposal as the best means to achieve the intended outcome, and requires the proponent to <i>'provide justification for any contravention of the development standards, including the nature and timing for any proposed Local Environmental Plan amendments to facilitate the proposed development'</i>.</p>	Yes, subject to consultation with the Department of Planning & Environment.

For this reason, the proponent submitted an application to Council with a request to amend the Floor Space Ratio Map by applying a maximum 2.9:1 FSR to the site. According to the proponent, the request for a 2.9:1 FSR is *'in the event changes are required to be made to the 2.73:1 scheme as a result of any further consultant design input'*.

Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct.

Should Council decide to proceed with a planning proposal, consultation with the Department would be required to identify a site specific mechanism which may allow a higher FSR to be applied to the site solely for the purposes of a hospital.

2.3 Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?

2.3.1 Metropolitan Plan (*A Plan for Growing Sydney*)

	Consistent
<p>Proponent's Submission: Yes, the proposal is consistent with <i>A Plan for Growing Sydney</i>, the current Metropolitan Strategy released in 2014. The site is located within the West-Central Sub-Region under this plan. The proposal would facilitate consistency with Direction 1.10 of the Plan to meet the growing needs for education and health services. Action 1.10.3 identifies a plan to expand health facilities, such as hospitals and community health facilities, to service Sydney's growing population.</p> <p>As NSW is targeting Western Sydney as part of its Hospitals Growth Program, the proposed increased FSR for the site would facilitate the development of a private hospital that would complement the existing and emerging health care facilities and meet an identified demand. This will also provide an increase in future employment opportunities within an industrial zone and near the Bankstown Airport.</p> <p>Council's Assessment: The proposal is consistent with the directions of the Metropolitan Plan, <i>'A Plan for Growing Sydney'</i>, namely Direction 1.10 to plan for education and health services to meet Sydney's growing needs. The proposal supports the growth of complementary health activities in strategic centres.</p>	Yes

2.3.2 Greater Sydney Region Plan

	Consistent
<p>Proponent's Submission: Refer to section 1.1 of this attachment.</p> <p>Council's Assessment: The proposal is generally consistent with the Greater Sydney Region Plan for the reasons outlined in section 1.1 of this attachment.</p>	<p>Yes, subject to additional information to address Objectives 22 and 37.</p>

2.3.3 South District Plan

	Consistent
<p>Proponent's Submission: Refer to section 1.1 of this attachment.</p> <p>Council's Assessment: The proposal is generally consistent with the South District Plan for the reasons outlined in section 1.1 of this attachment.</p>	<p>Yes, subject to additional information to address Planning Priorities S8, S9 and S18.</p>

2.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

2.4.1 Draft CBCity 2028

	Consistent
<p>Proponent's Submission: No comment.</p> <p>Council's Assessment: The vision of the Draft Canterbury–Bankstown Community Plan 2028 is to have a city that is '<i>thriving, dynamic and real</i>'. The 'Prosperous & Innovative' Direction will achieve this by promoting a smart and evolving city with exciting opportunities for investment and creativity. Council and other Government will work together to support private investment, employment and growth.</p> <p>The proposal is consistent with the Draft Community Plan.</p>	<p>Yes</p>

2.4.2 Employment Lands Development Study

	Consistent
<p>Proponent's Submission: Refer to section 1.2 of this attachment.</p> <p>Council's Assessment: The proposal is consistent with the Employment Lands Development Study for the reasons outlined in section 1.2 of this attachment.</p>	Yes

2.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

	Consistent
<p>State Environment Planning Policy No. 55–Remediation of Land</p> <p>Proponent's Submission: A Phase 1 Preliminary Site Investigation was prepared by ADE Consulting Group and forms part of this submission. This report assesses the potential for contamination on the site, summarises the findings based on a site walkover and visual inspection, and provides discussion of the outcomes of this investigation. The report concludes, inter alia:</p> <p><i>Areas that may be impacted by potential contamination were identified on the basis of the available Site information and during the Site inspection. Based on the data and evidence collected, the potential for contamination to be present within the Site is considered Moderate to High. The information collected during the historical assessment and Site inspection indicate that the Site is generally suitable for the intended redevelopment as a private hospital subject to the following being addressed:</i></p> <ul style="list-style-type: none"> <i>A Phase II Detailed Site Investigation (DSI) is required to determine that the Site is suitable for the proposed development. The works should investigate for the following: o An intrusive subsurface investigation throughout the Site to target the fill materials / groundwater and determine the lateral and vertical extent (if any) of potential contaminants of concern (i.e. BTEX, Heavy metals, PAHs, TPHs, OCPs & OPPs, PCBs, Cyanide, Ammonia, Nitrate, Acetone, Ethyl Methyl Ketone, Ethyl Glycol M Ether, Dibutyl Ether, pH and Asbestos), identified within as Potential Contamination Types (refer to section 5.1).</i> <p>Council's Assessment: This SEPP requires Council to consider land contamination where it is proposed to enable development for sensitive land uses such as hospitals. Part 7A of the EP&A Act reinforces this direction.</p>	<p>No, subject to detailed site investigation.</p>

<p>According to the preliminary site investigation report submitted with the application, a detailed site investigation is required to determine whether the site is suitable for the proposed development. Should Council decide to proceed with a planning proposal, a detailed site investigation report (undertaken or approved by an accredited site auditor) would be required to address this SEPP.</p>	
<p>State Environment Planning Policy (Infrastructure) 2007</p> <p>Proponent's Submission: A Traffic and Parking report has been prepared by TTPP Transport Planning and is submitted with this document. The report concludes, inter alia:</p> <ul style="list-style-type: none"> • <i>The planning proposal seeks to amend the current planning controls to permit a maximum FSR of 2.9:1 to provide a 251-bed private hospital and associated ancillary clinical facilities with a total gross floor area (GFA) of some 25,000m².</i> • <i>It is proposed to provide a basement car park, containing some 433 car parking spaces, with access off Mavis Street. This provision of parking satisfies the recommended car parking rates set out in the Roads and Maritime Guide, noting that Council does not specify any car parking rates for private hospital developments. Additionally, appropriate allocation of loading, drop-off/pick-up and bicycle facilities will be provided.</i> • <i>The car park layout and associated elements are proposed to be designed in accordance with the design requirements as set out in the relevant Australian Standards. All vehicular access points are proposed to be provided off Mavis Street. The existing vehicle access on Canterbury Road will be removed as part of the proposed development.</i> • <i>The proposed development is anticipated to generate up to 270 and 329 two-way vehicle movements in the morning and afternoon peak hours, respectively.</i> • <i>At present, excessive delays are currently experienced for right-turn movements to/from Mavis Street during peak periods, which is not unusual for side streets located on a main road (i.e. Canterbury Road). However, delays are expected to be significantly increased in the future, irrespectively of the proposed development and as such, should be upgraded to improve movements to/from Mavis Street.</i> • <i>Traffic modelling results indicated that the existing priority controlled, seagull Canterbury Road-Mavis Street intersection would need to be upgraded to provide an acceptable intersection performance in the future with traffic generated by the proposed private hospital.</i> • <i>The Roads and Maritime warrants for traffic signals will be satisfied with the traffic generated by the proposed private development.</i> • <i>The proposed signalisation of the Canterbury Road-Mavis Street intersection would result in the intersection performing at LoS A and D in the morning and evening peak, respectively, in Year 2027 with traffic generated by the proposed development. Furthermore, the</i> 	<p>No, subject to mechanism to realise the infrastructure works in a timely manner.</p>

proposal would improve access to/from Mavis Street and pedestrian crossing opportunities.

- *The traffic modelling will be further refined as part of the EIS Transport and Accessibility Report submission, with additional traffic surveys undertaken, including at the existing site, other surrounding intersections and at a comparably private hospital site, to update the traffic model and assessment accordingly.*
- *Overall, it is concluded that the traffic and parking aspects of the proposed development could be satisfactorily accommodated on the surrounding road network.*

Accordingly, in our opinion, the proposed design for a private hospital is appropriate from a traffic and parking point of view.

Council's Assessment: This SEPP identifies matters for consideration in relation to development adjacent to classified roads, such as Canterbury Road.

According to the traffic report submitted with the application, 81% of trips to and from the proposed hospital will be by car. This equates to a daily traffic generation of 1,939–2,303 vehicles.

The issues are the Canterbury Road / Mavis Street intersection currently experiences excessive traffic delays; B–Double trucks use Canterbury Road and Mavis Street to access industrial sites; public transport is limited to bus services; and there is limited walking and cycling facilities within the vicinity of the site.

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus stops on Canterbury Road, adjacent to the site.
- The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures.
- The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities.

In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.

2.6 Is the planning proposal consistent with applicable Ministerial Directions?

	Consistent
<p>Direction 1.1–Business and Industrial Zones</p> <p>Proponent’s Submission: The proposal demonstrates there will be no reductions in business land; instead the potential floor space for employment uses will be increased. The proposal is permissible in the industrial zone and will not reduce the total potential floor space for industrial uses. The planning proposal has considered the amended planning controls against relevant state and local planning strategies and has determined it to be consistent with the relevant aims and objectives. In summary, the proposal is consistent with this direction.</p> <p>Council’s Assessment: The objectives of this direction are to encourage employment growth in suitable locations, and to protect employment land in business and industrial zones.</p> <p>The proposal is consistent with this direction as it retains the existing industrial zone, and does not reduce the total potential floor space area for industrial zones.</p>	Yes
<p>Direction 3.4–Integrating Land Use and Transport</p> <p>Proponent’s Submission: The proposal is consistent with the objectives of Direction 3.4 due to the site’s close proximity to public transport. As indicated, there are a number of bus routes running along Canterbury Road adjacent to the subject site. These routes include Nos. 922, 923, 924, 926 and 962 providing access to and from Bankstown, Revesby, East Hills and Menai. The site is also within 2km of Revesby Railway Station and 3km of Bankstown Railway Station. The site’s accessibility to a variety of public transport options satisfies the objectives of the direction as it reduces the dependence on cars. In addition, the provision of business lands will improve access to jobs and services through the maximisation of public transport use. Accordingly, the proposal is consistent with this direction.</p> <p>Council’s Assessment: The objective of this direction is to ensure building forms improve access to jobs and services by walking, cycling and public transport.</p> <p>To date, the proposal is inconsistent with this direction, in particular the accessible development principles as outlined in the publication <i>‘Improving Transport Choice – Guidelines for planning and development’</i>.</p> <p>Given the size of the proposed hospital, the assessment identifies the need for supporting traffic and transport infrastructure works to improve the walking and cycling access arrangements in the vicinity of</p>	No, subject to mechanism to realise the infrastructure works in a timely manner.

<p>the site, and to improve connections to public transport services. The infrastructure works include (but are not limited to):</p> <ul style="list-style-type: none"> • The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services. • The installation of new bus stops on Canterbury Road, adjacent to the site. • The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures. • The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities. <p>In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.</p>	
<p>Direction 3.5–Development Near Licensed Aerodromes</p> <p>Proponent’s Submission: The proposed private hospital is considered a compatible use with the operation of the aerodrome. The built form will unlikely create an obstruction or flying hazard. This will be confirmed in an airspace assessment that will form part of the future SSD Application to the DP&E. In addition, the site is not proposed for residential purposes. In any event, Bankstown Airport is unlikely to result in significant aural impacts on the development. Any aural impacts that may arise can be addressed in an Acoustic assessment report that will form part of the future SSD Application.</p> <p>While the DP&E have undertaken some consultation with Sydney Metro Airports (operator of Bankstown Airport), it is expected that Council will further consult the Commonwealth Department of Infrastructure and Regional Development as well as Sydney Metro Airports.</p> <p>Bankstown Airport Limited has advised that a maximum OLS height of AHD 51 applies to the Inner Horizontal Surface which the site falls within, and other air services bodies may have varied protected airspace height requirements. The proposed hospital has been designed to minimise impacts on the airspace. However, a separate assessment will be undertaken as part of the SSD Application to ensure that the proposed private hospital will not have an adverse impact on the OLS.</p> <p>There is no existing height development standard relevant to the subject site. The proposal is designed with consideration to the OLS and will be assessed as part of a future SSD Application. The proposed</p>	<p>No, subject to prescribed airspace study.</p>

<p>hospital is permissible in the zone and is considered compatible with the operation of the aerodrome. Accordingly, the proposal is consistent with the objectives and considerations of this direction.</p> <p>Council's Assessment: The objectives of this direction are to ensure the effective and safe operation of airports, and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p> <p>The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport.</p> <p>To date, the proposal is inconsistent with this direction, namely clause 4(d) which requires Council to obtain permission from the Commonwealth Government (or delegate) if a planning proposal is to allow (as permissible with consent) development that encroaches above the Obstacle Limitation Surface.</p> <p>A prescribed airspace study is therefore required to determine the maximum building height consistent with this direction. This would occur in consultation with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport.</p>	
<p>Direction 4.3–Flood Prone Land</p> <p>Proponent's Submission: A Flood Risk Assessment and Stormwater Management Report has been prepared by Northrop and forms part of this submission. The report assesses the flood risks on the site and includes recommendations to mitigate potential flood impacts on the site and neighbouring development. The report also outlines a stormwater management strategy for the proposed development. The report concludes, inter alia:</p> <p><i>Northrop has been engaged by Canterbury Bankstown Private Hospital Pty Ltd to prepare a flood risk assessment and stormwater management plan in support of a Planning Proposal submission to the City of Canterbury Bankstown Council for the proposed development at 297- 299 Canterbury Road, Revesby.</i></p> <p><i>The department of planning has issued a SEARs (Secretary's Environmental Assessment Requirements) for the development. The Council requires a flood risk assessment management report to be submitted for review as part of a planning proposal prior to progression to EIS (Environmental Impact Statement).</i></p> <p><i>The flood risk assessment has been undertaken in accordance with Council's Stormwater System Report (flood information), Council's Salt Pan Creek Catchments Floodplain Risk Management Study & Plan (December 2013), Bankstown Development Control Plan 2015 – Part B12 Schedule 5 and NSW Floodplain Development Manual. The report</i></p>	Yes

finds that the site is affected by overland flow through the existing stormwater easement. The flood risk management strategies and controls are recommended to mitigate potential flood impact on the site and on the neighbouring property.

The stormwater management strategy including On-Site Detention, stormwater quality targets and stormwater drainage are to be designed in accordance with Bankstown Council's Development Engineering Standards and AS3500.3. This report has commented on the anticipated stormwater management strategy, so to illustrate that the future EIS stormwater can readily meet requirements.

Council's Assessment: The objective of this direction is to ensure the provisions of a LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The site is affected by the medium stormwater flood risk precinct. According to Bankstown Development Control Plan 2015–Part B12, the medium flood risk precinct is defined as *'land below the 100-year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. There would still be a significant risk of flood damage in this precinct. However, these damages can be minimised by the application of appropriate development controls'*.

To date, the proposal is inconsistent with clause 6 of this direction as it permits a significant increase in the development of the site.

However in accordance with clause 9(b), the proposal may be inconsistent as any risks resulting from the future redevelopment of the site may be satisfactorily addressed by applying the provisions of Bankstown Development Control Plan 2015–Part B12 as part of the development application process.

Direction 6.3–Site Specific Provisions

Proponent's Submission: Direction 6.3 aims to discourage unnecessarily restrictive site specific planning controls and relate primarily to land use. The proposal only aims to rezone to a more appropriate land use consistent with adjoining properties, and increase the density and height to capitalise on its accessible location, contribute to housing supply, and benefit from agglomeration effects of existing and future mixed use development in the area. The use of a site area framework for increasing density on the site serves to promote orderly and economic development on the site and incentivise coordinated redevelopment and the avoidance of isolated sites. Given the size of the site it is likely the proposal will require referral to the RMS under the SEPP(Infrastructure) 2007.

Yes, subject to consultation with the Department of Planning & Environment.

<p>Council's Assessment: The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The application requests an amendment to the Floor Space Ratio Map by applying a maximum 2.9:1 FSR to the site.</p> <p>Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct.</p> <p>Should Council decide to proceed with a planning proposal, consultation with the Department would be required to identify a site specific mechanism which may allow a higher FSR to be applied to the site solely for the purposes of a hospital.</p> <p>It is noted this scenario may be inconsistent with clause 4 of this direction as it proposes to impose a site specific provision in addition to the current provisions of Bankstown Local Environmental Plan 2015.</p>	
<p>Direction 7.1—Implementation of A Plan for Growing Sydney</p> <p>Proponent's Submission: Yes, the proposal is consistent with <i>A Plan for Growing Sydney</i>, the current Metropolitan Strategy released in 2014. The site is located within the West-Central Sub-Region under this plan. The proposal would facilitate consistency with Direction 1.10 of the Plan to meet the growing needs for education and health services. Action 1.10.3 identifies a plan to expand health facilities such as hospitals and community health facilities to service Sydney's growing population.</p> <p>As NSW is targeting Western Sydney as part of its Hospitals Growth Program, the proposed increased FSR for the site would facilitate the development of a private hospital that would complement the existing and emerging health care facilities and meet an identified demand. This will also provide an increase in future employment opportunities within an industrial zone and near the Bankstown Airport.</p> <p>Council's Assessment: The proposal is consistent with the directions of the Metropolitan Plan, '<i>A Plan for Growing Sydney</i>', namely Direction 1.10 to plan for education and health services to meet Sydney's growing needs. The proposal supports the growth of complementary health activities in strategic centres.</p>	Yes

2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

	Consistent
<p>Proponent's Submission: No. The subject site is within an established industrial zone and urban area that is not identified as having any ecological significance. An assessment of the environmental impacts of any future development of the site would be undertaken as part of an EIS.</p> <p>Council's Assessment: The proposal is consistent with the Ministerial Direction 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.</p>	Yes

2.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

	Consistent
<p>Proponent's Submission: No. The planning proposal is unlikely to result in any adverse environmental impacts. Any impacts associated with the future redevelopment of the site would be considered as part of a more detailed EIS submission. Documents including a Traffic Report, Stage 1 Environmental Investigation and a Flood Report have been prepared in support of the Planning Proposal and this is outlined in Section 6.0 of this report.</p> <p>Council's Assessment: The proposal has regard to the natural environment (including known significant environmental values and hazards).</p>	Yes

2.9 Has the planning proposal adequately addressed any social and economic effects?

	Consistent
<p>Proponent's Submission: Yes. It is our opinion that the planning proposal would have a positive social and economic impact. As outlined, a higher FSR would allow for its orderly development in accordance with the provisions of the EP&A 1979 as well as relevant Local and State planning policies and strategies. The planning proposal will facilitate the development of a 251-bed private hospital and associated facilities which will be accessible to the local and wider community. Importantly, the proposal will provide local employment and has the potential to generate economic multipliers.</p>	Yes, subject to additional information to address Objectives 22 and 37, and Planning Priorities S8, S9 and S18.

Council's Assessment: In relation to social and economic effects, the proposal is consistent with the Greater Sydney Region Plan and South District Plan for the reasons outlined in section 1.1 of this attachment.

2.10 Is there adequate public infrastructure for the planning proposal?

	Consistent
<p>Proponent's Submission: Yes. The subject site is located within an established urban area which is currently serviced with adequate water, sewer and electricity infrastructure which can be upgraded for future development. Furthermore, the proposal is located in proximity of a variety of public transport connections including the bus network operating along Canterbury Road and nearby train stations. These would increase the transport sustainability of the proposal. Further details of traffic, transport and associated recommendations are outlined in the Traffic and Parking Report which forms part of this submission.</p> <p>Council's Assessment: Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):</p> <ul style="list-style-type: none"> • The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services. • The installation of new bus stops on Canterbury Road, adjacent to the site. • The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures. • The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities. <p>In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.</p>	<p>No, subject to mechanism to realise the infrastructure works in a timely manner.</p>

2.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

	Complies
<p>Proponent's Submission: Preliminary consultation has been undertaken as part of the Planning Proposal. The proposal will be referred to relevant public authorities as part of the Gateway assessment. It is our opinion that the proposal will not adversely impact on the interest of any State or Commonwealth authority.</p> <p>Council's Assessment: The proposal has not been the subject of consultation with State and Commonwealth public authorities. This would be undertaken, should Council decide to proceed with a planning proposal.</p>	Yes

Canterbury Bankstown Local Planning Panel - 7 May 2018

ITEM 2	280 Chapel Road, Bankstown
	Demolition of existing structures and construction of a three storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level
FILE	DA-562/2017 – Bankstown Ward
ZONING	B4 Mixed Use
DATE OF LODGEMENT	27 June 2017
APPLICANT	Colin De Lore & Associates
OWNERS	Duyanh Pty Limited and Kimala Pty Ltd
ESTIMATED VALUE	\$2.77 Million
AUTHOR	Planning

REPORT

This matter is reported to the Local Planning Panel in accordance with *The Local Planning Panel Direction – Development Applications*, as the Development Application is one for which the developer has offered to enter into a Voluntary Planning Agreement with Council, whereby a monetary payment will be made to Council in lieu of providing all the required car parking spaces on site.

Based on the parking demand of 15 spaces generated by this development, the applicant proposes to provide eight at-grade car parking spaces on the site (including three residential and five commercial spaces), with the shortfall of seven commercial spaces to be addressed by a Voluntary Planning Agreement (VPA).

Development Application DA-562/2017 proposes the demolition of existing structures and construction of a three-storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level.

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the relevant specific environmental planning instruments, including State Environmental Planning Policy No 55 —Remediation of Land (SEPP 55), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment (GMREP No 2), Bankstown Local Environmental Plan 2015 (BLEP 2015), as well as Bankstown Development Control Plan 2015 (BDCP 2015). It is noted that State Environmental Planning Policy 65—Design Quality of Residential Apartment Development does not apply to this development.

The application has been assessed as generally being compliant with the relevant controls. However, the proposal involves a VPA to cover the shortfall in off-street parking spaces in accordance with BDCP 2015 – Part B5 and a minor non-compliance with BDCP 2015 – Part A1 requiring the ground floor level to be consistent with the footpath level (the non-compliance results due to Council’s minimum floor levels for flood affected sites). Despite the need for a VPA and non-compliant proposed floor level, the proposal represents an appropriate built form for the site and is consistent in terms of design and function with other new commercial developments in the surrounding locality.

The application was advertised/notified for a period of 21 days. No submissions were received during this period.

POLICY IMPACT

This development is not considered to have a policy impact. The proposed car parking variation is addressed by the levying of developer contributions, and is consistent with Council’s Voluntary Planning Agreements Policy and with previous development applications (with VPAs for car parking) approved by Council. With regard to the variation to the control requiring the ground floor level to be consistent with the footpath level, the reasons for supporting the variation are site specific and not readily applicable to other sites.

FINANCIAL IMPACT

The VPA will make a monetary contribution in lieu of providing seven off-street car parking spaces. The monetary contribution is set aside for the construction of public parking spaces as detailed in Council’s CBD Car Parking Strategy.

RECOMMENDATION

That Development Application DA-562/2017 be approved on a ‘deferred commencement’ basis subject to the attached conditions and the following deferred commencement condition:

The following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. *A Voluntary Planning Agreement (VPA) to provide for the deficient seven (7) car parking spaces shall be entered into prior to the issue of an operational consent.*

ATTACHMENTS

- A. Section 4.15 Assessment Report
- B. Conditions of Consent

DA-562/2017 ASSESSMENT REPORT

SITE AND LOCALITY DESCRIPTION

The subject site is known as 280 Chapel Road, Bankstown and is currently zoned B4 Mixed Use. The site is a regular shaped allotment, with an area of 649m², with a frontage to Chapel Road of 15.065m and a frontage to Dale Parade, at the rear being 15.53m. Liberty Plaza, a three storey shopping centre, adjoins the site to the south, and to the north are a number of older style single storey shops.

The site currently contains a fire damaged building, the previous use of which was a Goodyear Tyre Centre. The below aerial photograph details the site's location and proximity to adjoining land uses.



PROPOSED DEVELOPMENT

The Development Application proposes the demolition of existing structures and construction of a three storey mixed commercial-residential development, comprising two restaurants and car parking at ground floor level, with six commercial tenancies at first floor level and three residential units at second floor level. A gross floor area of 1215m² is proposed, which equates to a floor space ratio of 1.87:1 (which is within the maximum allowable floor space ratio of 2:1 for the site).

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

Environmental planning instruments [section 4.15(1)(a)(i)]***State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)***

State Environmental Planning Policy 55 – Remediation of Land aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. Under the provisions of Clause 7 of SEPP 55, 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.*

In the case where land may be contaminated, the consent authority must be satisfied that the land is suitable for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

The development site has long been used as a *Good Year Tyre and Brakes Service Centre* and the subject application proposes to occupy the site as a mixed use (commercial and residential) development. Given the previous use of the site, the application was supported by a preliminary site investigation report.

The report concluded that the site is suitable for the proposed development. The application is therefore considered satisfactory in regard to the requirements of State Environmental Planning Policy 55—Remediation of Land.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Deemed SEPP) (GMREP No 2)

The site is located on land identified as being affected by *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*. The proposed works are consistent with the relevant planning principles outlined in Clause 8 of the GMREP No 2 and the proposal does not include any of the specific development

types that have specific planning requirements as listed under the 'planning control table'.

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

A BASIX Certificate has been prepared in support of the application, which details the thermal, energy and water commitments associated with the development. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and is supported in this instance.

Bankstown Local Environmental Plan 2015 (BLEP 2015)

The relevant provisions contained within *the Bankstown Local Environmental Plan 2015* have been considered as follows;

- Cl. 1.2 Aims of Plan
- Cl. 1.3 Land to which Plan applies
- Cl. 1.4 Definitions
- Cl. 1.7 Maps
- Cl. 2.1 Land use zones
- Cl. 2.2 Zoning of land to which Plan applies
- Cl. 2.3 Zone objectives and Land Use Table
- Cl. 2.7 Demolition requires development consent
- Cl. 4.3 Height of buildings
- Cl. 4.4 Floor space ratio
- Cl. 4.5 Calculation of floor space ratio and site area
- Cl. 6.1 Acid sulfate soils
- Cl. 6.3 Flood planning

A detailed assessment of the development application against a number of specific provisions contained within the *Bankstown Local Environmental Plan 2015* is as follows;

Clause 2.2 – Zoning of land to which Plan applies

The site is located on land zoned B4 Mixed Use.

Clause 2.3 – Zone objectives and Land Use Table

The Land Use Table sets out which development may be carried out in each zone. The proposed mixed use development including commercial suites, restaurants and residential apartments are permitted uses within the zone. The proposal is consistent with the objectives of the B4 Mixed Use zone, being:

- *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.*

Clause 4.3 – Height of buildings

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. The Height of Buildings Map prescribes a maximum building height of 23 metres on the subject allotment. The proposal is for a maximum building height of 13 metres and therefore satisfies this requirement.

Clause 4.4 – Floor space ratio

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 floor space ratio map shows the maximum permitted floor space ratio as 2:1 on the subject site. The development complies with the maximum, by proposing a floor space ratio of 1.87:1

Clause 6.1 – Acid sulfate soils

The development site is affected by Class 5 Acid Sulfate Soils. Further consideration would be required for works on Class 5 affected land within 500 metres of adjacent Class 1, 2, 3, or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. As the site and proposal do not fall into this category, an Acid Sulfate Soils Management Plan is therefore not required. The proposed development is satisfactory with regard to Clause 6.1 of the BLEP 2015.

Clause 6.3 – Flood planning

Part of the subject site is affected by medium risk stormwater flooding. A Stormwater System Report issued for the site specified a floor level of 500mm above the 1 in 100 year flood level. The development meets the minimum floor level requirement. Council's Development Engineer has assessed the proposed development and advises that it is satisfactory, subject to recommended conditions of consent.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

There are no draft environmental planning instruments that are applicable in this instance.

Development control plans [section 4.15(1)(a)(iii)]***Bankstown Development Control Plan 2015 (BDCP 2015)***

The development application proposes a mixed use development within Zone B4 Mixed Use and therefore BDCP 2015 –Part A1 Centres and Part B5 – Car Parking apply.

The site is located within the Southern CBD Core precinct. BDCP 2015 – Part A1 states that *“The desired character is to have the Southern CBD Core precinct continue to contain retail activities and high amenity housing around the transport hub. The building form will be a mixed of retail and commercial activities on the ground and first floors, and high density living above”*.

The proposal’s compliance with the relevant controls contained within Part A1 and Part B5 of the BDCP 2015 are detailed in the table below.

STANDARD	PROPOSED	BDCP 2015 PART A1 & PART B5		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
FSR	1.87:1	Max 2:1	N/A	Yes
Height	13m	Max 23m	N/A	Yes
Setback	Nil setback	Nil setback	Yes	N/A
Active street frontage	A condition of consent will require the ground floor level to be RL16.80 which is 600mm higher than the footpath level. See comment below.	The design of the street frontage must ensure that the ground floor is at the same level as the footpath and accessible directly from the street.	No, see comment [1] below	N/A
Active street frontage	Retail/commercial proposed on the ground and first floor.	Ground floor and first floor must be retail/commercial.	Yes	N/A
Vehicle footpath crossings	Carpark entry proposed off rear lane.	For sites with more than two frontages, car parks entries, driveways and loading docks must locate on lanes and minor streets rather than the primary street frontages or streets with high pedestrian activity.	Yes	N/A

STANDARD	PROPOSED	BDCP 2015 PART A1 & PART B5		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Car parking	<p><u>Restaurant</u> Restaurant 1 and 2 each proposes a total dining area of approximately 80m². No spaces are required or proposed for the restaurants.</p> <p><u>Business/office/shops:</u> Of the 12 commercial spaces required, 5 spaces are proposed on-site and the shortfall of 7 spaces are to be met by a VPA – monetary contribution.</p> <p>This equates to 58% of the commercial spaces proposed to met by the VPA, rather than the 50% specified by BDCP 2015 – Part B5.</p> <p><u>Residential:</u> A minimum of 1 car space and a maximum of 3 car spaces per dwelling. = 3 parking spaces minimum</p> <p><u>Overall</u> Total = 15 parking spaces provided (including 8 parking spaces on-site and 7 parking spaces through a VPA – monetary contribution)</p>	<p><u>Restaurant</u> Less than or equal to 100m² of total dining, bar area: No requirement.</p> <p><u>Business/office/shops:</u> 1 car space per 40m² of half the gross floor area (GFA) of the premises; and a planning agreement is considered on the remaining 50% of parking requirements for the purpose of public parking.</p> <p>GFA 471m²/40m² = 11.77 spaces or 12 spaces</p> <p><u>Residential:</u> A minimum of 1 car space and a maximum of 3 car spaces per dwelling. = 3 parking spaces minimum</p> <p><u>Overall</u> Total = 15 parking spaces required</p>	No, see comment [2] below	N/A

[1] Active Street Frontage

BDCP 2015 – Part A1 requires that the design of the street frontage must ensure that the ground floor is at the same level as the footpath and accessible directly from the street. However, a condition of consent will require the ground floor level to be RL16.8 which is 600mm higher than the footpath level. This is a requirement of the Stormwater System Report which requires the floor level to be above the 1 in 100 year flood level. As the higher floor level is set by Council's Stormwater Systems Report in order to design a building that is suitable for the medium risk stormwater flood affectation on this site, it is considered that the proposed variation is worthy of support in this case.

[2] Car Parking

Bankstown DCP 2015 – Part B5 requires the development to provide 15 off-street parking spaces, however the development only proposes eight off-street parking spaces (three of which are for the residential component of the development).

Of the twelve commercial spaces required, five are proposed on-site and the developer proposes to cover the shortfall of seven by entering into Voluntary Planning Agreement (VPA) to pay a monetary contribution in lieu of those parking spaces. This equates to 58% of the commercial spaces proposed to met by the VPA, rather than the 50% specified by BDCP 2015 – Part B5.

Whilst less than 50% of the commercial car parking demand generated by the development has been provided for on-site (being 42%), it is considered that the monetary contribution in the form of a VPA being made for the shortfall of 58% can be used to improve and embellish public car parking within the surrounding locality. The levying of a contribution in lieu of on-site car parking in this case (being greater than 50%) represents a minor variation to BDCP 2015 – Part B5, however the proposed variation is not inconsistent with previous development applications (with VPAs for car parking) approved by Council within the CBD. It is therefore considered that approval of the proposed car parking variation is worthy of support in this case.

Planning agreements [section 4.15(1)(a)(iia)]

The Local Planning Panel Direction – Development Applications signed by the Minister for Planning 23 February 2018 outlines the type of development applications that are to be referred to Local Planning Panels for determination for all Councils in Sydney and Wollongong City Council. The Direction states “*Local planning panels of Councils in the areas identified in the Table below are to determine development applications involving development of a kind specified in the Schedule to this direction that is identified in the Table below*”. The table lists Canterbury-Bankstown City Council referral criteria in Schedule 2. Section 4(f) of Schedule 2 states “*Development applications for which the developer has offered to enter into a planning agreement*”.

Council adopted a Voluntary Planning Agreement Policy on 28 February 2017. Clause 3.1.2 of the policy refers to Development Applications as follows:

The Council will require the Developer to execute the agreed draft VPA or to have provided a detailed written irrevocable offer acceptable to the Council before the Development Application is determined (whether by the governing body or a delegate).

If the Developer has submitted a detailed written irrevocable offer acceptable to the Council, any Development Consent granted by the Council to the Development Application will ordinarily be subject to a deferred commencement condition requiring the VPA to be entered into in accordance with the offer before the consent operates.

At this stage, the owner has provided Council with a written offer to pay monetary contributions in-lieu of providing seven on-site parking spaces in the form of a Voluntary Planning Agreement.

Therefore the requirements of Council's Voluntary Planning Agreements Policy have been met and development consent can be granted subject to a deferred commencement condition requiring that a VPA be entered into to address the deficient parking spaces prior to the issue of an operational consent.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is not considered to be inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

The likely impacts of the development [section 4.15(1)(b)]

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As such, the development would have an acceptable impact on the adjoining natural, social, economic and built environments.

Suitability of the site [section 4.15(1)(c)]

The site is considered suitable for the proposed development. The proposed development results in an appropriate built form for the site which is consistent with the longer term desired future character illustrated in Council's Development Control Plan and Local Environmental Plan.

Submissions [section 4.15(1)(d)]

The application was notified to adjoining properties and advertised in the Torch newspaper for 21 days. No submissions were made during the notification period.

The public interest [section 4.15(1)(e)]

The proposed development would not contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the relevant specific environmental planning instruments, including State Environmental Planning Policy 55—Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The proposed development results in an appropriate built form for the site which is consistent with the longer term future desired future character illustrated in Bankstown Development Control Plan 2015 and Bankstown Local Environmental Plan 2015.

It is recommended the development application be approved on a 'deferred commencement' basis subject to the attached conditions and the following deferred commencement condition:

The following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

- 1) *A Voluntary Planning Agreement (VPA) to provide for the deficient 7 car parking spaces shall be entered into prior to the issue of an operational consent.*

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. *A Voluntary Planning Agreement (VPA) to provide for the deficient seven (7) car parking spaces shall be entered into prior to the issue of an operational consent.*

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Division 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Sections 9.37 and 9.50 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.

6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-562/2017, submitted by Colin De Lore & Associates, accompanied by Drawings listed in the table below, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing Number	Drawing Title	Prepared By	Revision	Dated
DA00	Chapel Road South Elevation	Colin De Lore & Associates Pty Ltd	C	27/02/18
DA01	Site Analysis and Demolition Plan		-	14/01/17
DA02	Site Plan		-	14/01/17
DA03	Ground Floor Level 1 Floor Plan		B	24/01/18
DA04	Level 2 Floor Plan		B	27/02/18
DA05	Level 3 Floor Plan		B	27/02/18
DA06	Roof Plan		A	01/05/17
DA07	Elevations		C	27/02/18
DA08	Sections		B	27/02/18

The development plans shall be amended as follows:

- a) The commercial ground floor level shall be amended to be RL16.8m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- 3) No approval is granted or implied for the use of the commercial floor space. Separate Development Consent for the use of the commercial floor space is required prior to occupation.

- 4) A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with the relevant legislation.
- 5) The Preliminary Site Investigation prepared by Hayes Environmental Consulting Pty Ltd titled, *Stage 1 Preliminary Environmental Site Investigation, 272-276 Chapel Road, South Bankstown NSW 2200*, report number EP511 AB, dated 28 April 2008 and the addendum prepared by Hayes Environmental Consulting Pty Ltd dated 25 January 2015 and the recommendations stated within, form part of the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 6) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 7) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 8) All relevant and appropriate water conservation and energy efficient requirements of BDCP 2015 – Part B4 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate.
- 9) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 10) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 11) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 12) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$27,696.15 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 13) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 14) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) A medium duty VFC at the property boundary fronting Dale Parade.
 - b) Drainage connection to Council's system.
 - c) Full width concrete footway/paving along the sites entire frontage to Chapel Road in accordance with the local CBD requirement Type 1 Specification - being 'Urbanstone' or approved equal concrete unit pavers, with dimensions of 400mm x 400mm x minimum 50mm mortared in over a 125mm thick fibre-reinforced concrete base. Pavement is to be laid in stretcher bond pattern, set perpendicular to the line of the kerb. Paver colours are 'Lamington' (infill pavers) and 'Silver Grey' (banding and header course) and are to be sealed with an approved sealant.
 - d) Concrete kerb and gutter along the sites both frontage Chapel Road and Dale Parade.
 - e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f) Repair of any damage to the public road including the footway occurring during development works.

- g) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 15) Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 15MB6597/D01 & D02, issue C 6/6/2017 prepared by UNITED CONSULTING ENGINEERS PTY LTD. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
- 16) The subject site is affected by local overland flooding and shall comply with the following:
 - a) The minimum floor level of the proposed structure(s) shall be constructed to RL 16.8m AHD including freeboard. All approved construction details shall be consistent with this requirement.
- 17) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 18) The development is to be carried out in accordance with the commitments shown on the BASIX Certificate. The BASIX commitments approved with this Development Application are to be reflected in the Construction Certificate plans and specifications. Any proposed changes to the BASIX commitments

after the Construction Certificate has been issued will require an updated BASIX Certificate and a new Construction Certificate.

- 19) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 20) The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 21) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f) Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction**

vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 22) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work

e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 23) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

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WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.

- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 24) A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 25) The demolition of all structures currently existing on the property must be undertaken, subject to strict compliance with the following: -

- a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
- b) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:
 - i. A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
 - ii. A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

NOTE: Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410, 9707 9412 or 9707 9635.**

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the

site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.

- e) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- l) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected

against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.

- m) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - n) Care shall be taken during demolition to ensure that existing services on the site (ie. sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
 - o) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
 - p) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- 26) The building / subdivision work in accordance with the development consent must not be commenced until:
- a) a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b) the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c) the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and

- iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 27) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 28) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 29) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 30) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 31) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 32) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 33) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 34) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 35) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 36) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 37) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 38) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 39) The waste storage room must be provided with smooth and impervious walls and floors and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The

area or room must be provided with water service hose connectors to enable easy cleaning.

- 40) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 41) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 42) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 43) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 44) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 45) Lighting at the entry and exit points to the building shall be installed, to increase security and reduce the risk of crime.
- 46) Closed Circuit Television (CCTV) shall be installed, particularly focusing on entry and exit points to the building.
- 47) Pedestrian warning signs and removable bollards shall be installed at the Dale Parade pedestrian exit from the building.

- 48) A new full-width footway shall be installed, which meets all requirements of Bankstown City Council's CBD Type 1 Specification - being 'Urbanstone' or approved equal concrete unit pavers, with dimensions of 400mm x 400mm x minimum 50mm mortared in over a 125mm thick fibre-reinforced concrete base. Pavement is to be laid in stretcher bond pattern, set perpendicular to the line of the kerb. Paver colours are 'Lamington' (infill pavers) and 'Silver Grey' (banding and header course) and are to be sealed with an approved sealant. All works required shall be completed to the satisfaction of Council, prior to the issue of a Works Permit Compliance Certificate.
- 49) Two (2) new canopy trees are to be planted within Council's footway area to Bankstown City Council's specifications and planted at a minimum of 200L bag size. Tree species shall be '*Pyrus calleryana* var. Bradford'. All works required shall be completed to the satisfaction of Council, prior to the issue of a Works Permit Compliance Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 50) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 51) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 52) Eight off street car spaces being provided in accordance with the submitted plans. This shall comprise:
- Three (3) residential spaces
Five (5) business / commercial spaces, one (1) of which are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 53) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 54) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 55) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.

- 56) Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the *NSW EPA Waste Classification Guidelines 2014* and the *Protection of the Environmental Operations Act 1997*.

Detail demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 57) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be

varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

- 58) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 59) Prior to the issue of a Works Permit Compliance Certificate, all works required by conditions 48 and 49 shall be completed to the satisfaction of Council.
- 60) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 61) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.
- 62) Prior to the issue of an Occupation Certificate the monetary contribution required by the Voluntary Planning Agreement referred to in Schedule A of this consent shall be paid to Council.

-END-

Canterbury Bankstown Local Planning Panel - 7 May 2018

ITEM 3	220 - 222 South Terrace, Bankstown
	Demolition of existing dwelling, consolidation of two lots, relocation of existing sewer pipe, construction of two storey basement car parking, nine storey mixed use building comprising ground floor commercial premises (restaurant) and 91 residential units with associated services and on-site landscaping. S96(2) Modification: Proposed addition of one level of basement (B3) under the approved building
FILE	DA-1314/2015/1 – Bankstown Ward
ZONING	B4 Mixed Use
DATE OF LODGEMENT	14 June 2017
APPLICANT	Topwei International Unit Trust and Topwei Family Trust
OWNERS	Topwei Pty Ltd / Topwei International Pty Ltd
AUTHOR	Planning

REPORT

This matter is reported to the Local Planning Panel for determination as the matter was deferred at the Independent Hearing and Assessment Panel meeting on 4 December 2017.

The Independent Hearing and Assessment Panel considered the application on 4 December 2017, and the minutes from that meeting are provided below.

Panel Assessment

The Panel carried out a site inspection of the subject site and has considered the officer's report, the 96(2) modification, including the statement of environmental effects, traffic management study and submissions. The Panel heard from submitters who raised objections as detailed above. Their concerns related not only to the section 96 application but to the original development that was approved. The Panel is aware that its function is to determine the modification application and we are

satisfied that modification would result in a development substantially the same as the development approved, which is in accordance with the terms of the EP&A Act.

However, the Panel has some concerns, and unfortunately the applicant and/or their architect/town planner were not present to be able to assist in enquires or respond to questions from the Panel.

In particular the Panel is not clear, and it is not stated in the Section 96 application, as to the reason or purpose and objectives of the modification. Coupled with some uncertainty over the modifications potential traffic impacts on the surrounding area, it is difficult for the Panel to determine whether the modification is in the public interest.

The Panel notes the traffic report and a number of statements in the report are contradictory and is not persuaded by the analysis that the additional parking sought will have no impact on traffic movements generated from the subject site. Furthermore, if the applicant considers that it is necessary to increase the number of residential car parking spaces provided on site, then is there a need to also increase the amount of parking allocated to the commercial/retail space. For example, should this be increased to say 35 consistent with the application of the DCP for other centres in the LGA. The Panel considers a consistent approach to the calculation of parking for both residential and commercial uses would appear appropriate and this should factor in the immediate proximity of the site to the station and stated strategic objectives of optimising public transport, particularly for transit orientated development.

Until such time as the Panel is provided with the rationale or objective of the section 96 modification application and the changed circumstances since the original approval then the Panel is not in a position to determine the application. As such the Panel has decided to defer the matter to allow the applicant to respond to the Panel's concerns.

The following additional information required for the Panel's consideration includes:

- a) The fundamental objective and the circumstances that may have changed to justify the section 96(2) modification application.*

Under section 79C the public interest must be considered and it must be done in the context of the justification or reason for the section 96 modification taking into consideration the acceptability of potential impacts.

- b) The conclusions in the traffic report require further analysis and clarification. For example, on the one hand the statement that additional traffic is just a part of future developments and on the other hand saying that the additional car parking will not generate any more traffic.*
- c) The traffic assessment should address whether in fact the proximity to the railway station justifies the significant 30% additional parking, in terms of 'best practice' and transit orientated development.*

The Panel resolved to defer determination of this matter, to allow the applicant the opportunity to provide additional information and to be present for the next Panel meeting to answer any questions that may arise in completing an assessment and determination of this proposed modification.

IHAP Determination

THAT Development Application DA-1314/2015/1 be DEFERRED to allow the applicant the opportunity to provide additional information prior to determination.

Vote: 4 – 0 in favour

Following the meeting held on 4 December 2017, and the correspondence sent out on 8 December 2017, the applicant has submitted both a revised Traffic Assessment Report and a Town Planning response to address the concerns raised. Council staff have reviewed the reports submitted and required further updated information in regard to the Traffic Assessment Report. A subsequent amended Traffic Assessment Report was submitted and reviewed. The submitted reports and documentation have been provided to the Local Planning Panel.

The applicant has cited reasons why the modification application has been proposed including the changing residential market and compliance with the BDCP 2015. The applicant states that the current residential market is experiencing a slight down turn and possible oversupply in some areas. In order to increase the market response to the units, the ability to offer additional parking for two and three bedroom units will create a point of difference in the market and add value to these units. Further the submission notes that the S4.55(2) (previously referred to as S96(2)) application proposes to increase the parking provided for the development, which results in a development that remains compliant under the parking controls outlined in the BDCP 2015.

The applicant's submission further states that the traffic consultants statement (i.e. that no additional traffic generation or impact from the additional spaces will result) is reflective of the methodology contained within the RTA Guide To Traffic Generating Development (2002), which clarifies the rate of traffic generation is on the basis of unit numbers, not the number of car parking spaces proposed. The application does not seek an increase in the number of units approved and therefore the Traffic Consultant's statement was made on that basis.

POLICY IMPACT

The matter has no direct policy implications.

FINANCIAL IMPACT

The matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached modified conditions of consent.

ATTACHMENTS

- A. Section 4.15 Assessment Report
- B. Conditions of Consent

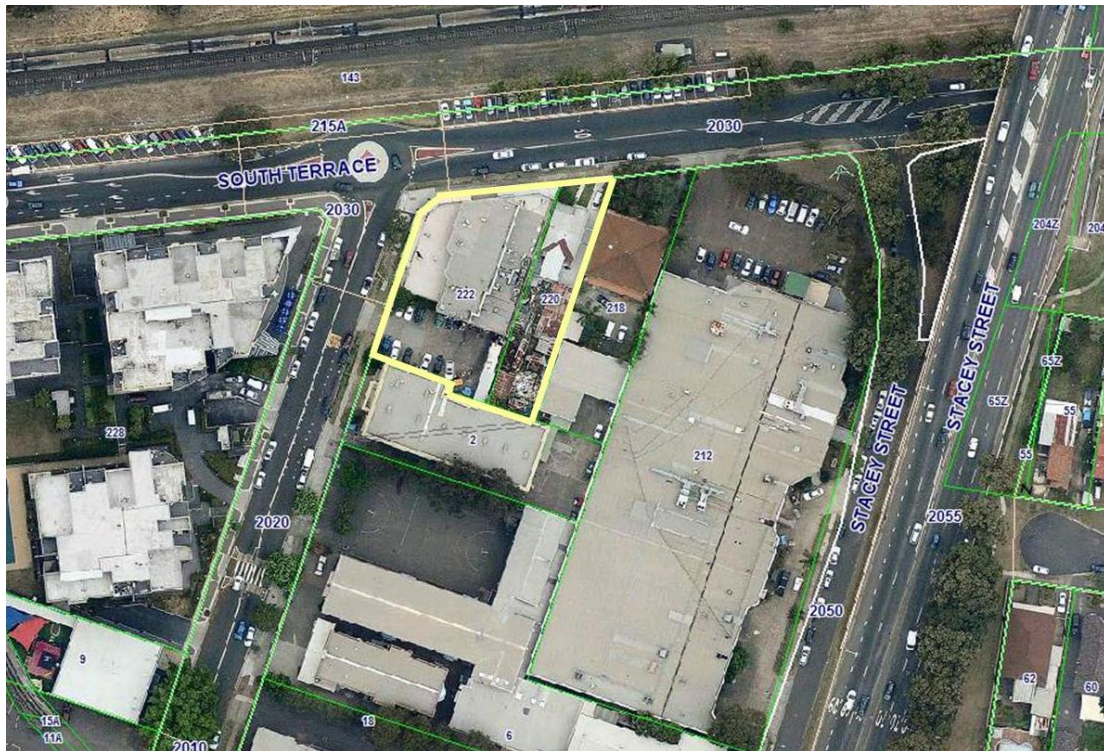
DA-1314/2015/1 ASSESSMENT REPORT

The subject site is known as 220 – 222 South Terrace, Bankstown. The site is a corner allotment that is currently zoned B4 Mixed Use. The consolidated site has a total area of 2178.9m², and a primary frontage of 36.57m to East Terrace and a secondary frontage of 43.24m to South Terrace. There is a fall of approximately 1.8m from the north to the south, and there are no significant trees on the sites. Of the subject sites, 220 South Terrace contains a single storey weatherboard clad dwelling and its associated residential structures. 222 South Terrace contains a part two-storey mixed commercial building containing two restaurants.

Immediately to the north of the development site is the Bankstown Rail line, while the site to the east contains a two storey brick building known as St Jude's refuge. To the south exists a single storey commercial building (St Vincent De Paul), with the development on the opposite side of East Terrace to the west comprising a residential flat building.

The wider area contains a mix of developments including (but not limited to) residential flat buildings, commercial premises and educational establishments.

An aerial photo of the site is provided below:



BACKGROUND/HISTORY

On 25 October 2016, Council resolved to approve DA-1314/2015 for the demolition of all structures on site, and construction of a nine storey mixed use development comprising of

one ground floor commercial tenancy and 91 residential units with at grade and basement car parking, landscaping and associated site works as a deferred commencement consent.

The deferred commencement consent was issued and a period of 12 months was provided to satisfy the 'Schedule A' conditions as required by Sydney Trains.

On 14 June 2017, a modification application was lodged for the addition of one level of basement car parking (B3) containing 56 car parking spaces. To facilitate the proposed modification, Basement Level 2 has been modified and the addition of a ramp for access to proposed Basement Level 3 provided, resulted in a loss of two spaces on previously approved Basement Level 2.

On 6 September 2017, the applicant applied to Council to extend the deferred commencement period of the pursuant to section 95A of the Environmental Planning and Assessment Act, 1979. Council approved the extension for a further period of 12 months on 13 September 2017.

PROPOSED DEVELOPMENT

This application is submitted under the provisions of section 96(2) of the *Environmental Planning and Assessment Act, 1979*. The application seeks to amend Determination Notice 1314/2015, and involves the following modifications:

- The addition of a third basement level for parking (Basement Level three) containing 56 car parking spaces, 18 bicycle spaces and additional storage;
- Changes to the approved Basement Level 2 car park layout to allow for access to Basement Level 3, resulting in a reduction of two car parking spaces on level two.

SECTION 96(2) ASSESSMENT

The proposed modifications have been assessed pursuant to section 96 of the *Environmental Planning and Assessment Act, 1979*.

- (a) *the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and***

The development remains substantially the same as that which was originally approved in so far as the modification will not result in any visual changes in the approved built form. The extent of the modification is confined to an additional level of car parking within the basement.

- (b) *It has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

There was no requirement to consult with the Minister, however the application was referred to the concurrence bodies previously consulted as part of the development application. Sydney Trains and Ausgrid have provided comments to Council. Both approval bodies have raised no objection to the proposed modification and have amended previously issued conditions where required.

(c) *It has notified the application in accordance with the regulations or a development control plan, and*

The application has been advertised in accordance with the notification requirements of BDCP 2015 for 21 days from 5 July to 25 July 2017. One submission was received.

(d) *It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan.*

One submission was made in relation to the proposed amendments which raised concerns relating to parking, traffic, pedestrian safety, and strategic planning and transport outcomes. The issues raised are addressed later in this report.

SECTION 79C ASSESSMENT

The proposed modifications have been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 requires the consent authority to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The soil contamination assessment that accompanied the original application confirmed that the site is partially contaminated. It is not considered that the proposed amendment would alter or modify the findings and recommendations contained within the original soil assessments and associated remediation action plan submitted. The report and accompanying Remediation Action Plan submitted notes the contaminants that were encountered on site and recommends remediation strategies to be undertaken. Conditions were imposed to ensure that the required works were completed in accordance with the report recommendations. The modification as proposed does not require any further investigation to be undertaken.

It is therefore considered that the consent authority can be satisfied that the development site will remain suitable for the proposed development as modified, in accordance with Clause 7 of SEPP 55.

Greater Metropolitan Regional Environmental Plan 2—Georges River Catchment (GMREP 2)

It is considered that the proposed development as modified will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, objectives, planning principles, planning considerations and policies and recommended strategies contained within the GMREP 2.

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)

SEPP 65 applies to residential flat buildings having four or more units and three or more storeys. Accordingly the SEPP applies, and an assessment against the Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) was carried out as part of the original application.

The proposed development as modified remains consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context. The development as modified does not change the level of compliance or the minor variations accepted under DA-1314/2015.

The table below shows the relevant change resulting from the modification to the applicable 'design criteria' contained in the Apartment Design Guide.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
3J-1 Car Parking		
Minimum car parking requirement must be provided on site	<p>183 car parking spaces are provided, in excess of the minimum 89 required under the Roads and Maritime Services (previously Roads and Transport Authority) Guide to Traffic Generating Developments, RTA 2002, for the residential units.</p> <p>The development complies with the minimum car parking requirements of 109 spaces for residential as contained in the BDCP 2015, Part B5.</p>	Yes

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) (SEPP 2007)

In accordance with the provisions of the ISEPP the modification application was referred to Sydney Trains and Ausgrid.

Sydney Trains

The proposed modification was referred to Sydney Trains pursuant to section 96(2)(b) of the EPA Act, 1979. Sydney Trains has reviewed the proposed modification proposed and have raised no objection to the modification, subject to the original concurrence issued for the deferred commencement.

The proposed modification has not altered the concurrence as originally provided and no change to the conditions originally provided by Sydney Trains has been required to facilitate the modification.

Ausgrid

The proposal was referred to Ausgrid pursuant to section 96(2)(b) of the EPA Act, 1979. Ausgrid has reviewed the proposed modification and raise no objection, subject to further conditions being imposed in regards to WorkCover, electrical safety rules, electricity supply and network standards.

An additional condition of consent has been recommended to satisfy the modified Ausgrid requirements.

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

The proposed modifications to the development do not alter compliance with the SEPP as established under the original application.

Bankstown Local Environmental Plan (BLEP) 2015

The following clauses of *Bankstown Local Environmental Plan (BLEP) 2015* are relevant to the proposed development and were taken into consideration:

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.4A – Additional gross floor area for more sustainable development in Bankstown CBD commercial core
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 6.2 – Earthworks

The proposed modifications to the development do not alter compliance with the BLEP 2015 as established under the original application.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments that are applicable in this instance.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application as modified against the applicable controls contained in B5 of the Bankstown Development Control Plan (BDCP) 2015.

STANDARD	PROPOSED	PART B5 of BDCP 2015		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Part B5 Parking				
Car Parking	<p>336m² restaurant provided, parking study submitted. It has been considered the recommendations of the traffic assessment and the provision of 15 car spaces for the commercial component is satisfactory as they have provided these at the DCP rate for "Other Town Centre's", which are not as frequently serviced by public transport</p> <p>The proposal provides for 183 car parking spaces</p>	<p>Restaurants Bankstown CBD -</p> <ul style="list-style-type: none"> - Less than or equal to 100m² of total dining, bar area: No requirement. - More than 100m² of total dining bar area: Parking study required. <p>In Zone B4 A minimum of 1 car space and a maximum of 3 car spaces per dwelling; and 1 visitor car space per 5 dwellings.</p> <p>B4 mixed use rate 91 units x 1 (minimum) = 91</p> <p>91 x 3 = 273 (maximum)</p> <p>1 visitors space per 5 dwellings 91/5 = 18.2</p> <p>Total (assuming the minimum) 91+ 18.2 + 15 = 124.2 (124) Required</p>	Yes	N/A

STANDARD	PROPOSED	PART B5 of BDCP 2015		BLEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
		Total (assuming the maximum) 273 + 18.2 + 15= 306 required		

Planning agreements [section 79C(1)(a)(iiia)]

There are no planning agreements applicable to the modification application.

The regulations [section 79C(1)(a)(iv)]

The proposed amendments are considered to satisfactorily address the relevant provisions of the regulations.

The likely impacts of the development [section 79C(1)(b)]

The proposed modification is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality as a result of the additional basement level.

Suitability of the site [section 79C(1)(c)]

The site is considered to remain suitable for the proposed development.

Submissions [section 79C(1)(a)(d)]

The application was advertised and notified for a period of 21 days from 5 July to 25 July 2017. One objection was received during this period, which raised concerns relating to parking, traffic, pedestrian safety, and strategic planning and transport outcomes.

Objection: Adverse traffic and pedestrian safety impacts as a result of the additional car parking

Comment: The proposal has been reviewed and the additional car parking proposed complies with the controls for off street parking in accordance with the BDCP 2015. An assessment of the current service level for East Terrace has been undertaken and it is considered that the service level of East Terrace is currently operating at a Service Level B.

It has been demonstrated that even with the increase in vehicle trips on the site resulting from the additional provision of off street parking provided, that the service level of East Terrace will remain at a Level of Service B. This is considered acceptable in the locality.

The proposal does not alter the site access points or existing pedestrian facilities in proximity to the subject site. It is considered that the existing pedestrian safety will not be changed as a result of this modification.

Objection: Adverse strategic and transport planning outcomes

Comment: It is not considered that the proposed modification to the approved development will be inconsistent with Council's adopted strategic planning objective for the Bankstown Central Business District. The BDCP 2015 requires developments to provide for sufficient parking on site, and this proposal complies with Council's controls.

Objection: *Cumulative impacts of the scale and intensity of development in the vicinity of the college in terms of solar access and traffic*

Comment: The proposal as approved and as modified is reflective of the size and scale of development that is expected as part of the desired future character of the B4 Local Centre zone. An assessment of the impacts has been undertaken and it is considered that the proposal does not result in any non-compliance for adjoining sites in terms of solar access, nor is it considered to result in any unacceptable traffic impacts to the existing traffic network, given the network will maintain the current service level.

The public interest [section 79C(1)(a)(e)]

The proposed modifications are not considered to contravene the public interest.

CONCLUSION

The proposed modifications have been assessed in accordance with the provisions of section 96 and section 79C of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, assessment against State Environmental Planning Policy 55- Remediation of Land, State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan 2— Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

Subject to the imposition of conditions to address external concurrence, the assessment of the application has found that the development as modified complies with the relevant development controls and requirements. It is considered that the proposed modification to include an additional level of parking for the development can be supported.

Independent Hearing and Assessment Panel Minutes

The Independent Hearing and Assessment Panel considered the application on 4 December 2017, and the minutes from that meeting are provided below.

Panel Assessment

The Panel carried out a site inspection of the subject site and has considered the officer's report, the 96(2) modification, including the statement of environmental effects, traffic management study and submissions. The Panel heard from submitters who raised objections as detailed above. Their concerns related not only to the section 96 application but to the original development that was approved. The Panel is aware that its function is to determine the modification application and we are satisfied that modification would result in a development substantially the same as the development approved, which is in accordance with the terms of the EP&A Act.

However, the Panel has some concerns, and unfortunately the applicant and/or their architect/town planner were not present to be able to assist in enquires or respond to questions from the Panel.

In particular the Panel is not clear, and it is not stated in the Section 96 application, as to the reason or purpose and objectives of the modification. Coupled with some uncertainty over the modifications potential traffic impacts on the surrounding area, it is difficult for the Panel to determine whether the modification is in the public interest.

The Panel notes the traffic report and a number of statements in the report are contradictory and is not persuaded by the analysis that the additional parking sought will have no impact on traffic movements generated from the subject site. Furthermore, if the applicant considers that it is necessary to increase the number of residential car parking spaces provided on site, then is there a need to also increase the amount of parking allocated to the commercial/retail space. For example, should this be increased to say 35 consistent with the application of the DCP for other centres in the LGA. The Panel considers a consistent approach to the calculation of parking for both residential and commercial uses would appear appropriate and this should factor in the immediate proximity of the site to the station and stated strategic objectives of optimising public transport, particularly for transit orientated development.

Until such time as the Panel is provided with the rationale or objective of the section 96 modification application and the changed circumstances since the original approval then the Panel is not in a position to determine the application. As such the Panel has decided to defer the matter to allow the applicant to respond to the Panel's concerns.

The following additional information required for the Panel's consideration includes:

- a) *The fundamental objective and the circumstances that may have changed to justify the section 96(2) modification application.*

Under section 79C the public interest must be considered and it must be done in the context of the justification or reason for the section 96 modification taking into consideration the acceptability of potential impacts.

- b) *The conclusions in the traffic report require further analysis and clarification. For example, on the one hand the statement that additional traffic is just a part of future developments and on the other hand saying that the additional car parking will not generate any more traffic.*
- c) *The traffic assessment should address whether in fact the proximity to the railway station justifies the significant 30% additional parking, in terms of 'best practice' and transit orientated development.*

The Panel resolved to defer determination of this matter, to allow the applicant the opportunity to provide additional information and to be present for the next Panel meeting to answer any questions that may arise in completing an assessment and determination of this proposed modification.

IHAP Determination

*THAT Development Application DA-1314/2015/1 be **DEFERRED** to allow the applicant the opportunity to provide additional information prior to determination.*

Vote: 4 – 0 in favour

Supplementary Information

Following the meeting held on 4 December 2017, and the correspondence sent out on 8 December 2017, the applicant has submitted both a revised Traffic Assessment Report and a Town Planning response to address the concerns raised. Council staff have reviewed the reports submitted and required further updated information in regard to the Traffic Assessment Report. A subsequent amended Traffic Assessment Report was submitted and reviewed. The submitted reports and documentation have been provided to the Local Planning Panel.

The applicant has cited reasons why the modification application has been proposed including the changing residential market and compliance with the BDCP 2015. The applicant states that the current residential market is experiencing a slight down turn and possible oversupply in some areas. In order to increase the market response to the units, the ability to offer additional parking for two and three bedroom units will create a point of difference in the market and add value to these units. Further the submission notes that the S4.55(2) (previously referred to as S96(2)) application proposes to increase the parking

provided for the development, which results in a development that remains compliant under the parking controls outlined in the BDCP 2015.

The applicant's submission further states that the traffic consultants statement (i.e. that no additional traffic generation or impact from the additional spaces will result) is reflective of the methodology contained within the RTA Guide To Traffic Generating Development (2002), which clarifies the rate of traffic generation is on the basis of unit numbers, not the number of car parking spaces proposed. The application does not seek an increase in the number of units approved and therefore the Traffic Consultant's statement was made on that basis.

MODIFIED CONDITIONS

Accordingly, Condition 2, 17, 73, 74 and 84 of Determination Notice DA-1314/2015 (dated 25 October 2016) are amended to read (as shown in italics):

- 2) Development shall take place in accordance with Development Application No.DA-1314/2015, submitted by PSEC Project Services, accompanied by Drawing No.

- ~~D2001 Floor Plan Basement 2 Revision C dated 21 July 2016~~
- D2002 Floor Plan Basement 1 Revision C dated 21 July 2016
- D2003 Floor Plan Ground Level Revision C dated 21 July 2016
- D2004 Floor Plan Level 1 Revision C dated 21 July 2016
- D2005 Floor Plan Level 2-3 (typical) Revision C dated 21 July 2016
- D2006 Floor Plan Level 4-8 (typical) Revision C dated 21 July 2016
- D2007 Floor Plan Communal Roof Plan Revision C dated 21 July 2016
- D3000 North/West elevations and schedule of finishes Revision C dated 21 July 2016
- D3001 South/East elevations and schedule of finishes Revision C dated 21 July 2016
- ~~D3002 Internal South/East elevations and schedule of finishes Revision C dated 21 July 2016~~
- ~~D4000 Sections A & B Revision C dated 21 July 2016~~
- ~~D4001 Sections Vehicular access ramp detailed section Revision C dated 21 July 2016~~

prepared by PSEC Projects Services, and affixed with Council's approval stamp, and *Section 96(2) Modification application 1314/2015/1 submitted by Topwei Family Trust accompanied by Drawing No.*

- *E2000 Floor Plan Basement 3 Revision Dated 6 April 2017*
- *E2001 Floor Plan Basement 2 Revision D dated 3 April 2017*
- *E3002 Internal South/North Elevations and schedule of finishes Revision D dated 6 April 2017*
- *E4000 Sections A & B Revision D dated 3 April 2017*
- *D4001 Sections Vehicular access ramp detailed section Revision D dated 3 April 2017*

prepared by PSEC Project Services, and affixed with councils approval stamp except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

- 17) Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$219,649.67 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 73) *183* off street car parking spaces shall be provided/maintained for the use of visitor, *residents* and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.
- 74) *183* off street car spaces being provided in accordance with the submitted plans. This shall comprise of a minimum:
- 150* residential spaces
 - 18* residential visitor spaces
 - 15* business / commercial spaces
- Car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.
- 84) Car parking spaces for *183* vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for *residents*, employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

And the addition of condition 8a) to Determination Notice No. DA-1314/2015 (dated 25 October 2016) to read (as shown in italics):

- 8a) *The development must be designed to comply with the requirements of the Ausgrid conditions issued in letter dated 27 July 2017, Reference No. TRIM 2017/10/29. The design of the development must consider the requirements made with reference to the method of electricity connection, supply of electricity, street lighting, service mains and proximity to existing network assets including both overhead powerlines and underground cables in this correspondence. This correspondence forms part of this consent.*

The approval is subject to full compliance with all other conditions contained within Development Consent DA-1314/2015.

Canterbury Bankstown Local Planning Panel - 7 May 2018

ITEM 4 **Canterbury Bankstown Local Planning Panel Member Disclosure of Interest Returns**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Under Clause 4.15 of the Code of Conduct for Local Planning Panel Members, Panel Members are required to make and lodge a disclosure of interest within one month of becoming a Panel member, or prior to their first panel meeting, whichever occurs earlier.

All Panel members have lodged their Primary Returns, which have been recorded in the register of Returns.

ISSUE

Disclosure of Interest Returns are tabled for the Panel's notation.

RECOMMENDATION

That the tabling of Canterbury Bankstown Local Planning Panel member's Disclosure of Interest Returns be noted.

ATTACHMENTS

Nil

POLICY IMPACT

The report has no policy impacts.

FINANCIAL IMPACT

The report has no financial impacts.

COMMUNITY IMPACT

The report has no community impacts.