

Statement of Environmental Effects

Alterations and Additions; and
Change of use

Lot: 102 DP: 867994
9 Marion Street, Bankstown
New South Wales, 2200

Canterbury-Bankstown Council



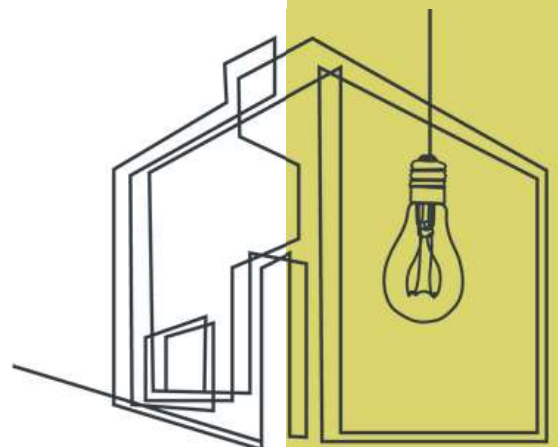
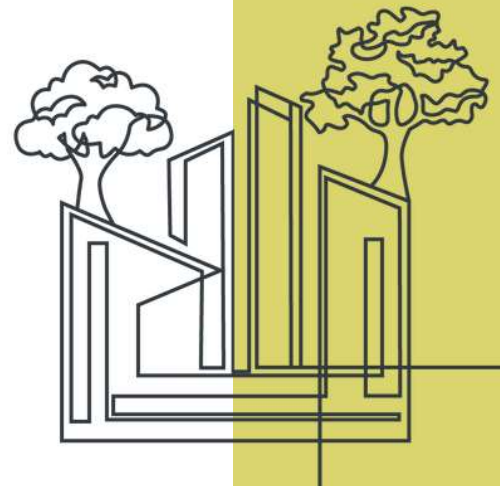
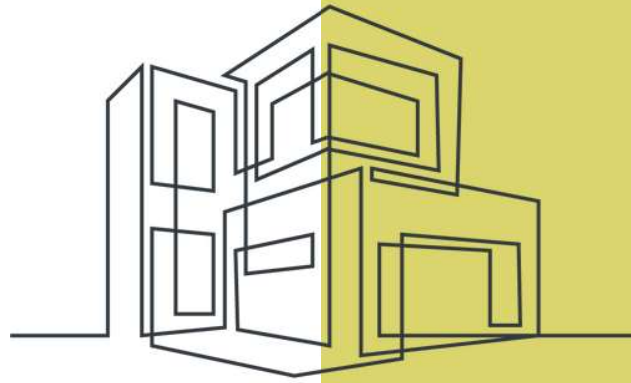
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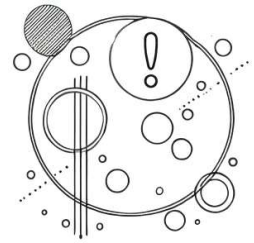


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About the Author

I am a qualified Town Planner and have a Bachelor of Urban and Regional Planning (BURP) from the University of New England (Armidale). I am a member of the Planning Institute of Australia. I am a qualified NatHERS assessor and have Certificate IV NatHERS Assessment.

I live in New Zealand, and work remotely to Australia, I am not permitted by the ATO to hold an ABN (Australian Business Number) and instead have ARN (Australian Registration Number). The ARN is a number used for overseas business conducting service-based business in Australia to complete a GST/Tax return. I am registered as a business in New Zealand and my company number is 9429047119994. Plan for tomorrow carries a registered trademark.

I hold Professional Indemnity insurance and Cyber Insurance.

For a list of projects I have undertaken, please feel free to explore the interactive map on my website: <https://plan-for-tomorrow.com/>. A capability statement is available on request.

How to interpret this report

This report does not constitute an approval for development and does not override Council or the certifiers opinion or certification. The guidance offered is purely merit-based considerations and opinions, based on experience and an understanding of the facts and circumstances presented. The understanding is set out as follows so that it may be checked. If the understanding is incorrect, or materially incomplete, the advice may change.

Each section includes a table that addresses each of the clauses within the relevant parts of the legislation e.g.

4A.4 Landscaping	
Tree retention	
1 Landscape proposals are to retain existing trees, where possible. This may be achieved by: i) minimising changes to existing ground levels; ii) confining building works where appropriate to pre-existing building footprints.	The development proposes the removal of selected trees supported by an arborist who has no objections to their removal.

The response addresses the clause in the relevant section and provides guidance on additional information required to satisfy that clause. As a town planner, it is not within my scope of knowledge or expertise to certify these clauses or comment on related documents. These details should be provided by other consultants or authorities who specialize in areas such as tree removal permits or traffic assessments or the like.

Sincerely,

Tania Hannaford

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Revision

11/04/2025 – Issued to Designer – Awaiting Additional Information

15/04/2025 – Issued to Designer – FINAL

Introduction

This Statement of Environmental Effects has been prepared to accompany an application for the Alterations and Additions; and Change of use at the subject site being 9 Marion Street, Bankstown in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA&A 1979).

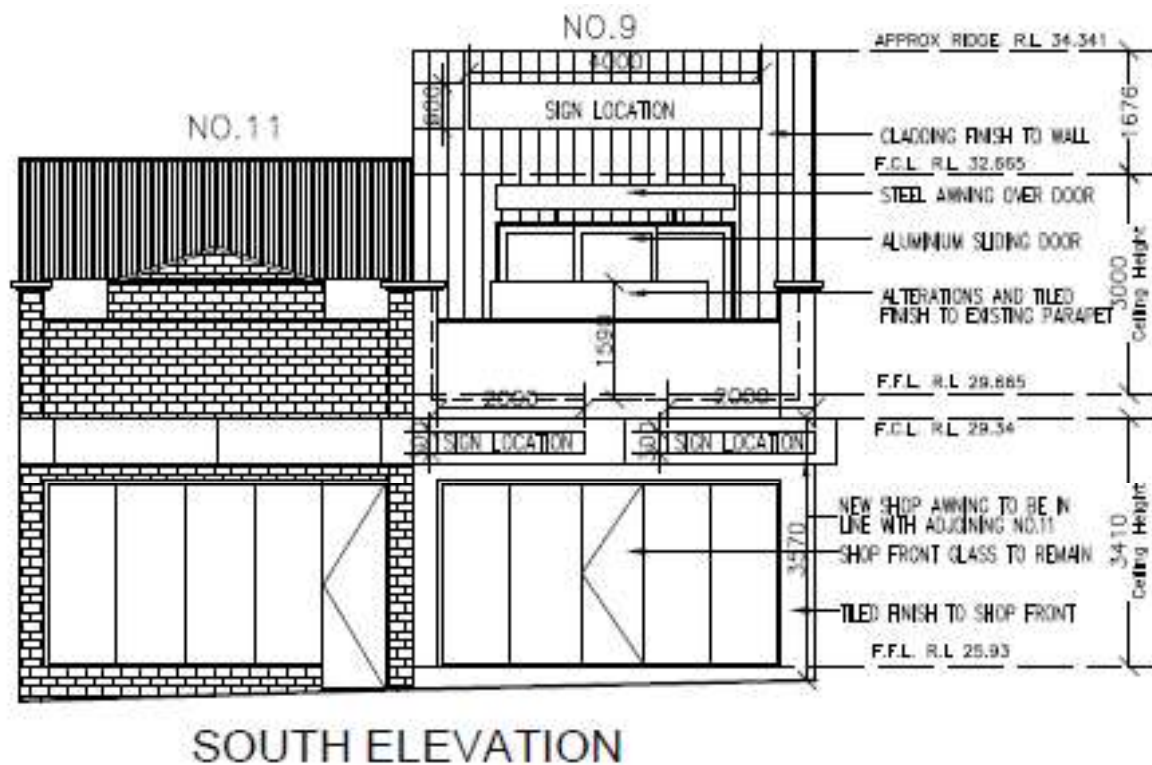


Figure 1. Proposed Development at 9 Marion Street, Bankstown (Inkon Plans)

This Statement, along with the supporting plans and reports, provide all the necessary information to assist the consent authority in making an informed assessment and favourable determination of the proposal in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA&A 1979).

Local Character and Context

Character is what makes a neighbourhood distinctive. It is created by a combination of the land, public and private spaces and how they interact to make a distinctive character and identity of an area.

This includes the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation.¹

¹ <http://www.planning.nsw.gov.au/Policy-and-Legislation/Local-character>

Local Character

The area features a mix of commercial and light industrial development, reflecting the functional urban character of this part of Bankstown. The subdivision pattern comprises medium to large allotments occupied by warehouses, service industries, and commercial premises. The flat topography supports efficient site layouts and vehicle access, with minimal setbacks and wide frontages. Proximity to major transport routes reinforces the locality's role as a well-connected commercial and industrial precinct.

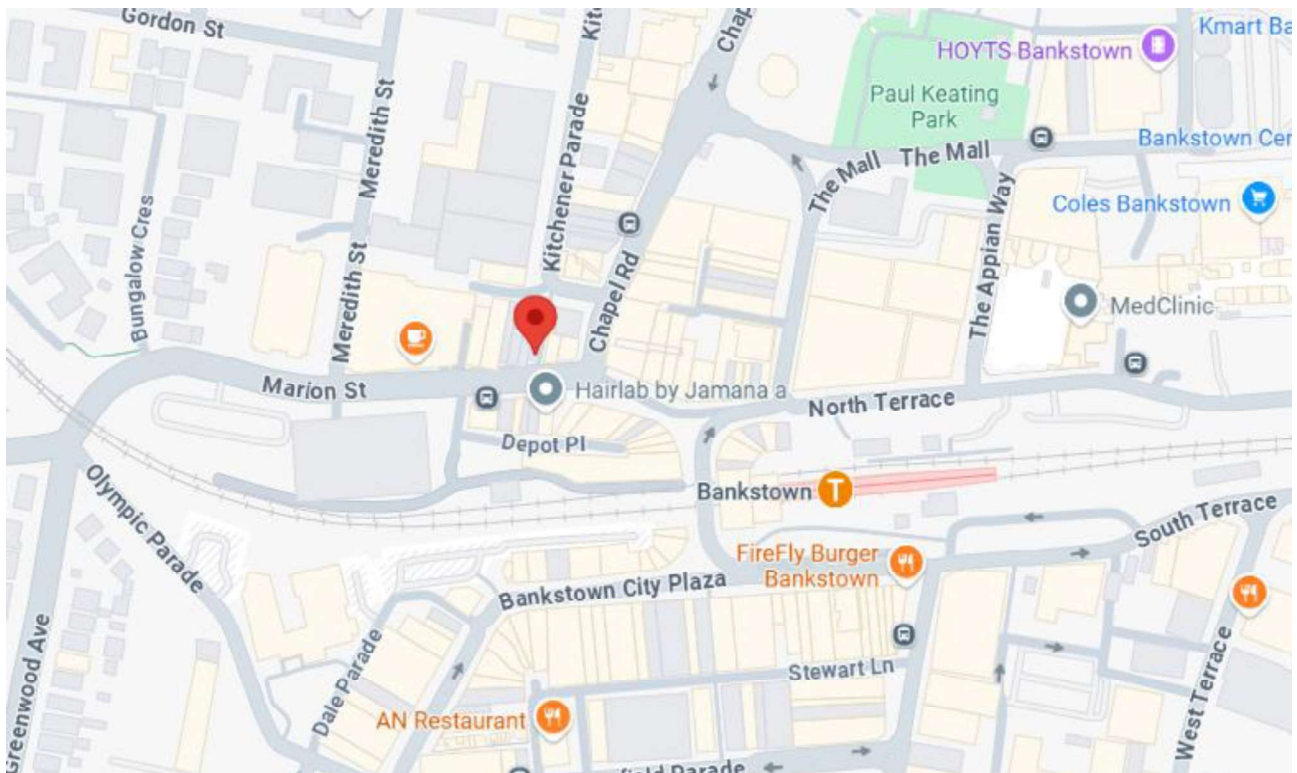


Figure 2. Local Character of 9 Marion Street, Bankstown (Google Maps)

Neighbourhood Scale & Streetscape

The locality is characterized by a mix of commercial and light industrial development, with low to mid-rise buildings used for retail, office, and warehousing purposes. Buildings typically have minimal setbacks and large site coverage, with off-street parking and loading areas provided on-site. The streetscape features wide roads, concrete footpaths, and limited landscaping, supporting vehicle access and commercial activity.

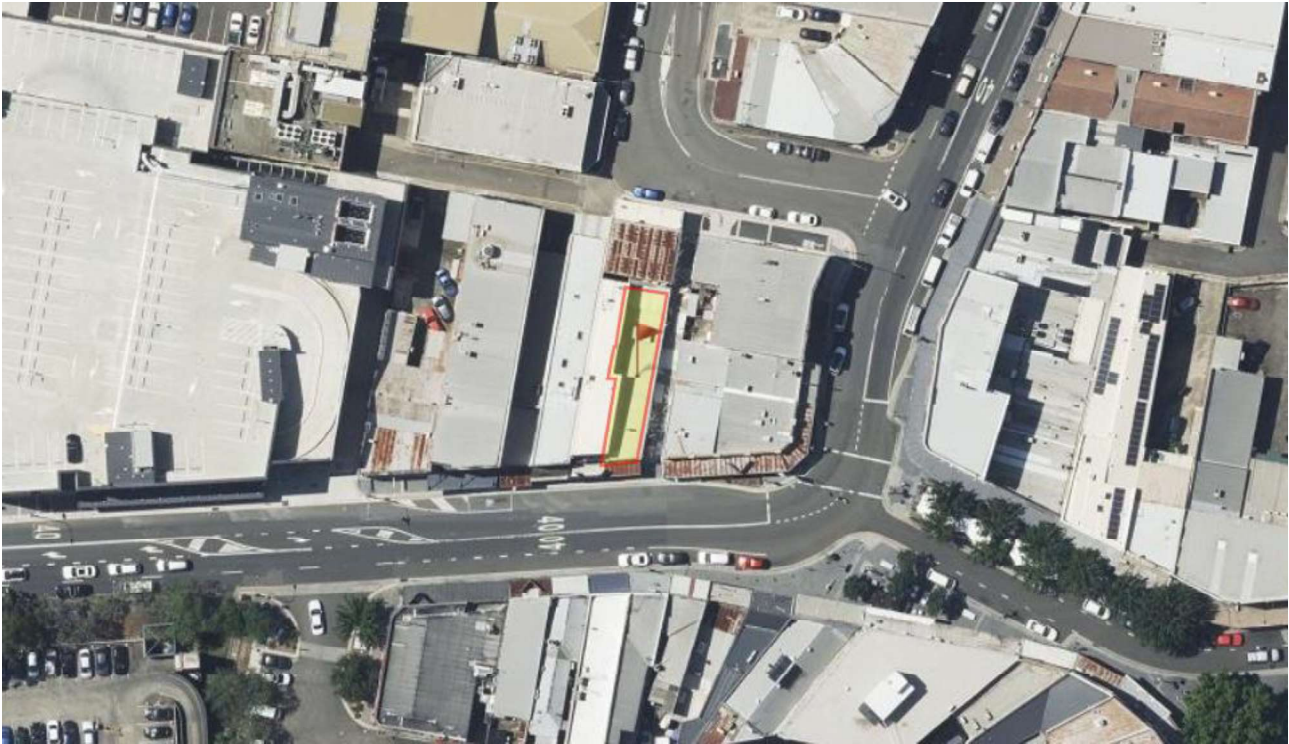


Figure 3. Neighbourhood scale 9 Marion Street, Bankstown (SIX Maps)



Figure 4. Adjoining developments to the east on Marion Street (Google Streetview)



Figure 5. Adjoining developments to the west on Marion Street (Google Streetview)

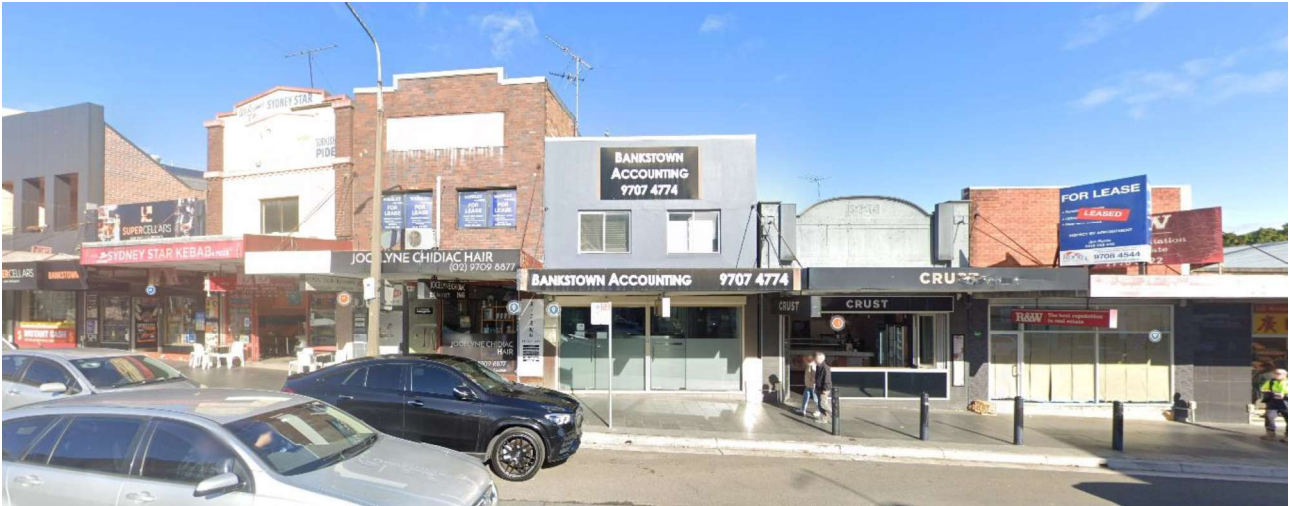


Figure 6. Developments adjacent the site on Marion Street (Google Streetview)



Figure 7. Marion Street looking east (Google Streetview)

Site Scale

Lot: 102 DP: 867994 (9 Marion Street, Bankstown) is an irregular shaped allotment with a total area of 160.60m² and a 5.545m frontage to Marion Street. The site is fairly flat with little slope of note. The proposed site currently contains a single commercial premises.

The site is not identified as a heritage item, but is adjacent to a heritage item across the accessway to the rear of the site. The site is not identified as being bushfire prone land or flood affected. The site is not identified as having any environmental constraints. The site is identified as being within the Georges River catchment.

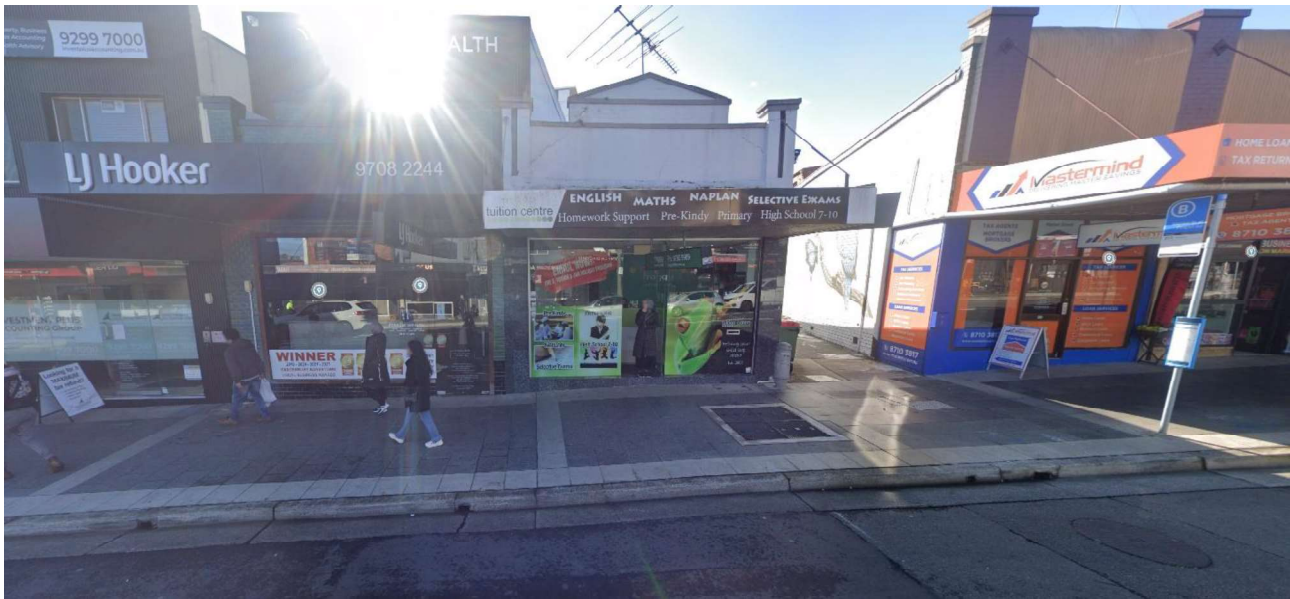


Figure 8. Extract showing the current streetscape of 9 Marion Street, Bankstown (Google Street view)

Planning History

A search of the eplanning portal reveals the following applications and determinations for the site.

Determined 16 September 2002	DA-1134/2002: Removal of existing shopfront and installation of a new shopfront
Determined 05 October 2002	CC-1751/2002: Removal of existing shopfront and installation of a new shopfront
Determined 13 November 2007	DA-1022/2007: Addition to Rear of Existing Commercial Building
Determined 09 January 2008	CC-119/2008: Addition to Rear of Existing Commercial Building
Determined 03 November 2015	DA-1169/2015: Use of premises as a tuition centre

This development is for a new application.

The Proposal

The development proposes Alterations and Additions; and Change of use consisting:

- Conversion of ground floor to create:
 - Reception
 - Boardroom
 - PM office area
 - WC
 - Sales office area & kitchenette
 - Front stairs to brokerage office
 - Rear stairs to real estate office
 - Rear Courtyard
- Construct a new first floor addition to include:
 - Office & front balcony
 - Meeting room
 - Brokerage office area & kitchenette
 - Real estate office area
 - WC
- Retention of existing shop front glazing
- New awning to shop front
- New 3 pitch steel roof
- Removal of existing openings along the side (east) elevation and new windows proposed
- New fascia signage to shop front and flush wall sign on accessway

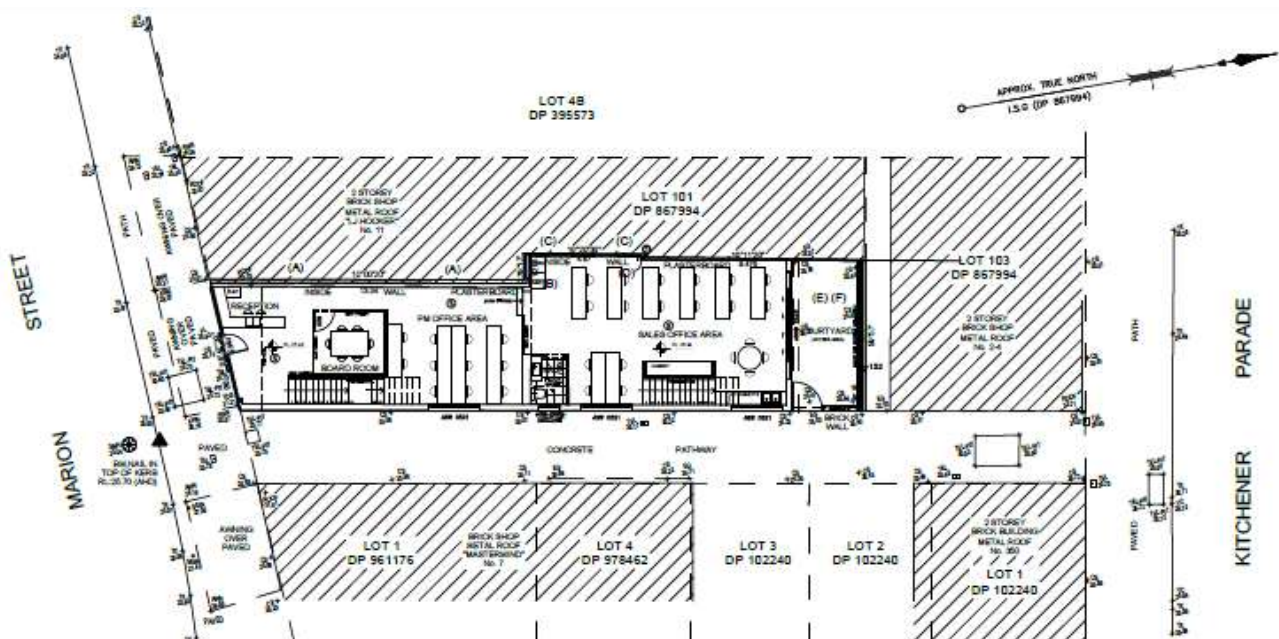


Figure 9. Site Plan of 9 Marion Street, Bankstown (Inkon Plans)

Environmental Planning and Assessment Act 1979

1.3 Objects of Act

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

- The Environmental aspects and impacts of the proposal are outlined and addressed within this Statement. The proposed development will have no detrimental impact on natural or other resources, with a Planning Use that complements the site and area and existing infrastructure.
- The development is orderly and rational, being consistent with the applicable Canterbury-Bankstown Council planning controls in the B4 Mixed Use Zone.
- The development proposes commercial premises, and the site is located in a commercial area.
- There are no threatened species or the like in the area to be developed. The development will not have an environmental impact in relation to noise or air emissions. The site will be landscaped as part of the development.
- The site adjoins 346 Chapel Road across the accessway to the rear of the site which contains the heritage listed Shop, "Rosen Chambers" (Significance: Local).
- The proposal shows care and consideration for the existing and desired character of housing in the area. This ensures the amenity of the local area is reasonably protected.
- The proposal will utilise high quality building materials and finishes. It will be designed to meet BCA criteria and access considerations to ensure appropriate protection to the health and safety of occupants.

- The process has allowed consideration of both State and Local Government environment.
- This application will be exposed to public comment in the usual manner, as outlined in the Development Control Plan.

Ecologically Sustainable Development

Ecologically Sustainable Development (ESD) is a key object of the Environmental Planning & Assessment Act, 1979. The definition, consideration and conceptualisation of ESD was well explained by Justice Preston in *Telstra Corporation Limited v Hornsby Shire Council* [2006] NSWLEC 133.

This included the “basic formulation” of “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”:

Six Principles can be considered and applied:

- 1. Sustainable use - the aim of exploiting natural resources in a manner which is “sustainable” or “prudent” or “rational” or “wise” or “appropriate”*
- 2. Effective integration of economic and environmental considerations in the decision making process*
- 3. The precautionary principle (referred to in 6(2)(a) of the Protection of the Environment Administration Act)*
- 4. Inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations*
- 5. Conservation of biological diversity and ecological integrity should be a fundamental consideration; and*
- 6. Internalisation of environmental costs into decision-making for economic and other development plans, programmes and projects likely to affect the environment.*

The proposal is consistent with the principles of ESD as it does not exploit natural resources, it has been based soundly on economic and environmental considerations, the likely environmental impacts of the proposal are well understood and predictable, it doesn't deplete, does not unreasonably affect biological diversity or ecological integrity, and it provides an enduring asset for future generations.

Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979

(1) Matters for consideration—general

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

(a) – the provisions of—

(i) – Provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The aims of this Chapter are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The development does not propose the removal of any significant trees on the site.

Chapter 6 Water catchments

This Chapter applies to land in the following catchments—

- (a) the Sydney Drinking Water Catchment,*
- (b) the Sydney Harbour Catchment,*
- (c) the Georges River Catchment,*
- (d) the Hawkesbury-Nepean Catchment.*

The development is for the alterations and additions to a commercial premises. The site is identified within the Georges River Catchment and is not identified as being within a flood liable area.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the*

environment—

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

The site is not identified as requiring remediation under the Contaminated Land Management Act 1997.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

The site is not fronting or adjacent to a classified road, rail corridor or within the vicinity of a telecommunications structure requiring consideration under the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

(1) This Chapter aims—

- (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and

- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

A business identification sign is proposed to the front of the site.

In accordance with Chapter 3 of the SEPP the consent authority is required to consider this Policy as part of the development process.

1 Character of the area	
• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The signage proposed is similar to the existing signage and consistent with other signage types along the streetscape
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with the provisions of the DCP for the area.
2 Special areas	
• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The proposal does not detract from amenity or visual quality of any environmentally sensitive areas (none identified), heritage areas (within the vicinity), natural or other conservation areas (none identified), open space areas (none identified), waterways (none identified), rural landscapes or residential areas (none identified)
3 Views and vistas	
• Does the proposal obscure or compromise important views?	No. No important views are available to or from the site
• Does the proposal dominate the skyline and reduce the quality of vistas?	No. The proposal does not dominate the skyline.
• Does the proposal respect the viewing rights of other advertisers?	Yes. The proposal allows for the same opportunity for viewing rights of other advertisers
4 Streetscape, setting or landscape	
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The scale is similar to existing signage in the area.
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The signage will contribute to the visual interest of the streetscape.
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes. The signage is simple in form and will not add clutter to the area.
• Does the proposal screen unsightliness?	Yes. The signage will add to the visual interest of the façade.
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The signage will not protrude above buildings, structures or tree canopies in the area.
• Does the proposal require ongoing vegetation management?	No. The signage does not require ongoing vegetation management.
5 Site and building	
• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The signage is compatible with the scale, proportion of the building, on which the proposed signage is to be located and with other signage within the area.
• Does the proposal respect important features of	N/A. There are no important features of the

the site or building, or both?	site or building, or both to be considered.
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is placed to appropriately identify the building and site.
6 Associated devices and logos with advertisements and advertising structures	
• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No lighting is proposed. The logo is representative of the occupier of the proposed development.
7 Illumination	
• Would illumination result in unacceptable glare?	No illumination is proposed.
• Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination is proposed.
• Would illumination detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.
• Can the intensity of the illumination be adjusted, if necessary?	No illumination is proposed.
• Is the illumination subject to a curfew?	No illumination is proposed.
8 Safety	
• Would the proposal reduce the safety for any public road?	The proposal will not affect the safety of the public road
• Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal will not affect the safety for pedestrians or bicyclists
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not affect the safety for pedestrians, particularly children, by obscuring sightlines from public areas.

Canterbury-Bankstown Local Environmental Plan 2023

2.1 – 2.3 Zoning

Zone is B4 Mixed Use. The development (Alterations and Additions to an office premises (commercial premises)) is permitted with consent and complies with the objectives of the zone which seek to:

- 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 reinforce the role of the Bankstown CBD as a strategic centre.
- To promote a high standard of urban design and local amenity.

For reference:

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

Office premises are a type of **commercial premises**—see the definition of that term

in this Dictionary.

commercial premises means any of the following—

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

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Consent is being sought through this application. Demolition is to be carried out in accordance with Australian Standard AS 2601—2001: The Demolition of Structures.

4.3 Height of buildings

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

The maximum building height permitted for this site is 29m. The development proposes a maximum height of less than 29m (8.411m).

4.4 Floor space ratio

(2) 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 maximum floor area permitted for this site is 3:1 (481.80sqm). The development proposes a maximum FSR of 1.62:1 (260.02sqm).

5.10 Heritage

The site adjoins 346 Chapel Road across the accessway to the rear of the site which contains the heritage listed Shop, "Rosen Chambers" (Significance: Local).

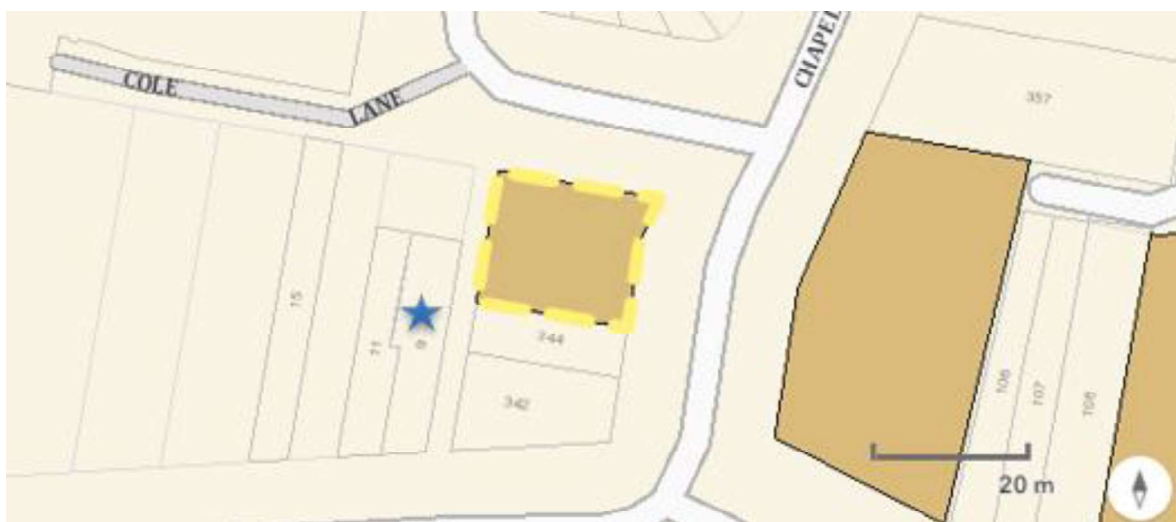


Figure 10. Heritage Map (NSW Planning Portal)

The development faces Marion Street and has a lane way to the eastern elevation. The ground floor setbacks are not proposed to change. The new upper floor will be built to the same setbacks as the existing ground floor. The proposed development will propose suitable materials and colours as not to detract from the heritage item.

5.21 Flood Planning

The site is not identified as being affected by flooding.

6.1 Acid sulfate soils

The site is not identified as being affected by Acid Sulfate Soils.

6.2 Earthworks

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

- (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or*
- (b) the earthworks are ancillary to—*
 - (i) development that is permitted without development consent under this plan, or*
 - (ii) development for which development consent has been granted.*

No earthworks are proposed. All development is proposed internal to the existing ground floor and otherwise at upper level.

Therefore, Council can be satisfied that the work proposed can be undertaken in an appropriate manner, without any significant adverse impacts on the environment or the surrounding properties.

6.3 Stormwater management and water sensitive urban design

(2) *This clause applies to land in Zones R2, R3, R4, B1, B2, B4, B5, B6, B7, IN1, IN2, SP1, SP2, RE1 and RE2.*

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

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and*
- (d) includes riparian, stormwater and flooding measures, and*
- (e) is designed to incorporate the following water sensitive urban design principles—*
 - (i) protection and enhancement of water quality, by improving the quality*

- of stormwater runoff from urban catchments,*
- (ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,*
- (iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.*

Refer to stormwater plan. Stormwater collected from the roof area is to be drained to the existing stormwater infrastructure. Invert levels to discharge points to be confirmed on site. The proposed development will not adversely affect the existing drainage pattern and/or soil stability. There will be no impact on the amenity of the adjoining properties. All works can be undertaken using standard engineering practices.

Therefore, Council can be satisfied that the work proposed can be undertaken in an appropriate manner, without any significant adverse impacts on the environment or the surrounding properties.

6.7 Development in areas subject to aircraft noise

The site is not land identified as being subject by aircraft noise.

6.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) waste management,*
- (f) suitable vehicular access.*

The development proposes the alterations and additions to a commercial premises in a serviced area. The development includes the replacement and / or upgrading of essential services required for the development.

6.10 Active street frontages

(2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied—

- (a) the building will—*

- (i) have an active street frontage, and
- (ii) consist of design elements that encourage interaction and flow between the inside of the building and the external public areas of the building, and
- (iii) be used for purposes that encourage the movement and flow of people between the internal and the external public areas of the building, and
- (b) the development ensures that conflicts between pedestrians, cyclists and vehicles will be minimised.

(4) An active street frontage is not required for part of a building used for the following—

- (a) entrances and lobbies, including as part of mixed use development,
- (b) access for fire services,
- (c) vehicular access.

(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the following purposes—

- (a) business premises,
- (b) retail premises,
- (c) health services facilities.

The site is land identified as “Active street frontage” on the Active Street Frontages Map. The development is for the alterations and additions and a change of use to an office premises and will maintain an active street frontage to Marion Street.

6.14 Restrictions on development in Zone B4

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

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that—

- (a) the ground floor and first floor of the building will be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use, or
- (b) a minimum amount of gross floor area equivalent to a floor space ratio of 1.4:1 will be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use.

The site is land identified as “Area 3” on the Special Provisions Map. The development is for the alterations and additions and a change of use to an office premises.

6.36 Community facility floor space

(1) This clause applies to land identified as an “Area” on the Community Facility Floor Space Map.

The site is land identified as an “Area” on the Community Facility Floor Space Map. The development is not for the purposes of a use under Clause 6.36(2).

6.37 Underground floor space

(1) This clause applies to land identified as “Area A” on the Incentive Floor Space Ratio Map.

The site is land identified as “Area A” on the Incentive Floor Space Ratio Map. The development does not propose underground floor space.

6.38 Affordable housing contributions

(2) This clause applies to development on land identified as an “Area” on the Affordable Housing Map resulting in—

- (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or*
- (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.*

(3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.

The site is land identified as an “Area” on the Affordable Housing Map. The development is not for the purposes of a use under Clause 6.38(2) or (3).

6.39 Additional floor space ratio for office premises

(2) This clause applies to land—

- (a) identified on the Bankstown City Centre Map as an “Area”, and*
- (b) in Zone B4 Mixed Use or Zone E2 Commercial Centre.*

(3) A building on the land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map if the consent authority is satisfied the additional gross floor area will be used for the purposes of office premises.

The site is land identified on the Bankstown City Centre Map as an “Area” and located in B4 Mixed Use. The development is for the alterations and additions and a change of use to an office premises.

The maximum floor area permitted for this site is 3:1 (481.80sqm). The development proposes a maximum FSR of 1.62:1 (260.02sqm).

(ii) – Provisions of any draft environmental planning instrument

The NSW Department of Planning & Environment regularly review SEPPs to ensure they are up-to-date, effective and simple. Below are policies (at April 25) that have recently been or are now under review:

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/consolidated-state-environmental-planning-policies>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/corridor-protection-sepp>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/primary-production-and-rural-development>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/peel-of-operational-sepps>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/sydney-metro-northwest-srd-sepp>

<https://www.planning.nsw.gov.au/policy-and-legislation/exempt-and-complying-development-policy/housekeeping-amendments-to-the-codes-sepp-2022>

<https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/penrith-lakes>

Though the DRAFT SEPPs have been taken into consideration when preparing this proposal, the provisions of existing planning controls still apply (and have been applied in this proposal).

(iii) – Provisions of any development control plan

Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979

Clause (3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Canterbury-Bankstown Development Control Plan 2023

In particular, the following criteria of the relevant volumes apply:

Chapter 2 – Site Considerations

2.1 – Site Analysis	
<p>1.1 Development for the following purposes must submit a site analysis plan:</p> <ul style="list-style-type: none"> (a) attached dwellings (b) boarding houses (c) manor houses (d) multi dwelling housing (e) multi dwelling housing (terraces) (f) residential flat buildings (g) serviced apartments (h) shop top housing (i) housing estates (j) mixed use development containing dwellings (k) Torrens Title subdivision that proposes three or more lots. 	The proposed development is not listed.
2.2 – Flood Risk Management	
The site is not identified as being affected by flooding.	
2.3 – Tree Management	
<p><u>Works requiring a permit</u></p> <p>2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.</p> <p>2.2 Development consent is required to remove any tree:</p> <ul style="list-style-type: none"> (a) located on a site listed as a heritage item in Schedule 5 of the CanterburyBankstown Local Environmental Plan 2023; or (b) located on land included on the Biodiversity Map under the CanterburyBankstown Local Environmental Plan 2023. 	<p>The development does not propose the removal of any significant trees on the site.</p> <p>As above.</p>
2.4 – Pipeline Corridors	
The site is not identified as being within or near a pipeline corridor.	

Chapter 3 – General Requirements

3.1 – Development Engineering Standards	
Section 3 – Stormwater drainage systems	
<p><u>Development impacted by stormwater systems</u></p> <p>3.1 Applicants must apply to Council for a Stormwater System Report (SSR), prior to DA submission, if the site is noted on Council's SSR register as affected by Council's stormwater drainage pipelines and/or affected by potential local stormwater flooding. The development must be designed to consider the recommendations of the SSR and satisfy the requirements of this DCP.</p> <p>It is the applicant's responsibility to locate and verify Council's stormwater drainage system as shown on the SSR or other information given by Council, including OLFPs where the stormwater system is located within the site.</p> <p>Development must be designed and constructed to make provision for overland flow from stormwater runoff generated by external upstream catchments.</p>	<p>Refer to stormwater plan. Stormwater collected from the roof area is to be drained to the existing stormwater infrastructure. Invert levels to discharge points to be confirmed on site. The proposed development will not adversely affect the existing drainage pattern and/or soil stability. There will be no impact on the amenity of the adjoining properties. All works can be undertaken using standard engineering practices.</p>
<p><u>Disposal of stormwater runoff</u></p> <p>3.2 Site stormwater drainage systems should be designed to flow under gravity, and be connected to Council's stormwater drainage system at the nearest suitable location or CDL benefiting the site. Site drainage design should follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff. Catchment redirections may be permitted subject to compliance with requirements outlined below.</p> <p>A separate approval to connect to Council's stormwater drainage system must be obtained from Council. Permission to carry out the works must be obtained by applying for the relevant Work Permit.</p> <p>The final number of drainage outlets will be determined by Council through the WP process and the Storm Water Connection Plan Approval. Pipelines constructed across the footway must generally be confined to within the site frontage. In certain circumstances Council may consider allowing the pipeline to extend a maximum of 20m along the footway in front of</p>	<p>As above.</p>

<p>adjoining site. The applicant must demonstrate that the development potential of the adjoining site, including construction of VFCs, will not be adversely affected.</p>	
<p>3.2 – Parking</p>	
<p>Section 2 – Off-Street Parking Rates</p>	
<p><u>Off-street parking rates</u></p> <p>2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.</p> <p>2.2 In calculating the total number of car parking spaces required for development, these must be:</p> <p>(a) rounded down if the fraction of the total calculation is less than half (0.5) a space; or</p> <p>(b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and</p> <p>(c) must include a room that is capable of being converted to a bedroom.</p> <p>2.3 Development comprising more than one land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule.</p> <p>2.4 Car parking (and associated space such as access aisles) in excess of the Off-Street Parking Schedule will be counted as gross floor area.</p> <p>2.5 Development not included in the Off-Street Parking Schedule must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.</p> <p>2.6 The Off-Street Parking Schedule does not apply to changes of uses to business premises, food and drink premises, medical centres, office premises, recreation facilities (indoor), shops and veterinary hospitals within Zones B1, B2 and B4 provided:</p> <p>(a) The new use does not result in an increase in the gross floor area of any building within which it is carried out.</p> <p>(b) The new use does not cause the</p>	<p>The site is located within B4 Mixed Use. The development is for the alterations and additions and a change of use to an office premises.</p> <p>Where there is an inconsistency between the controls in this chapter and other chapters in the CBDP 2023, it is noted that the other chapter controls shall prevail. In this instance the Bankstown City Centre chapter prevails over this chapter.</p> <p>Required: 2.5 (3) car spaces Proposed: Parking is not existing/proposed.</p> <p>Sufficient parking is provided at 40 Marion Street 50m south west of the site. Bankstown train station is located 150m to the southeast of the site. A bus top is located adjacent the site at Marion Street at Depot Place.</p> <p>Sufficient space is available in the rear covered area for the storage of bicycles.</p> <p>A bathroom is available on the ground floor that may be used as a change room. A shower is not proposed.</p>

contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking and vehicular movement.	
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Figure 60. Car parking requirements for the Bankstown City Centre 'core' and outside of 'core' areas (Excludes the Bankstown Central site)

Land Use	Size/ Description	Inside Bankstown City Centre		Outside Bankstown City Centre	
		Minimum car parking rate	Maximum car parking rate	Minimum car parking rate	Maximum car parking rate
Office premises	N/A	0	1.25 space per 100m ²	1 space per 100m ²	2 spaces per 100m ²

Figure 62. Bicycle parking/end of trip facility rates

Land Use	Size/ Description	Bicycle Parking Rates	End-of-trip Facility Rates
Office premises	N/A	1 secure bicycle space per 200m ² GFA	1 staff shower and change room for every 10 secure bicycle parking spaces required by the DCP

3.3 – Waste Management

Section 4 – Commercial development

<u>All commercial development types</u>	
4.1 Development must provide bin storage and separation facilities within each tenancy and within the communal bin room.	Sufficient space is available in the courtyard for bin storage.
4.2 Development must provide an appropriate and efficient waste storage system that considers: (a) the type of business; (b) the volume of waste generated on-site; (c) the number of bins required for the development and their size; (d) additional recycling needs e.g. cardboard, pallets and milk crates; (e) waste and recycling collection frequencies.	The bin storage area is appropriate for the development.
4.3 Where development involves multiple tenancies, the design of development is to ensure each tenancy will be able to obtain a Trade Waste Licence.	Noted.
4.4 Bin storage areas are to integrate with the overall design and functionality of development and are to locate within the building envelope to enable these areas to be screened from view	Refer to waste management plan.

<p>from the public domain.</p> <p>4.5 The design of the bin storage area must comply with the requirements of the applicable Waste Design for New Developments Guide.</p> <p>4.6 An on-site collection point is to be nominated for development. The location of the collection point must allow collection vehicles to enter and exit the site in a forward direction and allow all vehicle movements to comply with the Australian Standard AS 2890.2. The location of the collection point must ensure waste servicing does not impact on any access points, internal roads and car parking areas.</p> <p>4.7 Waste collection frequency is to be a minimum of once per week. Higher collection frequency may be required for development with larger waste generation rates or development that produce food waste. Bin storage areas are to be kept clean, hygienic and free from odours. Higher collection frequencies must not impact on neighbouring residents in relation to noise, odour and traffic.</p> <p>4.8 Collection frequency for commercial tenancies producing more than 50 litres of meat, seafood or poultry waste must have daily waste collection or be designed to be provided with a dedicated refrigerated room for waste storage between collections.</p>	<p>The bin storage area is able to comply with the requirements of the Waste Management Guide for New Developments.</p> <p>Collection will be managed roadside to the rear of the site along Kitchener Parade.</p> <p>Noted.</p> <p>The development is for a change of use to an office premises.</p>
3.4 – Sustainable Development	
Section 2 – Water conservation	
<p>2.1 Proposals for new development with a gross floor area less than 5,000m² and proposals for extensions to existing developments below 5,000m² seeking to expand by 50% or more of the existing floor area must comply with Requirement W1.</p>	<p>The proposed development is able to comply with Requirements W1.</p>
<p>2.2 Proposals for new development or extensions with a floor area greater than or equal to 5,000m² of gross floor area must comply with Requirements W1 and W2.</p>	<p>N/A</p>
Section 3 – Energy minimisation	
<p>3.1 Proposals for new development where the total gross floor area is below 5,000m²; and extensions to existing uses below 5,000m² that involve an increase in 50% or more of the</p>	<p>The proposed development is able to comply with Requirements E1 and E2.</p>

existing gross floor area must comply with Requirements E1 and E2.	
3.6 – Signs	
Section 2 – Location and design	
<u>Signs in Zones R2, R3 and R4</u>	The site is in B4 Mixed Use.
<u>Signs in Zones B1, B2 and B4</u> 2.2 Business and building identification signs must integrate with the building form and architectural features of the building to which the signs are attached as follows: (a) The total sign area must not exceed 0.5m ² for each metre of the primary street frontage. (b) Awning fascia signs, top hamper signs, under awning signs and window signs are permissible at or below the awning level. Where there is no awning to the building, signs are solely permitted below the window sill of the second storey windows. (c) A maximum of one under awning sign is permitted for each ground floor tenancy. (d) Window signs must not obscure more than 25% of the window area. (e) Parapet signs and individual laser cut lettering applied to the facade are permissible above the awning level. 2.3 Council does not permit signs above the parapet of the podium level. 2.4 Pylon signs will only be considered on sites with large street frontages occupied by uses such as services stations, large take away food and drink premises and retail complexes.	The development proposes business signs that are integrated with the building form and architectural features of the building to which the signs are attached as follows: (a) The total signage area does not exceed 0.5m ² . (b) Signage is proposed on or above the awning. (c) An under awning sign is not proposed. (d) Window signs are not proposed. (e) Signage is proposed on or above the awning. Not existing/proposed. Not existing/proposed.
<u>Signs in Zones B5, B6, IN1 and IN2</u>	The site is in B4 Mixed Use.
<u>Signs in Zone B7</u>	The site is in B4 Mixed Use.
<u>Prohibited signs</u> 2.8 Council prohibits the following signs: (a) flashing signs, flashing lights, signs which incorporate devices which change colour, a sign where movement can be recognised by a passing motorist; (b) signs that extend over street boundaries, other than those permitted in conjunction with shops, or the like, where such buildings are erected on the street alignment; (c) signs which would adversely affect existing traffic lights;	Not existing/proposed.

(d) signs which are not permanently fixed to the site; (e) signs made of canvas, calico or the like.	
<u>Design</u>	
2.9 Corporate colours, logos and other graphics must achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building and streetscape.	The signage will achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building and streetscape.
2.10 Building identification signs and business identification signs that are painted or attached to a building must not screen windows and other significant architectural features of the building.	The signage does not screen windows and other significant architectural features of the building.
2.11 Signs are not to dominate in terms of scale, number, proportion and form or any other attributes.	The signage does not dominate the development.
2.12 The amount of signs may be limited due to the cumulative impact on a locality or a building.	Noted.
2.13 The design and place of signs are not to adversely impact on the amenity of residential sites.	The design and place of signs will not adversely impact on the amenity of residential sites.
2.14 Signs are to be designed for easy maintenance.	The signage is designed for easy maintenance.
2.15 Development must remove signs that are no longer necessary or unsightly to avoid clutter.	Noted.
2.16 Signs are not to include offensive or objectionable material in the content of an advertisement (such as discriminatory messages, promotion of unlawful or anti-social behaviour, encouraging excessive consumption of alcohol, pornography, or offensive language).	Not existing/proposed.
<u>Signs on parked vehicles</u>	Not existing/proposed.
3.7 – Landscape	
Section 2 – Landscape design	
<u>Existing vegetation and natural features</u>	
2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.	Landscaping is not existing/proposed.

<p>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p>	<p>No earthworks are proposed. All development is proposed internal to the existing ground floor and otherwise at upper level.</p>
<p><u>Design and location of landscape</u></p> <p>2.3 The landscape design is to contribute to and take advantage of the site characteristics.</p> <p>2.4 The landscape design is to improve the quality of the streetscape and communal open spaces by:</p> <ul style="list-style-type: none"> (a) providing appropriate shade from trees or structures; (b) defining accessible and attractive routes through the communal open space and between buildings; (c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant; (d) improving the microclimate of communal open spaces and hard paved areas; (e) locating plants appropriately in relation to their size including mature size; (f) softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale; (g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter. <p>2.5 The landscape of setbacks and deep soil zones must:</p> <ul style="list-style-type: none"> (a) provide sufficient depth of soil to enable the growth of mature trees; (b) use a combination of groundcovers, shrubs and trees; (c) use shrubs that do not obstruct sightlines between the site and the public domain; and (d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer. 	<p>Landscaping is not existing/proposed.</p> <p>As above.</p> <p>As above.</p>
<p><u>Trees</u></p> <p>2.6 Development must consider the retention of</p>	<p>N/A. The site has no trees for retention.</p>

existing trees in the building design.	
<p>2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and:</p> <p>(a) Canopy trees are to be of a minimum 75 litre pot size.</p> <p>(b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate.</p> <p>(c) Place evergreen trees well away from the building to allow the winter sun access.</p> <p>(d) Select trees that do not inhibit airflow.</p> <p>(e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.</p>	Sufficient space is available within the courtyard for planters if required.
2.8 Development must provide street trees that will contribute to the canopy where possible.	Noted.

Chapter 6 – Strategic Centres

6.1 – General Requirements	
Section 2 – Active Street Frontages	
<u>Building design (active street frontages)</u>	
<p>2.1 The ground floor design must incorporate active street frontages particularly where addressing main streets, public open space and pedestrian links.</p> <p>2.2 The design of active street frontages must include:</p> <p>(a) a minimum 80% glazing (including doors);</p> <p>(b) well-detailed shopfronts with pedestrian entries at least every 10m–15m;</p> <p>(c) zero setback to the front building line (however this may incorporate indented entries or bays where consistent with the existing street character);</p> <p>(d) high quality external materials;</p> <p>(e) openable facades encouraging natural ventilation where possible;</p> <p>(f) outdoor dining where possible.</p> <p>2.3 The design of active street frontages must not incorporate security roller doors and window bars.</p>	<p>The development maintains the existing active street frontage at ground floor addressing Marion Street.</p> <p>The design of the shop front includes:</p> <p>(a) >80% glazing (maintains existing glazing);</p> <p>(b) a pedestrian entrance (existing);</p> <p>(c) zero setback to the front building line (existing);</p> <p>(d) high quality external materials (tile, stonework and cladding);</p> <p>(e) openable facades (proposed new upper floor balcony);</p> <p>(f) N/A.</p> <p>Not proposed.</p>

<p>2.4 Ground floor business and office uses must utilise internal fitouts for privacy. The use of frosted screens or opaque glass for privacy is discouraged.</p> <p>2.5 The ground floor entries to retail, commercial, community and residential uses are to have the same finished floor level as the adjacent footpath and are to be accessible directly from the street. Ground floor entries which have a finished floor level above or below the adjacent footpath are discouraged.</p> <p>2.6 Where the finished floor level is raised due to flood impacts, the active street frontage must incorporate universal access between the street and ground floor uses, or accommodate level changes within the building.</p>	<p>The development maintains the existing glazing to the shop front. Suitable internal fitout screening is utilized.</p> <p>The development does not change the existing finished floor level.</p> <p>As above.</p>
<p><u>Building design (car parking)</u></p> <p>2.7 Vehicle access to off-street parking and loading bays is to be from a secondary street or rear lane.</p> <p>2.8 Where sites adjoin a rear lane, Council may allow above ground car parking at the rear of the site provided that:</p> <p>(a) the car park occupies only the rear of the first storey (i.e. the ground floor) and second storey; and</p> <p>(b) the car park must be setback a minimum 18m from the front building line to allow the gross floor area at the front of the building to be used for retail, commercial, community and residential; and</p> <p>(c) the building design must promote natural surveillance on the lane.</p> <p>2.9 For sites that do not adjoin a secondary street or rear lane, off-street parking and loading bays are to locate in the basement level or sleeved at ground level. Vehicle access is to be no more than a single driveway from the primary street and must ensure that:</p> <p>(a) the vehicle footpath crossing is as narrow as possible;</p> <p>(b) car park entries, driveways and loading docks are not located at the corners of street</p>	<p>The site is located within B4 Mixed Use. The development is for the alterations and additions and a change of use to an office premises.</p> <p>Where there is an inconsistency between the controls in this chapter and other chapters in the CBDP 2023, it is noted that the other chapter controls shall prevail. In this instance the Bankstown City Centre chapter prevails over this chapter.</p> <p>Required: 2.5 (3) car spaces Proposed: Parking is not existing/proposed.</p> <p>Sufficient parking is provided at 40 Marion Street 50m south west of the site. Bankstown train station is located 150m to the southeast of the site. A bus top is located adjacent the site at Marion Street at Depot Place.</p> <p>Sufficient space is available in the rear covered area for the storage of bicycles.</p> <p>A bathroom is available on the ground floor that may be used as a change room. A shower is not proposed.</p>

intersections.	
<u>Building design (pedestrian entrances)</u>	
2.10 Entrances must locate on the primary street.	The development maintains the existing shop front pedestrian access to Marion Street.
2.11 Residential entrances must be secure and separate from non-residential entrances.	The development does not include or propose a residential entrance.
<u>Building design (utilities and building services)</u>	
2.12 Development must show the location and design of utilities and building services (such as waste storage areas, plant rooms, hydrants, mechanical ventilation stacks, exhaust stacks, equipment and the like) on the plans.	Refer to architectural plans.
2.13 Development must locate utilities and building services on the secondary street or rear lane. Where this is not possible, development must integrate utilities and building services with the building design and conceal the utilities and building services from public view.	As above.
<u>Building design (substations)</u>	
2.14 Development must show the location and design of substations on the plans.	A substation is not existing/proposed.
2.15 Development must locate substations underground. Where this is not possible, development must integrate substations with the building design and conceal the substations from public view.	As above.
2.16 Substations must not locate forward of the front building line.	As above.
Section 3 – Façade Design	
3.1 The vertical articulation dimensions are: (a) the facade design of the podium is to reflect the fine grain that is in accordance with, or similar to, that of the local streetscape; or (b) where there is no prevailing fine grain streetscape, the minimum vertical articulation dimension is 8m for the podium. The minimum vertical articulation dimension for tower buildings above the podium is 10m, which reflects the average width of an apartment.	The development is not more than two storeys and not integrated into a tower building.
3.2 Facade designs may include but are not limited to: (a) Articulating building entries.	The facade design includes, but is not limited to, the following: (a) Articulated building entries.

<p>(b) Distinguishing between the podium (base), middle and top sections of the facade.</p> <p>(c) Expressing the building towers above the podium through a change in facade details, materials and colour.</p> <p>(d) Selecting balcony types that respond to the building orientation and proximity to public domain.</p> <p>(e) Using architectural features such as awnings to give a human scale at street level.</p> <p>(f) Recessing elements such as windows or balconies to create visual depth in the facade.</p> <p>(g) Emphasising the difference between solid and void to create a sense of shadow and light.</p> <p>(h) Using any other architectural elements to Council's satisfaction.</p>	<p>(b) N/A</p> <p>(c) N/A</p> <p>(d) N/A.</p> <p>(e) Use of awnings to give a human scale at street level.</p> <p>(f) Recessed elements such as windows and balconies.</p> <p>(g) Emphasizes the difference between solid and void.</p> <p>(h) Using any other architectural elements to Council's satisfaction.</p>
3.3 Building designs and window openings should be vertically proportioned in height, form and articulation.	Building designs and window openings are vertically proportioned in height, form and articulation.
3.4 Facade designs must comprise high quality materials and finishes.	Refer to materials and colours schedule.
3.5 Building services such as downpipes and balcony drainage must integrate with the facade design.	Noted.
3.6 The design of balcony balustrades on the lower levels may be predominantly solid and/or opaque to provide privacy to residents and to screen drying areas.	The proposed balcony is not for a residential use and is appropriately designed.
<p><u>Blank walls</u></p> <p>3.7 Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.</p> <p>3.8 Blank walls are not permitted where facing the public domain.</p> <p>3.9 The maximum length of any blank wall must not exceed 5m.</p> <p>3.10 The maximum height of a blank wall must not exceed 3m.</p> <p>3.11 Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals.</p>	<p>Walls are appropriately articulated to the front and side (east) elevations. The rear elevation uses stonework finish to provide screening to the existing rear courtyard and cladding finish to the upper floor facing the rear wall of the development at 2 Kitchener Parade.</p> <p>The rear wall faces the private accessway to 2 Kitchener Parade.</p> <p>The rear wall is >5m in length facing the private accessway to 2 Kitchener Parade.</p> <p>The rear wall is >3m in height facing the private accessway to 2 Kitchener Parade.</p> <p>The adjacent development at 2 Kitchener Parade contains a two storey brick shop with a rear private accessway adjoining 9 Marion</p>

	Street.
Section 4 – Corner Buildings	The site is not a corner allotment.
Section 5 – Roof Designs	
5.1 Development must incorporate a high quality roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes	The development incorporates high quality roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes
5.2 Attics are not permitted.	An attic is not existing/proposed.
5.3 Pitched roofs should use light coloured metal decking to improve energy performance. Pitches roofs to the street façade are not permitted.	The development maintains the existing parapet and proposes a new 3 pitch metal roof behind the building line.
5.4 Plant and service equipment must be concealed or satisfactorily screened from public view.	Plant and service equipment is suitably concealed / screened from public view.
5.5 Where the roof design incorporates a roof terrace: (a) The roof terrace must not function as the principal useable part of the communal open space. (b) The parapet should function as the roof top balustrade. Where there is no parapet, the roof top balustrade should be visually permeable (such as glass or slats) and be setback a minimum of 1.5m from the roof edge to minimise visibility from the street. (c) Shade structures and pergolas should be centrally located to minimise visibility from the street and potential overshadowing. For the purposes of this clause, the principal useable part of the communal open space means a consolidated part of the communal open space that is designed as the primary focus of recreational activity and social interaction.	A roof terrace is not existing/proposed.
5.6 The roof form may exceed the maximum building height provided it complies with clause 5.6 of the Canterbury-Bankstown Local Environmental Plan 2023 to Council's satisfaction. Otherwise the Height of Buildings Map applies. Architectural roof features must comprise a decorative element and may have a functional purpose if it is fully integrated into the design of the roof features. Planter boxes, balustrades and screen devices do not constitute an architectural roof feature if these elements are independent of the roof and	The maximum building height permitted for this site is 29m. The development proposes a maximum height of less than 29m (8.411m).

are not integrated into the design of the roof features, but are instead designed for the express purpose of defining and containing an area of communal/private open space above the roof of the proposal.	
Section 6 – Materials and Finishes	
6.1 Development must incorporate quality, textured and low maintenance materials such as brickwork in the building elevations.	The development incorporates quality, textured and low maintenance materials such as brickwork in the building elevations.
6.2 Development must avoid large expanses of white render or other finishes which increase the visual bulk of buildings. Where rendered finish is proposed, it must be in combination with at least two other finishes and should not be the predominant finish in the facade.	The development does not propose large expanses of white render or other finishes which increase the visual bulk of buildings.
6.3 Use varied materials and contrasting colours to: (a) highlight feature elements; (b) delineate vertical articulation dimensions; or (c) reduce the impact of other building elements (e.g. reducing the dominance of upper floors or masking unsightly building services).	The development uses varied materials and contrasting colours to: (a) highlight feature elements (tile, stonework and cladding); (b) delineate vertical articulation dimensions (window and door openings); and (c) reduce the impact of other building elements.
6.4 Glazing in combination with quality external materials is appropriate for ground floor retail. Reflective glass to shopfronts is not permitted.	The development maintains the existing glazing to the shop front.
6.5 The security door or grille to a shopfront facing the street must be transparent or an open grille type shutter. Solid roller doors or shutters are not permitted.	Noted. Solid roller doors or shutters are not existing/proposed.
Section 7 – Awning Design	
7.1 Awnings are required in streets with high pedestrian activity and active street frontages.	The development proposes a new awning to replace the existing. A steel awning is proposed over the first floor balcony.
7.2 Continuous awnings are required on the primary street and are to wrap around the building on corner sites to cover at least all active street frontages or a minimum 40% of the secondary street, whichever is the greater.	The development proposes a new awning to replace the existing.
7.3 The awning height must be compatible with the street gradient.	The development proposes a new awning to replace the existing and is aligned with the awning at 11 Marion Street.
7.4 The awning design must be compatible with the height, projection and depth of existing traditional box awnings in the street. Where there are no awnings adjacent or nearby: (a) The underside of the awning is to be between 3.2m and 4m above ground level (existing).	The development proposes a new awning that is similar in height, projection and depth to replace the existing.

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<p>Housing Design Guidelines (Livable Housing Australia) as below.</p> <p>8.6 Despite clause 9.5, Council may vary the Livable Housing Design Guidelines (Design Element 1–Dwelling Access) if it is demonstrated to Council's satisfaction that it is not possible to achieve step-free pathways.</p>	<p>As above.</p>						
<table> <tr> <th data-bbox="151 528 496 566">Development types</th><th data-bbox="497 528 1444 566">Development controls</th></tr> <tr> <td data-bbox="151 568 496 902">Residential flat buildings and shop top housing</td><td data-bbox="497 568 1444 902"> <p>A minimum 40% of new dwellings must comply with the Livable Housing Design Guidelines (Livable Housing Australia), to be split as follows:</p> <ul style="list-style-type: none"> • a minimum 20% of new dwellings must achieve the Silver Standard; and • a minimum 20% of new dwellings must achieve the Gold Standard. <p>However, it is noted that shop top housing will not deliver dwellings at the ground floor as this would be inconsistent with the LEP definition</p> </td></tr> <tr> <td data-bbox="151 904 496 943">Boarding houses</td><td data-bbox="497 904 1444 943"></td></tr> </table>	Development types	Development controls	Residential flat buildings and shop top housing	<p>A minimum 40% of new dwellings must comply with the Livable Housing Design Guidelines (Livable Housing Australia), to be split as follows:</p> <ul style="list-style-type: none"> • a minimum 20% of new dwellings must achieve the Silver Standard; and • a minimum 20% of new dwellings must achieve the Gold Standard. <p>However, it is noted that shop top housing will not deliver dwellings at the ground floor as this would be inconsistent with the LEP definition</p>	Boarding houses		
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Boarding houses							
<p><u>Serviced apartments</u></p> <p>8.7 Development consent must not be granted for the change of use from a dwelling in a residential flat building or shop top housing to a serviced apartment unless Council is satisfied that the amenity, safety and security of the residents of the dwellings in the building is maintained.</p> <p>8.8 Development consent must not be granted for the change of use from serviced apartments to a residential flat building, with or without strata subdivision, unless Council is satisfied that the development complies with the design principles of the State Environmental Planning Policy (Housing) 2021 (Chapter 4) and the Apartment Design Guide.</p>	<p>Serviced apartments are not proposed.</p> <p>As above.</p>						
<p><u>Landscape</u></p> <p>8.9 Commercial development, shop top housing and residential flat buildings must provide at least one street tree per 5m of the length of the primary street. Council may vary this requirement if a street tree already exists in good condition, if an awning or site constraints limit their inclusion, or a public domain plan is yet to determine the location of trees in a</p>	<p>A street tree is not existing/proposed.</p>						

centre.	
8.10 Council may require development adjoining Council land to incorporate public open space. The intended outcome is to expand existing open space wherever possible to enhance the amenity for people who work in, live in and visit the centres.	The development does not adjoin Council land.
<u>Front fences</u>	Front fences are not existing/proposed.
<u>Safety and security</u>	
8.14 The main entrance or entrances to development must face the street.	The development maintains the existing shop front pedestrian access to Marion Street.
8.15 Windows to the living areas of front dwellings, or the windows on the upper floors of development must overlook the street.	The development is for the alterations and additions and a change of use to an office premises.
8.16 Above ground car parking must be setback a minimum 6m from the front building line to allow the gross floor area at the front of the building to be used for commercial, retail or residential purposes. This clause does not apply to the front building line that faces a rear lane.	Not existing/proposed.
8.17 A public arcade or underpass in buildings must be wide and direct to avoid potential hiding places.	Not existing/proposed.
8.18 External lighting to development must give consideration to the impact of glare on the amenity of adjoining residents.	Noted.
<u>Special requirements for development adjoining a railway corridor and open stormwater drains</u>	The development does not adjoin a railway corridor and /or open stormwater drains.
<u>Development adjacent to residential zones</u>	The development is not adjacent to residential zones.
<u>Food premises</u>	The development is for a change of use to an office premises.
<u>Undergrounding of overhead wires</u>	
9.23 New buildings must ensure: (a) all overhead wires, including but not limited to electrical and telecommunication services wires, along the street frontages of the site are located underground as part of the development; (b) any redundant power poles are removed and replaced with underground supplied street lighting columns;	The development is for the alterations and additions and a change of use to an office premises.

(c) all works are carried out at the landowner's expense.	
6.2 – Bankstown City Centre	
Section 2 – Understanding Place	
<p><u>2.1.4 Food and Culture</u></p> <p>This chapter of the Canterbury Bankstown DCP 2023 (CBDCP 2023) supports the LEP by providing additional objectives and development controls to enhance the function, design and amenity of development within the Bankstown City Centre.</p> <p>This chapter of the CBDCP 2023 applies to all development on the land within the Bankstown City Centre as identified in Figure 1.</p> <p>The other chapters of the CBDCP 2023 continue to apply to all land covered by this DCP chapter. The other chapters of the CBDCP 2023 must be addressed as part of Development Applications lodged for development in Bankstown City Centre. Where there is an inconsistency between the controls in this chapter and other chapters in the CBDCP 2023 in relation to development in the Bankstown City Centre, this chapter prevails.</p>	<p>The site is land identified on the Bankstown City Centre Map as an "Area" and located in B4 Mixed Use under CBLEP 2023.</p> <p>The site is identified within 400m 5 mins walking distance of Bankstown Railway Station on Figure 1.</p> <p>The other chapters of the CBDCP 2023 have been addressed (above and below) as part of this application. Where there is an inconsistency between the controls in this chapter and other chapters in the CBDCP 2023 in relation to development in the Bankstown City Centre, this chapter prevails.</p>
<p><u>1.2 Vision</u></p> <p>The DCP establishes distinct future character areas that resemble the richness and diversity of Bankstown's community and history.</p>	<p>The design of the development has considered and is able to meet the aspirations in the vision statement of this chapter of the CBDCP 2023.</p>
Section 2 - Understanding Place	
<p><u>2.1.4 Food and Culture</u></p> <p>Principles</p> <p>P1. Development must achieve and satisfy the outcomes expressed in the above character statement.</p> <p>P2. Celebrate Saigon Place as the primary high street in the Bankstown City Centre.</p> <p>P3. Development should address and activate Chapel Road, Saigon Place, Marion Street and Greenfield Parade, with a shop or building entry every 6-12 metres.</p> <p>P4. Visual connections to and from Griffith Park</p>	<p>The site is identified in the Character Area "Food & Culture" on Figure 3.</p> <p>The development is able to achieve and satisfy the outcomes expressed in the character statement.</p> <p>The site is not located near Saigon Place.</p> <p>The development maintains the existing active street frontage at ground floor addressing Marion Street.</p> <p>The site is not located near Griffith Park.</p>

should be enhanced.	
P5. Through-site links should be enhanced and maintained.	The adjoining accessway to Kitchener Parade and Cole Lane is maintained.
P6. Activation of the first floor facing active streets should be considered.	A first floor addition including a balcony is proposed to Marion Street.
P7. Public art should be incorporated on any blank walls facing laneways or streets.	Not existing/proposed. The mural adjacent the site located on the wall of 342 Chapel Road will not be adversely impacted by the development.
Section 3 – Designing the public domain	The development is for the alterations and additions and a change of use to an office premises.
Section 4 – Built Form	
<u>4.1.1 Isolated sites</u>	The lot is existing and amalgamation and / or subdivision is not proposed.
<u>4.2.1 Building heights</u>	
C1. Buildings are to provide podiums that comply with the street wall height control in Figure 37.	The development is for the alterations and additions to an office premises. The development will be no more than two storeys and proposes a maximum height of less than 29m (8.411m).
C2. A wind impact assessment report, (also known as a Pedestrian Wind Environment Study), is required to be submitted to Council in support of a Development Application for buildings over 50m in height. The report is to consider the issues in Figure 32 and possible solutions to minimise wind impacts in the proposed building design.	N/A
C3. Despite the above, buildings without a podium are permitted on corner sites. In cases where a podium is not proposed, the building is to: a) Be designed to mitigate down drafts to the public domain; b) Be designed 'in the round' (i.e. consideration of the design quality in relation to how the building is viewed from within the centre, from the street level, from within other buildings and from a distance); c) Provide a high quality and amenity ground plane for pedestrians at street level.	The development is for a building without a podium and is: a) Will not affect drafts to the public domain; b) has been designed 'in the round' (i.e. consideration of the design quality in relation to how the building is viewed from within the centre, from the street level, from within other buildings and from a distance); c) Includes a high quality and amenity ground plane for pedestrians at street level.
Maximum height in storeys (not including	

basements)				
C4. Development must comply with the maximum height in storeys map at Figure 33.		Permitted: 7 storeys Proposed: 2 storeys		
C5. Development must apply the minimum floor to floor heights in new development as set out in Section 4.2.2 Floor to Floor Height. This control does not apply to dwelling house, dual occupancy, semi-detached dwellings or multi-dwelling housing development.		GF: 3.0m - 3.14m (existing) UF: 3m – consistent with the adjoining development		
<u>4.2.2 Floor to floor height</u>				
C1. Development must comply with the minimum floor to floor heights shown in Figure 35. This control does not apply to dwelling house, dual occupancy, semidetached dwellings or multi-dwelling housing development.		As above		
C2. It is preferred that the entire ground floor level is at one floor to floor height on active street frontage site to ensure for a consistent and attractive frontage.		The ground floor level is existing as a split level and does not change the height at street level.		
Figure 37. Minimum floor-to-floor heights				
Floor-to-floor height (m)	Ground Floor	First Floor (Commercial)	Upper levels	Lift Core (rooftop levels)
Residential	4.4m	NA	3.2m	3m
Commercial	4.4m	3.7m	3.7m	3m
Mixed Use Commercial / Residential (B4 Zone, Bankstown)	4.4m	3.7m	3.2m	3m
<u>4.2.3 Street wall</u>				
C1. Street wall heights must be consistent with Figure 37.		The street wall height is existing and not proposed to change. The street wall height is consistent with the adjoining developments and developments along the street.		
C2. Street walls must use masonry such as brick or stone with no lightweight panel construction or curtain walling.				
C3. All development applications must include a streetscape analysis to determine the most appropriate street wall height and provide details of the street wall. Submissions must include: a) The street wall elevation at 1:200 scale in context showing existing buildings on the block.				

<p>b) A detailed street wall elevation at 1:100 scale including immediately adjacent buildings accurately drawn.</p> <p>C4. Where the adjacent built form context is lower-scale and not anticipated to change, development must provide a transition to the lower scaled built form and include appropriate articulation to fit with the context.</p> <p>C5. For sites including or adjacent to heritage items, development must transition the scale and height of the development and provide adequate separation and appropriate articulation to respect the scale established by the historic or existing context.</p> <p>C6. Datums derived from listed heritage buildings on the site or on an adjoining property — that is, the heights of the main ridgelines (or parapets in the case of commercial buildings), top plates/eaves level (or awnings of commercial buildings) and ground floor levels (street or natural ground levels)—must be used to ensure composition of height and scale is visually harmonious.</p>	
<p><u>4.2.4 Ground level setbacks</u></p>	<p>The development does not change the ground level setbacks.</p>
<p><u>4.2.4 Upper storey setbacks</u></p> <p>C1. Upper storey setbacks are to be consistent with Figure 42.</p> <p>C2. Where there is no upper storey setback shown on the map, the upper-level setback of existing development immediately adjoining the site must be adopted. Where there is insufficient existing development adjoining the site, the applicant is to demonstrate why the proposed setback is appropriate giving consideration to the Principles and Objectives of this section.</p> <p>C3. Building envelopes may require a deeper upper storey setback to protect sunlight and limit shadowing of neighbouring streets, properties, parks, and open space. A deeper upper storey setback may also be required for heritage items to ensure heritage significance is not compromised.</p>	<p>Required: 0m Proposed: 0.979m – 2.297m</p> <p>The development adopts the upper storey setback of the adjoining development at 11 Marion Street. The upper storey front wall is recessed behind the parapet wall by 0.979m (east) and 2.297m (west).</p> <p>As above.</p>

<p>C4. For sites identified as corner or gateway sites, different upper-level setbacks may apply, including a nil setback, to emphasise the corner element in line with the street wall height map at Figure 42.</p>	<p>The site is not a corner allotment or gateway sites.</p>
<p><u>4.2.5 Building separation distance</u></p> <p>C1. Minimum building separation distances for non-residential uses are outlined in Figure 44.</p> <p>C2. Minimum building separation distances for residential uses are outlined in Figure 45.</p> <p>C3. For non-residential uses at the ground level that are not required that are not shown in the Active Frontages map in Figure 64, an analysis of existing and likely future context must be submitted by the applicant to determine the most appropriate separation distances between buildings. Separation Distances will be determined on siteby-site basis in accordance with the following matters:</p> <ul style="list-style-type: none"> a) Site condition b) Lot size and frontage width c) The immediate surrounding context d) Building Envelope e) Proposed Use f) Access and servicing requirements <p>C4. Blank side walls are not supported. Side walls must be articulated using quality street art reflecting local identity, corbelling of brickwork or a change in building material.</p> <p>C5. Separation is to be measured to the outside face of buildings, including balconies, vertical and horizontal circulation and external walls.</p> <p>C6. Separation distances must be apportioned equally between adjacent sites to determine side and rear boundary setbacks.</p> <p>C7. In the case where a development results in an isolated site, the development may need to</p>	<p>Required: 3m Proposed: The development does not change the ground floor setbacks. The proposed first floor addition adopts the ground floor setbacks. The development is not more than two (2) storeys and is not adjoining residential uses.</p> <p>The development is not for residential use.</p> <p>The development does not change the ground floor setbacks. The proposed first floor addition adopts the ground floor setbacks.</p> <p>Not proposed.</p> <p>As above.</p> <p>As above.</p> <p>The development does not result in an isolated site.</p>

provide greater separation to ensure the isolated site can be reasonably developed.	
C8. Only one step in the built form is permissible. If a building is > 8 storeys, then it is required to provide the 9+ storey building separation distance for that use from 5 storeys.	The development is not more than two (2) storeys.
C9. – C.12	These clauses are repeated from C6 – C8 above.

Figure 46. Minimum building separation for non-residential uses

Storeys	Up to 4 storeys	5-8 storeys	9+ storeys
Non-residential uses	3m	6m	9m (or 12m for tall buildings of 50m or more)
Commercial developments adjoining single purpose residential uses*	6m	9m	12m
Service plant areas adjoining residential uses	3m	4.5m	6m

*Commercial developments include business premises, childcare centres, educational establishments and places of worship. Single purpose residential uses include residential flat buildings, boarding houses, multi-dwelling housing and single dwelling houses.

<u>4.2.6 Building floorplates</u>	The development proposes a height less than 25m.
<u>4.3 Residential ground floor frontage</u>	The development is not for ground floor residential use.
<u>4.4 Building interface with open space</u>	Views to open space are not existing/proposed.
<u>4.5.1 Development interface with the public domain</u>	
C1. Ensure that the elements of new development that have a direct interface with the public domain are designed and constructed to be easily maintained and do not impede the maintenance of the adjoining public domain either by Council or the relevant public authority.	The development proposes a new upper level that has a direct interface with the public domain, designed and constructed to be easily maintained and not impede the maintenance of the adjoining public domain either by Council or the relevant public authority.
C2. Enhance the public domain by ensuring adequate solar access to publicly accessible places and protect significant views to and from public spaces.	Solar access is maintained to publicly accessible places. No significant views are present to or from the site.
C3. Ensure that robust quality materials such as stone and face brick are used at the lower levels of buildings where pedestrians are using city footpaths.	The development is within an existing building.

<p>C4. Active uses at the ground floor must not have roller shutters. Security measures must be built in behind the glass line.</p> <p>C5. Active uses at the ground floor must be interesting and engaging when viewed from the adjacent streets and be illuminated for interest at night.</p>	<p>Not existing/proposed.</p> <p>The development maintains an active use at ground floor.</p>
<p><u>4.5.2 Building awnings and interface with streets, plazas and squares</u></p> <p>C1. Development viewed from public space, particularly from parks, plazas and open space, is to be given detailed design consideration and articulation. This includes but is not limited to building materiality, the design of entries and fenestration, landscape, textured facade detailing, and green walls.</p> <p>C2. Provide awnings in accordance with Figure 53 and Section 7 – Awning Design in Chapter 6.1 of the CBDCP 2023.</p> <p>C3. Continuous awnings are to be provided on active frontages and include integrated lighting.</p> <p>C4. Narrower width awning as shown in Figure 62 are to be provided where there are existing or proposed street trees.</p> <p>C5. The awning is to be designed to integrate with the building and have all guttering and electrical wiring for under awning signage concealed and down pipes incorporated into the building design.</p> <p>C6. Provide individual awnings at building entries on lanes and through site links.</p>	<p>The development has given consideration to building materiality, the design of entries and fenestration, and textured facade detailing.</p> <p>Refer to Section 7 – Awning Design in Chapter 6.1.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p>
<p><u>4.5.3 Active frontage design</u></p> <p>C1. New development that has a ground level street frontage that exceeds 45m is to provide active frontages at the ground floor level in accordance with Figure 64 Active Street Frontages Map and the following requirements in Figure 66.</p> <p>C2. Where there is a single large site, ensure for</p>	<p>The development is for the alterations and additions and a change of use to an office premises and maintains the active street frontage.</p> <p>N/A</p>

<p>a common language between buildings using natural materials and finishes such as stone and face brick.</p> <p>C3. Shop fronts must be at-grade with the external footpath and not sunken below footpath level.</p> <p>C4. Any security measure such as roller shutters, grills or other security mechanisms, must allow for views into the premises, and be setback from the front building line.</p> <p>C5. The design of shop fronts is to provide high quality finishes and coordinated use of materials that integrates with the design and appearance of the whole building.</p> <p>C6. Any required substations or utilities shall be integrated into the building form or located in the basement level. If integrated into the design of the building, they shall be designed to minimise the impact on the streetscape. Substations within the street or setback will not be accepted.</p> <p>C7. For building maintenance and to future proof residential buildings to enable infrastructure upgrades, heating and cooling infrastructure is to be consolidated into a centralised basement location and near the street frontage where possible.</p>	<p>The ground floor level is existing as a split level and does not change the height at street level.</p> <p>Not existing/proposed.</p> <p>The development uses varied materials and contrasting colours to:</p> <p>(a) highlight feature elements (tile, stonework and cladding);</p> <p>(b) delineate vertical articulation dimensions (window and door openings); and</p> <p>(c) reduce the impact of other building elements.</p> <p>Not existing/proposed.</p> <p>Noted.</p>
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Figure 57. Active street frontage design guidance

Active street frontage design guidance	
Minimum active frontage required for each frontage facing the public domain	5m or 70% of each public domain frontage (whichever is the greater)
Active uses facing the public domain	Entries or display windows to shops and/ or food and drink premises or other uses, customer service areas and activities which provide pedestrian interest and interaction.
Minimum 'grain' of shop front tenancies	10 tenancy entries per 100m. Where a single or larger tenancy is proposed with a single entrance, the facade must give the appearance of being visually broken up

	into finer grain tenancies and allow for separate tenancy entrances in the future
Provision of awnings	Awnings to be provided in accordance with Figure 53.
Through site links	Through site links to be provided in accordance with Figure 22 Pedestrian and cycle connections in Section 3.1.2 of this DCP.
4.6 Visual diversity, articulation and fine grain buildings	
4.7 Materials and finishes	
C1. Buildings must include durable single material finishes such as masonry and/or off form concrete. Painted cement render or similar painted finishes and Aluminium Composite Panel Cladding (e.g. Alucobond) must not be used within the podium levels of buildings and must not comprise more than 25% of each facade above podium level.	The development does not incorporate a podium. The development uses varied materials and contrasting colours to: (a) highlight feature elements (tile, stonework and cladding); (b) delineate vertical articulation dimensions (window and door openings); and (c) reduce the impact of other building elements.
C2. Elevate the pedestrian experience of the pedestrian at street eye level through fine grained detailing and quality material and finishes selection.	Refer to schedule of colours and materials.
C3. Development Applications proposing a tall building must include a reflectivity assessment to ensure external building materials do not cause unacceptable glare.	Not existing/proposed.
C4. Select materials and finishes that are low maintenance.	Refer to schedule of colours and materials.
C5. Create simplicity through the selection a common language of materials and finishes, rather than selecting many and creating visually complexity.	Refer to schedule of colours and materials.
C6. Where adjacent development is unlikely to occur in the short term, blank side walls must include public art or murals.	Noted.
4.8 Rooftop and podium communal open space	Not existing/proposed.
Section 5 – General Provisions	
5.1 Dwelling mix and flexible housing	The development is for the alterations and additions and a change of use to an office premises.
5.2 Parking	The site is identified inside Bankstown City Centre

	in Figure 61. Parking is not existing/proposed. Refer to parking study.
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Figure 60. Car parking requirements for the Bankstown City Centre 'core' and outside of 'core' areas (Excludes the Bankstown Central site)

Land Use	Size/ Description	Inside Bankstown City Centre		Outside Bankstown City Centre	
		Minimum car parking rate	Maximum car parking rate	Minimum car parking rate	Maximum car parking rate
Office premises	N/A	0	1.25 space per 100m ²	1 space per 100m ²	2 spaces per 100m ²

Figure 62. Bicycle parking/end of trip facility rates

Land Use	Size/ Description	Bicycle Parking Rates	End-of-trip Facility Rates
Office premises	N/A	1 secure bicycle space per 200m ² GFA	1 staff shower and change room for every 10 secure bicycle parking spaces required by the DCP

5.3 Heritage

The site adjoins 346 Chapel Road across the accessway to the rear of the site which contains the heritage listed Shop, "Rosen Chambers" (Significance: Local).

The development faces Marion Street and has a lane way to the eastern elevation. The ground floor setbacks are not proposed to change. The new upper floor will be built to the same setbacks as the existing ground floor. The proposed development will propose suitable materials and colours as not to detract from the heritage item.

5.4 Solar energy requirements

C1. Development must include the installation of a solar PV system of no less capacity than:

a) For sites with multiple electricity meters; rooftop photovoltaic (solar) panel system is connected to the common meter and the system is sized to offset 90-100% of estimated base building maximum demand.

b) For sites with a central electricity meter; the rooftop photovoltaic (solar) panels system is sized to offset 30% of estimated maximum demand.

C2. With any DA plans submitted, the roof plan must show the area(s) allocated to PVs and necessary access requirements for cleaning and routine maintenance. PV solar panels must be setback at least 2m from the edge of the build

Not proposed.

roof or parapet.	
<u>5.5 Urban cooling and environmental sustainability</u>	
<u>5.5.1 General Provisions</u>	
C1. Glazing in the external facade of an enclosed balcony or wintergarden must have a solar absorption of less than 10%.	Not existing/proposed.
C2. Solar absorption of glazing must be marked on plans, and verified through inclusion of window specifications with DA.	Able to comply at CC
C3. All new air conditioning and refrigeration equipment are to use refrigerants with a GWP of less than 10 if the equipment can be supplied on similar terms to conventional systems. Confirmation prior to the release of the construction certificate is required.	Able to comply at CC.
C4. Solid fuel heating and cooking systems are not permitted in any development.	Not existing/proposed.
C5. Gas cooktops, gas ovens or gas internal space heating systems are not permitted in any residential development. Instead, electric systems must be installed and clearly marked on development application plans.	N/A
C6. Basement carpark must be contained within building footprints and allow for deep soil beneath forecourts and courtyards for large canopy tree planting.	Not existing/proposed.
<u>5.5.2 Reduction of the Urban Heat Island Effect</u>	
C1. The extent of the vertical façade of street walls (or if no street wall, as measured from the first 12 metres from the ground plane) that comprise Reflective Surfaces must demonstrate a minimum percentage of shading as defined in Figure 61 Part A as calculated at the relevant time of year in Figure 63 and Figure 64.	Not existing/proposed.
C2. The extent of the vertical façade of the tower (above the street wall or if no street wall, as measured above the first 12 metres from the ground plane) that comprise Reflective Surfaces must demonstrate a minimum percentage of shading as defined in Figure 61 Part B as calculated at the relevant time of year in Figure 63 and Figure 64.	Not existing/proposed.

<p>C3. Compliance with C1 and C2 above is demonstrated on 21 December on the east-facing façade at 10 AM, northeast and southeast facing façade at 11.30 AM, north-facing façade at 1 PM, northwest and southwest facing façade at 2.30 PM and the west-facing façade at 4 PM as shown in Figure 63.</p>	<p>N/A</p>
<p>C4. Compliance with C1 and C2 above is demonstrated on 21 July on the northeastfacing façade at 10 AM, north northeast facing façade at 11.30 AM and 1 PM, and northwest facing façade at 2.30 PM and 4 PM as shown in Figure 64.</p>	<p>N/A</p>
<p>C5. Shading may be provided by: a) External feature shading with nonreflective surfaces; b) Intrinsic features of the building form such as reveals and returns; and c) Shading from vegetation such as green walls, where requirements for upkeep is covered by a positive covenant</p>	<p>N/A</p>
<p>C6. Where it is demonstrated that shading cannot be achieved in accordance with C1C4, development must provide: a) A maximum external solar reflectance as defined in Table 12 is required for all Reflective surfaces; and b) Applicants must provide elevations illustrating facade surface areas, indicating the location of any shading devices and external finishes, and the solar reflectance value of the cladding; and c) Applicants must submit technical information that verifies the solar reflectance value of the cladding; and d) Additional deep soil requirements to offset and reduce urban heat. The additional requirements will be determined by Council on a case by case basis.</p>	<p>N/A</p>
<p>C7. Shadow diagrams must be submitted with the development application quantifying the extent of shading at 10 AM, 11.30 AM, 1 PM, 2.30 PM and 4 PM on 21 December and 21 June for each relevant façade. Shadows from existing</p>	<p>N/A</p>

<p>buildings, structures and vegetation are not considered in the calculations. These shadow diagrams are required in addition to, and not instead of, the requisite shadow diagrams to assess solar amenity and compliance with ADG requirements. Note: Refer to Figure 113 and Figure 114 for sun angles corresponding to shading reference times. Calculation of RSR for each relevant façade must also be submitted with the Development Application.</p>	
<p>C8. Where surfaces on rooftops or podiums are used for communal open space or other active purposes, the development must demonstrate at least 50% of the accessible roof area complies with one or a combination of the following:</p> <ul style="list-style-type: none"> a) Be shaded by a shade structure, or/and; b) Be shaded by a solar panel or/and; c) Be covered by vegetation consistent with the controls on Green Roofs or Walls or/and; d) Provide shading through canopy tree planting, to be measured on the extent of the canopy cover 2 years after planting. 	N/A
<p>C9. Where surfaces on rooftops or podiums are not used for private or public open space, for solar panels or heat rejection plant, the development must demonstrate the following:</p> <ul style="list-style-type: none"> a) Materials used have a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surface greater than 15 degrees; or b) 75% of the total roof or podium surface be covered by vegetation; or c) A combination of (a) and (b) for the total roof surface d) Applicants must provide a plan illustrating all roof surface areas, indicating the location of any green roofs, flat mounted PV panels, and the SRI value of the roofing. e) Applicants must submit technical information that verifies the SRI performance of roofing. 	N/A
<p>C10. Residential apartments within a mixed-use development or residential flat building must incorporate efficient heating, ventilation and cooling systems which reject heat from a centralised source on the uppermost roof.</p>	N/A

<p>C11. Heat rejection units must not be located on the street wall frontage on the primary street or immediately adjacent to rooftop landscaped and/or communal areas unless separated by a solid wall.</p>	<p>N/A</p>
<p>5.6 Energy and Water Management</p>	
<p><u>5.6.1 Energy efficiency (BASIX affected buildings)</u></p> <p>C1. For developments not covered by BASIX, compliance with the energy efficiency provisions of the Building Code of Australia (Section J) is mandatory. A Section J report, along with annotated plans demonstrating compliance with fabric and service requirements, must be submitted.</p> <p>C2. All development not subject to BASIX must issue documentation from a suitably qualified consultant is to be submitted with Development Applications demonstrating the measures that will be used to achieve the relevant energy efficiency scheme rating. Evidence of a formal commitment agreement or registration with the relevant scheme administrator is required to be submitted prior to the issuing of a construction certificate.</p> <p>C3. All new developments must future proof the integration of smart technologies for the purposes of monitoring energy usage (e.g. Lighting, heat, ventilation and air conditioning).</p> <p>C4. Verification of energy target achievement requires the submission of a signed Commitment Agreement from the National Australian Built Environment Rating System (NABERS).</p> <p>C5. Targets for mixed-use developments must be tailored to the specific mix and proportion of land uses, determined on a site-specific basis and at the discretion of the Council.</p>	<p>Able to comply at CC</p> <p>Noted.</p> <p>Able to comply.</p> <p>Noted.</p> <p>N/A</p>
<p><u>5.6.2 Water efficiency</u></p> <p>C1. All new developments must include submetering and future proof for smart technologies to minimise water consumption.</p> <p>C2. Cooling towers must be designed in</p>	<p>Able to comply.</p> <p>Not existing/proposed.</p>

<p>accordance with best practice guidelines to reduce water consumption.</p> <p>C3. All development not subject to BASIX will need to incorporate the following watersaving measures:</p> <p>a) Plumbing fixtures are to meet minimum Water Efficiency Labelling and Standards (WELS) Scheme Standards including 4 star rated showerheads, 4 star rated toilet cisterns, 5 star rated urinals and 6 star rated water tap outlets.</p> <p>b) Appliances (dishwashers, clothes washers etc) are to be 5 stars (WELS Scheme) or better rated for water use efficiency.</p> <p>C4. All development not subject to BASIX must issue documentation from a suitably qualified consultant is to be submitted with development Applications demonstrating the measures that will be used to achieve the relevant water efficiency scheme rating. Evidence of a formal commitment agreement or registration with the relevant scheme administrator is required to be submitted prior to the issuing of a construction certificate.</p> <p>C5. Verification of energy target achievement requires the submission of a signed Commitment Agreement from the National Australian Built Environment Rating System (NABERS).</p> <p>C6. Targets for mixed-use developments must be tailored to the specific mix and proportion of land uses, determined on a site-specific basis and at the discretion of the Council.</p>	<p>Able to comply.</p> <p>Able to comply at CC</p> <p>Able to comply at CC.</p> <p>Not a mixed use development.</p>
<p><u>5.7.1 Building identification signs - top of building signs</u></p> <p>C1. Building identification signs located at the top of buildings must comply with the following:</p> <p>a) No more than two top of building signs are displayed on any one building, where each sign is of a similar size and appearance</p> <p>b) The top of building sign is allocated only to a significant tenant or the building's owner</p> <p>c) The top of building design integrates with the building's architecture, materiality, and finishes</p> <p>d) The signage has a maximum vertical height less than one typical floor of the building</p>	<p>a) No more than one (1) top of building sign is proposed</p> <p>b) The top of building sign is allocated only to a significant tenant</p> <p>c) The top of building design integrates with the building's architecture, materiality, and finishes</p> <p>d) The signage has a maximum vertical height less than one typical floor of the building</p>

e) Signage is not on the building's roof or positioned with the intention of being visible from the air f) The top of building sign is not used, sold or leased for third party business or advertisement.	e) Signage is not on the building's roof or positioned with the intention of being visible from the air f) The top of building sign is not used, sold or leased for third party business or advertisement.
<u>5.7.2 Dynamic content sign</u>	Not existing/proposed.
<u>5.7.3 All proposed signage (including business identification)</u> C1. For all new development that proposes nonresidential accommodation floor space and has more than two or more tenancies is to include a Preliminary Signage Strategy. The Preliminary Signage Strategy is to include, where applicable: a) A plan showing the location of all signage b) Indicative locations for all building identification signage c) Under awning signage zones d) Wayfinding signage zones e) Details of illumination of signage f) Dynamic Signage, and g) Tenancy shopfront signage zones.	The development is for a single tenancy.
<u>5.7.4 Illuminated signage, including light projection signage</u> C1. Externally illuminated signs must have a downward facing light source focused on the display area. Upward facing lights are not permitted. C2. Implementation of LED light fixtures is recommended, due to the significant reduction in energy consumption LED lights have in comparison to other light fixtures. C3. Signs or lights with flashing, chasing, pulsating or flickering lights are not permitted unless part of an approved public artwork. C4. Existing signs on heritage items and existing buildings are to be retained where they have heritage value.	Not proposed.
<u>5.8 Waste management</u> C1. For large developments, or developments where Council determines collect and return is unsuitable, ensure that waste collection activities exclusively occur on-site via an HRV per the Australian Standards 2890.2 preventing	Not required.

<p>disruptions to shared laneways and maintaining the visual and functional quality of these spaces.</p> <p>C2. Implement a range of measures that effectively minimise waste collection truck movements and reduce carbon emissions.</p> <p>C3. Mandatory separation of food and garden organic waste at its source is required to meet the NSW Environment Protection Authority FOGO mandate and align with council's commitment to fostering a circular economy.</p> <p>C4. Additional recommendations regarding Waste Management strategies for developments with at least 1,000 residential dwellings are included in 5.8.3 Additional Waste Management Systems of this DCP. Note: The length of a vehicular ramp and turning reservation of an HRV requires approximately 55-60m to descend 5.0m into a basement.</p>	<p>Not required.</p> <p>Noted.</p> <p>Not required.</p>
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Chapter 7 – Commercial Centres

7.1 – General Requirements	
Section 2 – Active Street Frontages	
<p><u>Building design (active street frontages)</u></p> <p>2.1 The ground floor design must incorporate active street frontages particularly where addressing main streets, public open space and pedestrian links.</p> <p>2.2 The design of active street frontages must include:</p> <p>(a) a minimum 80% glazing (including doors);</p> <p>(b) well-detailed shopfronts with pedestrian entries at least every 10m–15m;</p> <p>(c) zero setback to the front building line (however this may incorporate indented entries or bays where consistent with the existing street character);</p> <p>(d) high quality external materials;</p> <p>(e) openable facades encouraging natural ventilation where possible;</p> <p>(f) outdoor dining where possible.</p>	<p>The development maintains the existing active street frontage at ground floor addressing Marion Street.</p> <p>The design of the shop front includes:</p> <p>(a) >80% glazing (maintains existing glazing);</p> <p>(b) a pedestrian entrance (existing);</p> <p>(c) zero setback to the front building line (existing);</p> <p>(d) high quality external materials (tile, stonework and cladding);</p> <p>(e) openable facades (proposed new upper floor balcony);</p> <p>(f) N/A.</p>

<p>2.3 The design of active street frontages must not incorporate security roller doors and window bars.</p> <p>2.4 Ground floor business and office uses must utilise internal fitouts for privacy. The use of frosted screens or opaque glass for privacy is discouraged.</p> <p>2.5 The ground floor entries to retail, commercial, community and residential uses are to have the same finished floor level as the adjacent footpath and are to be accessible directly from the street. Ground floor entries which have a finished floor level above or below the adjacent footpath are discouraged.</p> <p>2.6 Where the finished floor level is raised due to flood impacts, the active street frontage must incorporate universal access between the street and ground floor uses, or accommodate level changes within the building.</p>	<p>Not proposed.</p> <p>The development maintains the existing glazing to the shop front. Suitable internal fitout screening is utilized.</p> <p>The development does not change the existing finished floor level.</p> <p>As above.</p>
<p><u>Building design (car parking)</u></p> <p>2.7 Vehicle access to off-street parking and loading bays is to be from a secondary street or rear lane.</p> <p>2.8 Where sites adjoin a rear lane, Council may allow above ground car parking at the rear of the site provided that:</p> <p>(a) the car park occupies only the rear of the first storey (i.e. the ground floor) and second storey; and</p> <p>(b) the car park must be setback a minimum 18m from the front building line to allow the gross floor area at the front of the building to be used for retail, commercial, community and residential; and</p> <p>(c) the building design must promote natural surveillance on the lane.</p> <p>2.9 For sites that do not adjoin a secondary street or rear lane, off-street parking and loading bays are to locate in the basement level or sleeved at ground level. Vehicle access is to be no more than a single driveway from the primary street and must ensure that:</p> <p>(a) the vehicle footpath crossing is as narrow as</p>	<p>The site is located within B4 Mixed Use. The development is for the alterations and additions and a change of use to an office premises.</p> <p>Where there is an inconsistency between the controls in this chapter and other chapters in the CBDCP 2023, it is noted that the other chapter controls shall prevail. In this instance the Bankstown City Centre chapter prevails over this chapter.</p> <p>Required: 2.5 (3) car spaces Proposed: Parking is not existing/proposed.</p> <p>Sufficient parking is provided at 40 Marion Street 50m south west of the site. Bankstown train station is located 150m to the southeast of the site. A bus top is located adjacent the site at Marion Street at Depot Place.</p> <p>Sufficient space is available in the rear covered area for the storage of bicycles.</p> <p>A bathroom is available on the ground floor that may be used as a change room. A shower is not proposed.</p>

possible; (b) car park entries, driveways and loading docks are not located at the corners of street intersections.	
<u>Building design (pedestrian entrances)</u>	
2.10 Entrances must locate on the primary street.	The development maintains the existing shop front pedestrian access to Marion Street.
2.11 Residential entrances must be secure and separate from non-residential entrances.	The development does not include or propose a residential entrance.
<u>Building design (utilities and building services)</u>	
2.12 Development must show the location and design of utilities and building services (such as waste storage areas, plant rooms, hydrants, mechanical ventilation stacks, exhaust stacks, equipment and the like) on the plans.	Refer to architectural plans.
2.13 Development must locate utilities and building services on the secondary street or rear lane. Where this is not possible, development must integrate utilities and building services with the building design and conceal the utilities and building services from public view.	As above.
<u>Building design (substations)</u>	
2.14 Development must show the location and design of substations on the plans.	A substation is not existing/proposed.
2.15 Development must locate substations underground. Where this is not possible, development must integrate substations with the building design and conceal the substations from public view.	As above.
2.16 Substations must not locate forward of the front building line.	As above.
Section 3 – Façade Design	
3.1 The vertical articulation dimensions are: (a) the facade design of the podium is to reflect the fine grain that is in accordance with, or similar to, that of the local streetscape; or (b) where there is no prevailing fine grain streetscape, the minimum vertical articulation dimension is 8m for the podium. The minimum vertical articulation dimension for tower buildings above the podium is 10m, which reflects the average width of an apartment.	The development is not more than two storeys and not integrated into a tower building.

<p>3.2 Facade designs may include but are not limited to:</p> <p>(a) Articulating building entries.</p> <p>(b) Distinguishing between the podium (base), middle and top sections of the facade.</p> <p>(c) Expressing the building towers above the podium through a change in facade details, materials and colour.</p> <p>(d) Selecting balcony types that respond to the building orientation and proximity to public domain.</p> <p>(e) Using architectural features such as awnings to give a human scale at street level.</p> <p>(f) Recessing elements such as windows or balconies to create visual depth in the facade.</p> <p>(g) Emphasising the difference between solid and void to create a sense of shadow and light.</p> <p>(h) Using any other architectural elements to Council's satisfaction.</p>	<p>The facade design includes, but is not limited to, the following:</p> <p>(a) Articulated building entries.</p> <p>(b) N/A</p> <p>(c) N/A</p> <p>(d) N/A.</p> <p>(e) Use of awnings to give a human scale at street level.</p> <p>(f) Recessed elements such as windows or balconies.</p> <p>(g) Emphasizes the difference between solid and void.</p> <p>(h) Using any other architectural elements to Council's satisfaction.</p>
<p>3.3 Building designs and window openings should be vertically proportioned in height, form and articulation.</p>	<p>Building designs and window openings are vertically proportioned in height, form and articulation.</p>
<p>3.4 Facade designs must comprise high quality materials and finishes.</p>	<p>Refer to materials and colours schedule.</p>
<p>3.5 Building services such as downpipes and balcony drainage must integrate with the facade design.</p>	<p>Noted.</p>
<p>3.6 The design of balcony balustrades on the lower levels may be predominantly solid and/or opaque to provide privacy to residents and to screen drying areas.</p>	<p>The proposed balcony is not for a residential use and is appropriately screened.</p>
<p><u>Blank walls</u></p> <p>3.7 Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, green walls, public art or a recognisable increased setback to the upper storey.</p> <p>3.8 Blank walls are not permitted where facing the public domain.</p> <p>3.9 The maximum length of any blank wall must not exceed 5m.</p> <p>3.10 The maximum height of a blank wall must not exceed 3m.</p>	<p>Walls are appropriately articulated to the front and side (east) elevations. The rear elevation uses stonework finish to provide screening to the existing rear courtyard and cladding finish to the upper floor facing the rear wall of the development at 2 Kitchener Parade.</p> <p>The rear wall faces the private accessway to 2 Kitchener Parade.</p> <p>The rear wall is >5m in length facing the private accessway to 2 Kitchener Parade.</p> <p>The rear wall is >3m in height facing the private accessway to 2 Kitchener Parade.</p>

3.11 Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals.	The adjacent development at 2 Kitchener Parade contains a two storey brick shop with a rear private accessway adjoining 9 Marion Street.
Section 4 – Visual Bulk	
<p><u>All sites</u></p> <p>4.1 Building designs are to comprise a podium with tower buildings above as shown in Figure 4a. The podium height must be the street wall height.</p> <p>4.2 The vertical articulation dimensions are: (a) the facade design of the podium is to reflect the fine grain that is in accordance with, or similar to, that of the local streetscape; or (b) where there is no prevailing fine grain streetscape, the minimum vertical articulation dimension is 8m for the podium. The minimum vertical articulation dimension for tower buildings above the podium is 10m, which reflects the average width of an apartment.</p> <p>4.3 Avoid uninterrupted or uniform building facades without articulation, such as blank walls, walls with minimal openings and glass curtain walls.</p>	<p>A tower building is not existing/proposed.</p> <p>The development is not more than two storeys and not integrated into a tower building.</p> <p>The development is suitably articulated.</p>
<u>Sites with a 40–65m wide street frontage</u>	N/A
<u>Sites with a street frontage greater than 65m</u>	N/A
Section 5 – Corner Buildings	The site is not a corner allotment.
Section 6 – Roof Designs	
<p>6.1 Development must incorporate a high quality roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes</p>	<p>The development incorporates high quality roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes</p>
6.2 Attics are not permitted.	An attic is not existing/proposed.
6.3 Pitched roofs should use light coloured metal decking to improve energy performance. Pitches roofs to the street façade are not permitted.	The development maintains the existing parapet and proposes a new 3 pitch metal roof behind the building line.
6.4 Plant and service equipment must be concealed or satisfactorily screened from public view.	Plant and service equipment is suitably concealed / screened from public view.
<p>6.5 Where the roof design incorporates a roof terrace: (a) The roof terrace must not function as the principal useable part of the communal open space.</p>	A roof terrace is not existing/proposed.

<p>(b) The parapet should function as the roof top balustrade. Where there is no parapet, the roof top balustrade should be visually permeable (such as glass or slats) and be setback a minimum of 1.5m from the roof edge to minimise visibility from the street.</p> <p>(c) Shade structures and pergolas should be centrally located to minimise visibility from the street and potential overshadowing.</p> <p>For the purposes of this clause, the principal useable part of the communal open space means a consolidated part of the communal open space that is designed as the primary focus of recreational activity and social interaction.</p>	
<p>6.6 The roof form may exceed the maximum building height provided it complies with clause 5.6 of the Canterbury-Bankstown Local Environmental Plan 2023 to Council's satisfaction. Otherwise the Height of Buildings Map applies.</p> <p>Architectural roof features must comprise a decorative element and may have a functional purpose if it is fully integrated into the design of the roof features.</p> <p>Planter boxes, balustrades and screen devices do not constitute an architectural roof feature if these elements are independent of the roof and are not integrated into the design of the roof features, but are instead designed for the express purpose of defining and containing an area of communal/private open space above the roof of the proposal.</p>	<p>The maximum building height permitted for this site is 29m. The development proposes a maximum height of less than 29m (8.411m).</p>
<p>Section 7 – Materials and Finishes</p>	
<p>7.1 Development must incorporate quality, textured and low maintenance materials such as brickwork in the building elevations.</p>	<p>The development incorporates quality, textured and low maintenance materials such as brickwork in the building elevations.</p>
<p>7.2 Development must avoid large expanses of white render or other finishes which increase the visual bulk of buildings. Where rendered finish is proposed, it must be in combination with at least two other finishes and should not be the predominant finish in the facade.</p>	<p>The development does not propose large expanses of white render or other finishes which increase the visual bulk of buildings.</p>
<p>7.3 Use varied materials and contrasting colours to:</p> <p>(a) highlight feature elements;</p> <p>(b) delineate vertical articulation dimensions; or</p>	<p>The development uses varied materials and contrasting colours to:</p> <p>(a) highlight feature elements (tile, stonework and cladding);</p> <p>(b) delineate vertical articulation dimensions (window and door openings); and</p>

(c) reduce the impact of other building elements (e.g. reducing the dominance of upper floors or masking unsightly building services).	(c) reduce the impact of other building elements.
7.4 Glazing in combination with quality external materials is appropriate for ground floor retail. Reflective glass to shopfronts is not permitted.	The development maintains the existing glazing to the shop front.
7.5 The security door or grille to a shopfront facing the street must be transparent or an open grille type shutter. Solid roller doors or shutters are not permitted.	Noted. Solid roller doors or shutters are not existing/proposed.
Section 8 – Awning Design	
8.1 Awnings are required in streets with high pedestrian activity and active street frontages.	The development proposes a new awning to replace the existing. A steel awning is proposed over the first floor balcony.
8.2 Continuous awnings are required on the primary street and are to wrap around the building on corner sites to cover at least all active street frontages or a minimum 40% of the secondary street, whichever is the greater.	The development proposes a new awning to replace the existing.
8.3 The awning height must be compatible with the street gradient.	The development proposes a new awning to replace the existing and is aligned with the awning at 11 Marion Street.
8.4 The awning design must be compatible with the height, projection and depth of existing traditional box awnings in the street. Where there are no awnings adjacent or nearby: (a) The underside of the awning is to be between 3.2m and 4m above ground level (existing). (b) The awning may incorporate a contemporary design where it is considered to be an integral feature of the building design.	The development proposes a new awning that is similar in height, projection and depth to replace the existing.
8.5 Canvas blinds along the outer edge of awnings are desirable for sun shading to east and west facing frontages.	Not existing/proposed.
8.6 Glass awnings, ineffective awnings or awnings with cut-outs for trees or light poles are not permitted.	Not existing/proposed.
8.7 Lighting must be provided to the underside of an awning using vandal resistant, high mounted light fixtures.	Noted.
Section 9 – General Design and Amenity	
<u>Building design</u>	
9.1 Council applies the State Environment Planning Policy (Housing) 2021 (Chapter 4) and the Apartment Design Guide to residential flat buildings, shop top housing, serviced	The development is not for a residential use.

apartments, boarding houses and mixed use development (containing dwellings). This includes buildings that are two storeys or less, or contain less than four dwellings.	
<p><u>Access to sunlight</u></p> <p>9.2 The living areas for at least 70% of dwellings in a development must receive a minimum sum of three hours of sunlight between 8.00am and 4.00pm at the midwinter solstice. Council may allow light wells and skylights to supplement access to sunlight. However, these building elements must not be the primary source of sunlight to living areas.</p> <p>9.3 The living areas of a dwelling on an adjoining site must receive a minimum sum of three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p>	<p>The development is not for a residential use.</p> <p>As above.</p>
<p><u>Private open space</u></p> <p>9.4 The private open space per dwelling must have a minimum depth of 2m and the private open space may be in the form of a balcony.</p>	<p>The development is not for a residential use.</p>
<p><u>Livable housing</u></p> <p>9.5 Development must comply with the Livable Housing Design Guidelines (Livable Housing Australia) as below.</p> <p>9.6 Despite clause 9.5, Council may vary the Livable Housing Design Guidelines (Design Element 1–Dwelling Access) if it is demonstrated to Council's satisfaction that it is not possible to achieve step-free pathways.</p>	<p>Livable housing is not proposed.</p> <p>As above.</p>
Development types	Development controls
Residential flat buildings and shop top housing	<p>A minimum 40% of new dwellings must comply with the Livable Housing Design Guidelines (Livable Housing Australia), to be split as follows:</p> <ul style="list-style-type: none"> a minimum 20% of new dwellings must achieve the Silver Standard; and a minimum 20% of new dwellings must achieve the Gold Standard. <p>However, it is noted that shop top housing will not deliver dwellings at the ground floor as this would be inconsistent with the LEP definition</p>

Boarding houses	
<p><u>Serviced apartments</u></p> <p>9.7 Development consent must not be granted for the change of use from a dwelling in a residential flat building or shop top housing to a serviced apartment unless Council is satisfied that the amenity, safety and security of the residents of the dwellings in the building is maintained.</p> <p>9.8 Development consent must not be granted for the change of use from serviced apartments to a residential flat building, with or without strata subdivision, unless Council is satisfied that the development complies with the design principles of the State Environmental Planning Policy (Housing) 2021 (Chapter 4) and the Apartment Design Guide.</p>	<p>Serviced apartments are not proposed.</p> <p>As above.</p>
<p><u>Landscape</u></p> <p>9.9 Commercial development, shop top housing and residential flat buildings must provide at least one street tree per 5m of the length of the primary street. Council may vary this requirement if a street tree already exists in good condition, if an awning or site constraints limit their inclusion, or a public domain plan is yet to determine the location of trees in a centre.</p> <p>9.10 Council may require development adjoining Council land to incorporate public open space. The intended outcome is to expand existing open space wherever possible to enhance the amenity for people who work in, live in and visit the centres.</p>	<p>A street tree is not existing/proposed.</p> <p>The development does not adjoin Council land.</p>
<u>Front fences</u>	Front fences are not existing/proposed.
<p><u>Safety and security</u></p> <p>9.14 The main entrance or entrances to development must face the street.</p> <p>9.15 Windows to the living areas of front dwellings, or the windows on the upper floors of development must overlook the street.</p> <p>9.16 Above ground car parking must be setback</p>	<p>The development maintains the existing shop front pedestrian access to Marion Street.</p> <p>The development is for the alterations and additions and a change of use to an office premises.</p> <p>Not existing/proposed.</p>

<p>a minimum 6m from the front building line to allow the gross floor area at the front of the building to be used for commercial, retail or residential purposes. This clause does not apply to the front building line that faces a rear lane.</p> <p>9.17 A public arcade or underpass in buildings must be wide and direct to avoid potential hiding places.</p> <p>9.18 External lighting to development must give consideration to the impact of glare on the amenity of adjoining residents.</p>	<p>Not existing/proposed.</p> <p>Noted.</p>
<p><u>Special requirements for development adjoining a railway corridor and open stormwater drains</u></p>	<p>The development does not adjoin a railway corridor and /or open stormwater drains.</p>
<p><u>Amenity</u></p> <p>9.20 In determining an application that relates to shop top housing or mixed use development comprising dwellings, Council must take into consideration the following matters:</p> <p>(a) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(b) whether the proposed development will adversely impact on the amenity of dwellings within the same development by way of noise, hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like, and the ability to manage the impacts.</p>	<p>The development is for the alterations and additions and a change of use to an office premises.</p>
<p><u>Development adjacent to residential zones</u></p>	<p>The development is not adjacent to residential zones.</p>
<p><u>Food premises</u></p>	<p>The development is for a change of use to an office premises.</p>
<p><u>Undergrounding of overhead wires</u></p> <p>9.23 New buildings must ensure:</p> <p>(a) all overhead wires, including but not limited to electrical and telecommunication services wires, along the street frontages of the site are located underground as part of the development;</p> <p>(b) any redundant power poles are removed and replaced with underground supplied street lighting columns;</p> <p>(c) all works are carried out at the landowner's expense.</p>	<p>The development is for the alterations and additions and a change of use to an office premises.</p>

(iia) – Provisions of any planning agreement

There is no planning agreement in conjunction with this proposal.

(iv) – Provisions of the Environmental Planning and Assessment Regulation 2001 (EP&A Regulation 2001)

The Application has been made in accordance with the relevant matters prescribed by the Regulations.

(v) (Repealed)

that apply to the land to which the development application relates,

(b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality

Context & Setting

The development site currently contains a commercial premises. The surrounding area is characterized by similar sized lots and developments. The proposed development is expected to be consistent with existing development on the lot and adjoining lots.

Access, Transport and Traffic

The site has frontage to Marion Street. The development is not expected to result in significant additional vehicle movements with the current road network being suitably designed for the current road construction.

Public Domain

A contribution under the S.7.12 contribution plan may be payable given the proposed development type.

Utilities

The development includes the augmentation or upgrading of essential services required for the development.

Heritage

The site adjoins 346 Chapel Road across the accessway to the rear of the site which contains the heritage listed Shop, "Rosen Chambers" (Significance: Local). The development will not affect the significance of the heritage item.

Other Land Resources

The development seeks a residential use on the land.

Water

The development site has provision of Council's water services to the development site.

Soils

There is no previous history of usage on the site that could potentially lead to a risk in site contamination.

Air and microclimate

The proposed development is considered to have minimal impact on the existing microclimate in the area.

Flora and fauna

The development site is not expected to contain any critical habitats or threatened or endangered ecological communities. The development does not prevent access of any species to the site and does not require the removal of any remnant vegetation. The development will retain vegetation to the allotment boundaries. The lot does not appear on the NSW Biodiversity Values Map as a lot identified as containing areas of biodiversity value.

Waste

Minimal waste will be generated from the operation of the development. Waste from the development may be managed on site.

Energy

The development includes eco-friendly practices such as suitable water and energy rated fittings.

Noise & vibration

The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.

Natural hazards

The site is not identified as being subject to bushfire or flooding, having been adequately addressed.

Technological hazards

Previously addressed throughout the report – natural hazards, soils, etc.

Safety, security & crime prevention

The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. The new development on the site will provide an increase in passive surveillance of the surrounding environment.

Social & Economic impact in the locality

The development will have a positive social impact on the surrounding area. The development will be consistent with development on the existing and adjoining allotments.

Site design and internal design

The proposed development will be located with adequate setbacks from all lot boundaries.

Construction

Any construction works must be compliant with the Building Code of Australia.

Cumulative impacts

The proposed development is considered to be compliant with surrounding land uses and approval of the application is not expected to result in any unacceptable land use conflicts. Pertinent matters have been addressed in detail in this report, which demonstrates that the development is consistent with applicable planning legislation.

(c) – the suitability of the site for the development

The site is considered suitable for the proposed development.

Lot: 102 DP: 867994 (9 Marion Street, Bankstown) is an irregular shaped allotment with a total area of 160.60m² and a 5.545m frontage to Marion Street. The site is fairly flat with little slope of note. The proposed site currently contains a single commercial premises.

The development proposes the Alterations and Additions; and Change of use.

The site is suitable for the development being compatible with the objectives of the zone. The development is compatible with the locality and the site attributes are conducive to development.

The proposed development is permissible with consent and complies with the objectives of the zone by providing a variety of housing types to satisfy the needs of the community, that ensures amenity for both the occupants and the surrounding neighbours, that is compatible with the density of the area.

The site is not identified as a heritage item, but is adjacent to a heritage item across the accessway to the rear of the site. The site is not identified as being bushfire prone land or flood affected. The site is not identified as having any environmental constraints. The site is identified as being within the Georges River catchment.

The proposed development is consistent with the existing and future development in the locality. The development has access from a public road and Council's utility services are available to the site. The site is considered to be suitable for development.

(d) – any submissions made in accordance with the EP&A Act or EP&A Regulation

This application will be exposed to public comment in the usual manner, as outlined in the Development Control Plan, however it is not anticipated that this process will raise any

significant objections if any. We do not anticipate any submissions from neighbouring properties.

(e) – the public interest

The proposed development is within the public interest.

Conclusion

The proposed development has been designed in a way that it addresses the site abilities and constraints whilst satisfactorily demonstrating compliance with the Environmental Planning and Assessment Act 1979 (EPA&A 1979), State Environmental Planning Policies and Council's local planning instruments and guidelines.

Accordingly, this Development Application is submitted in the belief that it deserves council's favourable consideration.

Yours Faithfully,



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Plan for Tomorrow has not undertaken a site visit for the purposes of this report. This report is provided exclusively for the purposes described in this report. No liability is extended for any other use or to any other party. The report is based on conditions prevailing at the time of the report and information provided by the client. The report is only for which the land to which the report relates and only for the day it is issued. This report should be read in conjunction with submitted documents and plans relevant to the Application.