

ITEM	326 Hume Highway, Bankstown
	Demolition of existing structures and construction of a mixed commercial/residential flat building comprising of a total of 123 residential units, 2-storey commercial building fronting Hume Highway, basement car parking and associated site works and landscaping
FILE	DA-988/2015 (JRPP Ref. 2015SYW174)
ZONING	B6 – Enterprise Corridor
DATE OF LODGEMENT	21 August 2015
APPLICANT	Ibtisam Fahd C/- Mecone Pty Ltd
OWNERS	Ibtisam Fahd
ESTIMATED VALUE	\$39.5 million
SITE AREA	5,659m²
AUTHOR	Development Services

SUMMARY REPORT

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated value of \$39.5 million and exceeds the capital investment threshold for ‘*general development*’.

DA-988/2015 proposes to demolish all existing structures and construct a mixed use development. The proposal comprises 123 residential apartments, a 2-storey commercial component that fronts Hume Highway, basement car parking, and associated site works and landscaping.

The Development Application has been assessed against *State Environmental Planning Policy No. 55 (Remediation of Land)*, *State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)*, *State Environmental Planning Policy (BASIX) 2004*, *State Environmental Planning Policy (Infrastructure) 2007*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*. The application fails to comply in regards to building height and setbacks, however despite the non-compliances represents an appropriate built form outcome for the site.

The application was advertised and notified on lodgement for 21 days. It was then renotified for 14 days following the lodgement of amended plans and additional information. A total of 4 submissions were received in response to the notification of the proposed development. The submissions raise concerns relating to lot consolidation and isolation of the neighbouring site, and the provision of car parking. The concerns raised in the submissions have been adequately addressed and do not warrant refusal or further modification of the proposed development.

POLICY IMPACT

This matter has no direct policy implications. The proposed variations to setbacks and building height are appropriate in the context of the site, and would not set any undesirable precedent for development elsewhere in the Bankstown LGA.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions included at Attachment 'B'.

DA-988/2015 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site, known as 326 Hume Highway, Bankstown, is zoned B6 – Enterprise Corridor and has an area of 5,659m². It is a corner allotment with a splayed primary frontage of 51m to Hume Highway. Secondary frontages are to Rookwood Road (104m) and Davis Lane (57m).

The site is located at the eastern end of the Rookwood Enterprise Zone and contains a substantial 2-storey commercial/showroom building that occupies the whole site. A narrow, mounded landscape strip runs along the Rookwood Road frontage. Vehicle access and loading facilities are provided from Davis Lane.

Development surrounding the site comprises a range of land uses. Immediately east of the site is a commercial building that is occupied by a veterinary clinic. Beyond this building, further east, is a school (Bankstown North Public). Multi-unit residential development is located to the north, across Davis Lane. Commercial and retail uses occupy the buildings located west of the site on Rookwood Road. Residential dwellings are located on the southern side of Hume Highway, as well as a number of car-related uses (showroom and a car wash café) and another school (St Felix Primary). The context of the site is illustrated in the aerial photo below.



PROPOSED DEVELOPMENT

DA-988/2015 proposes the following works:

- Demolition of existing structures.
- Construction of a mixed use development containing 123 residential apartments and 480m² of commercial space fronting Hume Highway.
- Basement car parking for 188 cars.

The proposed building adopts a 'U'-shaped form that follows the Rookwood Road, Davis Lane, and eastern property boundaries. The building sleeves a podium level communal open space area. Rooftop communal open space is also located above the 2-storey commercial component at Hume Highway.

The development comprises a mix of apartment types, which vary in terms of size and layout. External finishes are contemporary and appropriate, and work with the built form to provide a modulated and articulated building façade.

It is proposed to limit vehicular access to Davis Lane, which avoids any potential traffic safety issues on Hume Highway and Rookwood Road.

SECTION 79C ASSESSMENT

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

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

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of SEPP (Infrastructure) lists types of developments that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network (including classified roads). The proposed development exceeds the thresholds listed in Schedule 3 of the SEPP and was accordingly referred to RMS for comment.

RMS noted that all vehicular access is proposed from Davis Lane and raised no objection to the proposed development, subject to conditions of consent that are included at Attachment 'B' to this report.

State Environmental Planning Policy No. 55 – Remediation of Land

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

A preliminary site investigation was undertaken by the applicant, to assess for potential contamination and to determine whether the site is suitable for the proposed development. The site investigation concluded that:

- *The potential for significant widespread contamination to be present on the site, as a result of past and present land use activities, is considered to be low;*
- *Any minor, isolated occurrences of contamination that may be present in the site soils (if any) will be excavated and disposed offsite as part of the construction of three levels of basement covering the entire area of the site.*
- *The site is suitable for the proposed use as a mixed use, multi storey building including residential and commercial land use; and*
- *No further assessment is considered necessary.*

The conclusions of the applicant's preliminary site investigation are accepted. Accordingly, it is considered that the application adequately addresses the requirements of Clause 7 of SEPP 55.

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

SEPP 65 applies to the proposed development, and an assessment against the design quality principles and the accompanying Apartment Design Guide has been undertaken. The proposal has adequate regard for the design quality principles and responds appropriately to the site's context. Moreover, the application generally conforms with the key design criteria contained in the Apartment Design Guide, as discussed in the table below.

DESIGN CRITERIA	PROPOSED	COMPLIES?
Communal open space Min. 25% of the site with a min. 2hrs sunlight to 50% between 9am – 3pm on 21 June.	867m ² provided at podium level, with 540m ² provided above the 2-storey commercial component. Total of 1,407m ² (25%).	Yes
Deep soil zones Minimum 7% of the site with a min. 6m dimension.	430m ² (7.6%) with a 6m dimension.	Yes
Building separation Min. 12m between habitable rooms/balconies and 6m between non-habitable rooms. This can be halved for separation to boundaries.	16.5m separation within the development. Nil setback to the only 'shared' boundary to allow for future development.	Yes
Ceiling height Min. 2.7m for habitable rooms. Min. 3.3m for ground and first floor to promote flexibility of uses.	2.8m for habitable rooms with 3.3m for ground floor. First floor is 2.8m.	No. Level 1 height fails, however it is unlikely that first floor commercial would be successful given the location of the site.

Solar access Min. 70% apartments must receive min. 2hrs direct sunlight between 9am – 3pm on 21 June. Max. 15% of apartments to receive no direct sunlight between these hours.	54% from 9am – 3pm at mid-winter.	No. However this increases to 71% when solar access between 8am – 4pm is taken into account, which is appropriate given the site's orientation and the design response which directs a number of units to the east and west, overlooking the central communal open space area. These units would benefit from early-morning and late-afternoon sun, and would still have sufficient daylight access to meet the objectives of the ADG.
Cross ventilation Min. 60% apartments to be naturally cross ventilated.	64% of units.	Yes
Apartment size 1 bed – Min. 50m ² 2 bed – Min. 70m ² 3 bed – Min 90m ² (Add 5m ² per additional bathroom)	No 1-bed proposed. Min. 75m ² Min. 104m ²	N/A Yes Yes
Room layout Min. 10m ² for master bed and 9m ² for other beds with min. 3m dimension (exc. robes). Min. 4m width for living rooms in 2/3 bed apartments.	Min. 10m ² master bed and 9m ² other beds (not including study nooks or halls). Min. living area width is 4m.	Yes
Balcony size 1 bed – 8m ² (2m depth) 2 bed – 10m ² (2m depth) 3 bed – 12m ² (2.4m depth)	No 1-bed proposed. Min. 10m ² and 2m depth. Min. 14m ² and 2.4m depth.	N/A Yes Yes
Ground level POS Min. 15m ² with min. 3m depth.	Min. 18m ² with min. 3m depth.	Yes
Circulation Max. 8 apartments from a circulation core.	Max. 8 apartments accessible from each lift and corridor.	Yes
Storage 1 bed – 6m ³ 2 bed – 8m ³ 3 bed – 10m ³ (Min. 50% to be provided within the apartment).	No 1-bed proposed. Min. 8m ³ Min. 10m ³ At least 50% is provided within each unit (combination of storage cupboards).	N/A Yes Yes Yes

State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) states that a regional panel may exercise the consent authority functions of the council, for the determination of applications for development of a class or description included in Schedule 4A of the EP&A Act.

Schedule 4A of the Act includes '*general development that has a capital investment value of more than \$20 million*'. The development has a value of \$39.5 million and accordingly the development application is reported to the Sydney West JRPP for determination.

Bankstown Local Environmental Plan 2015

The proposed development is satisfactory with regard to the relevant provisions of the Bankstown Local Environmental Plan 2015 (the LEP), including the following:

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the BLEP 2015:

- (d) *to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown;*
- (f) *to provide a range of housing opportunities to cater for changing demographics and population needs;*
- (g) *to provide a range of business and industrial opportunities to encourage local employment and economic growth;*
- (i) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety;*
- (j) *to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network;*
- (k) *to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and road network; and*
- (l) *to enhance the quality of life and the social well-being and amenity of the community.*

Clause 2.3 Zone objectives and Land Use Table

The site is located in Zone B6 – Enterprise Corridor, which permits development for the purposes of '*residential flat buildings*' and a range of commercial uses including '*bulky goods premises*', '*hardware and building supplies*' and '*business premises*'. The elements that make up the proposed development fall within these definitions and are therefore permitted with consent at the subject site. Moreover, the proposal is consistent with the objectives of the B6 zone, being:

- *Promote businesses along main roads and encourage a mix of compatible uses.*
- *Provide a range of employment uses (including business, office, retail and light industrial uses).*
- *Maintain the economic strength of centres by limiting retailing activity.*
- *Provide for residential uses, but only as part of a mixed use development.*

Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

According to Clause 4.1B of the LEP, a minimum lot area of 5,000m² is required for development for the purposes of 'residential flat buildings' in the B6 zone. The development site has an area of 5,659m² and complies with this requirement.

Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map, there are three separate building height standards that apply to the development site.

- There is a general restriction that limits building height across the whole development site to a maximum of 11m unless a minimum site area of 5,000m² is achieved. As noted above, the development site has an area of 5,659m² and meets this requirement.
- At the southern end of the development site, within 20m of the Hume Highway boundary, the maximum permitted building height is 11m. The proposed western 'wing' of the development has a height of 22.4m, which encroaches the maximum 11m height zone for 4.5m. The proposed eastern 'wing' of the development has a height of 15.2m, which encroaches the maximum 11m height zone for 6.5m.
- For the balance of the development site the maximum permitted building height is 23m. The proposed development complies with this standard. There are some minor encroachments by lift overruns, car park exhaust risers and clerestory skylights. These elements qualify as 'architectural roof features' and are permitted to extend above the maximum 23m building height as discussed below under Clause 5.6 of the BLEP.

The applicant has submitted a written request according to the provisions of Clause 4.6 of the BLEP in support of the proposed non-compliance with the maximum 11m building height zone along Hume Highway. This request is discussed below.

Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map, the maximum permitted floor space ratio for the development site is 2:1. The proposed development has a gross floor area of 11,320m², which equates to a floor space ratio of 2:1 and complies with this standard.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the BLEP allows consent to be granted for development despite contravention of a development standard, however only where a satisfactory written request has been provided by the applicant.

The applicant has provided a written request to vary the maximum building height development standard which includes the following justification:

- *Compliance with the height standard is unreasonable and unnecessary given the following circumstances of this case:*
 - *The proposal only varies from the 11m height control for a depth of 4.5 – 6.5m, upon which the height control increases to 23m and the proposal is compliant.*
 - *The intent of the 11m height control is to provide an acoustic and air quality control for residents facing the Hume Highway. The design of the development retains these principles by orienting all operable entries and windows away from the Hume Highway if they are within the 20m setback area. This ensures that the air quality and acoustic amenity of these units is maintained meeting the objective of the control.*
 - *The variation to the height within this small portion of the site still results in an application with a compliant FSR, which protects the density of the development.*
 - *Full compliance with the height control for the full 20m setback area would result in a poor urban design outcome as the site is a corner site and requires an urban design treatment that strengthens the development at the corner of Rookwood Road and Hume Highway.*
 - *The proposed development is nevertheless consistent with the objectives of the height standard and the B6 – Enterprise Corridor zone.*
 - *There is no public benefit in maintaining the standard in the circumstances of the case.*

- *There are sufficient environmental planning grounds for the contravention to the height standard as follows:*
 - *A compliant building envelope, with the taller building set back the full 20m, would result in a poorer urban design treatment in terms of a strong corner treatment. The additional height in this instance provides a better urban design outcome for a corner site by providing a strong corner massing and treatment... it gives visual prominence to parts of the building façade and actively addresses both street frontages.*
 - *The setback of the 4-storey element has been aligned with the corner treatment to provide for appropriate symmetry within the design. An increased setback would reduce the effectiveness of these treatments.*
 - *It can be readily seen that this is a 'better outcome' than a compliant envelope. As such, strict compliance with the development standard would tend to hinder the attainment of the objects of the Act, for example 'the orderly and economic use and development of land'.*
 - *The proposal demonstrates that an alternative approach to mitigating the impacts of noise and air quality is achievable. Adequate amenity can be provided to the units facing Hume Highway through design solutions. The air quality and acoustic assessments both show that there is no material benefit in an additional setback of 20m over the proposed.*

- *Whilst it is acknowledged that some level of transition is required from Hume Highway to the rear of the site, the taller residential flat building component being setback generally at 15.5m rather than 20m does not result in any additional overshadowing or bulk and scale impacts. Strict compliance with the 11m height limit for the full depth of 20m would not create an improved environmental outcome.*
- *The proposal is considered in the public interest as it is consistent with the objectives of the development standard and the B6 – Enterprise Corridor zone. There is no significant benefit in maintaining the height standard as the proposed encroachment of the building into the 11m height control is a relatively minor contravention of the height standard, which facilitates a significantly better planning outcome with an improved urban design for a corner site and no significant adverse environmental or amenity impacts.*

Having regard to the submissions contained in the applicant's Clause 4.6 request, it is agreed that compliance with the height standard would be unreasonable and unnecessary in this case, and there are sufficient environmental planning grounds to support the proposed departure.

The applicant has shown that there would be no amenity loss for residents of the development by way of acoustic or air quality considerations. Importantly, it has been demonstrated that the proposed setback to Hume Highway is comparable with a compliant 20m setback in this regard. There can therefore be no direct link drawn between the proposed height departure and any adverse environmental impact.

Moreover, the applicant has placed much emphasis on the proposed corner treatment, and the built form benefits of the proposed setback over a setback that complies with the LEP height standard. These benefits are noted, and it is agreed that a built form that strengthens this prominent corner site should be promoted. The proposed building envelope achieves this outcome, and should be preferred over a compliant scheme which would likely result in an exaggerated stagger with a substantial, 15m difference between the setbacks of the commercial and residential components. The proposed scheme also manages to address acoustic requirements whilst avoiding blank façade elements, to ensure that the proposed built form contributes positively to the Rookwood Enterprise Zone.

Clause 5.6 Architectural roof features

Clause 5.6 of the BLEP allows an 'architectural roof feature' to exceed the maximum allowable building height. An 'architectural roof feature' needs to satisfy the following criteria:

- *Must comprise a decorative element on the uppermost portion of the building.*
- *Must not be an advertising structure.*
- *Must not include floor space area and must not be reasonably capable of modification to floor space area.*
- *Must cause minimal overshadowing.*

The proposed development includes lift overruns, car park exhaust risers, and clerestory skylights that exceed the maximum 23m building height by less than 1m. These building elements are proposed to be finished with the same materials used in the schedule of finishes for the development. No floor area is (nor could be) contained in these parts of the building, and there would be no additional overshadowing impacts. Accordingly, the proposed lift overruns can be considered 'architectural roof features' and are permitted by Clause 5.6 to project above the maximum building height.

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

There are no draft EPI's applicable to the proposed development.

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

The following table provides a summary of the development application against the controls contained in Parts A2 and B5 of *Bankstown Development Control Plan 2015*.

STANDARD	PROPOSED	BDCP 2015 PARTS A2 and B5	
		REQUIRED	COMPLIANCE
Lot consolidation	The proposed development does not include consolidation with any neighbouring property.	The DCP provisions only apply if the subject site is consolidated with the neighbouring property to the east (No. 324 Hume Highway) and there would be no adverse effect on other land in the vicinity.	No
Building height	7-storey and 4-storey elements encroach within the 20m setback.	2 storeys within 20m of Hume Highway.	No
	7-storey element encroaches within the 15m setback.	2 storeys within 15m of Rookwood Road.	No
	7-storeys elsewhere.	6 and 7 storeys elsewhere.	Yes
Hume Highway buffer	2m wide planter beds are proposed along the Hume Highway frontage.	Provide a min. 5m wide landscape buffer zone to Hume Highway to enhance the Remembrance Driveway corridor.	No
Hume Highway setbacks	13.5m setback to proposed dwellings.	A dwelling must be set back 20m.	No
	Commercial is setback 5m from Hume Highway.	A business development must be set back 5m.	Yes
Other setbacks	6m to Rookwood Road.	15m to Rookwood Road.	No
	3.5m to Davis Lane.	10m to Davis Lane.	No
Vehicle access	Access to the development is proposed from Davis Lane.	Vehicle access may be permitted from Davis Lane.	Yes
Car Parking	151 residential spaces (includes 3 stacked spaces) 25 residential visitor spaces 12 commercial spaces TOTAL of 188 spaces	1.2 spaces per 2-bed dwelling (136) 1.5 spaces per 3-bed dwelling (15) 1 visitor space per 5 dwellings (25) 1 space per 40m ² commercial (12) TOTAL of 188 spaces	Yes

Lot consolidation

Part A2 of the BDCP requires that the subject site be consolidated with the neighbouring property to the east. If consolidation does not occur, the maximum building height is limited to only 2 storeys. It is noted that this requirement is not reflected in the BLEP. The maximum building heights according to the BLEP are prescribed without any qualification of site area or lot consolidation.

The Rookwood Enterprise Zone terminates at the eastern boundary of the neighbouring property No. 324 Hume Highway. Beyond the neighbouring property, further to the east, are the grounds of Bankstown North Public School. It therefore stands that the subject site (No. 326 Hume Highway) and the eastern neighbour (No. 324 Hume Highway) offer each other the only opportunity to consolidate and meet this DCP requirement.

It has been demonstrated that reasonable attempts have been made to consolidate the subject site with the neighbouring property, in order to satisfy the requirements of the DCP. These attempts have been unsuccessful, and are discussed in more detail later in the 'Submissions' section of this report.

Given that lot consolidation is not proposed, a DCP height limit of 2 storeys applies. However it has been demonstrated that the characteristics of the subject site facilitate an appropriate built form outcome, without the need to consolidate with the neighbouring property. The proposed development seeks variations to Council's setback controls, however these variations are driven by urban design and building envelope considerations, rather than deficient lot width or site area. Accordingly, it would be unreasonable to limit development at the site to a maximum of 2 storeys, and a variation to the lot consolidation requirement of the DCP is warranted in this case.

Building height and Setbacks

The DCP includes a plan that illustrates maximum heights and minimum setbacks for buildings within the development site. The building heights shown on this plan are expressed in storey limits, while the setbacks are shown in metres.

The maximum height within 20m setback of Hume Highway, and within 15m setback of Rookwood Road, is 2 storeys. However the proposed development locates 7-storey and 4-storey building elements within the Hume Highway setback, and a 7-storey building element in the Rookwood Road setback.

A variation to building height within the required 20m Hume Highway setback would be appropriate as discussed earlier with regard to Clauses 4.3 and 4.6 of the BLEP, in particular given the absence of any direct environmental impacts (in terms of acoustic and air quality considerations) and having regard to superior built form outcomes. In a similar regard, the proposed Rookwood Road departure also warrants consideration.

A 6m setback to the 7-storey building at Rookwood Road reinforces the western edge of the proposed building and fosters a strong corner presence. Sufficient building separation would still be provided to any future development on the western side of Rookwood Road. Further, a shift of the built form closer to the western property boundary facilitates a design approach that still preserves the ability for an appropriate redevelopment of the neighbouring property to the east.

The DCP plan also requires a minimum 10m setback to all buildings from Davis Lane (located at the rear of the site) to align with future development on the western side of Rookwood Road. The proposal provides a 3.5m setback to this boundary, with balconies encroaching to a setback of 2.5m. Despite the non-compliant setback, there are not expected to be any adverse or unreasonable impacts on the residential development located on the northern side of Davis Lane. The carriageway width for this laneway is generous, being approximately 13m kerb-to-kerb. There would be no overshadowing impacts given the orientation of the site, and overlooking would be no greater than that of a compliant development, albeit from a source that is closer than what the DCP allows.

Hume Highway buffer

The DCP requires the provision of a 5m wide landscape buffer zone to the Hume Highway boundary of the allotment. This buffer is required to enhance the Remembrance Driveway corridor.

The proposed development does not provide a 5m landscape buffer. Rather, it includes a number of 2m wide planter beds in the footpath area for landscaping at pedestrian level (in addition to new street tree plantings). This treatment, although not compliant with the DCP requirement, represents an improvement on the current situation whereby the only landscaping provision occurs as a small pocket of low-height shrubs at the intersection of Hume Highway and Rookwood Road. The site is located at a prominent intersection that is commercial in nature, and the provision of a wide landscape buffer would compromise the activation of the Hume Highway frontage. The proposed treatment provides an appropriate balance between an active commercial frontage and a landscaped building edge, and is accepted.

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

There are no planning agreements applicable to the proposed development.

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

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

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

As discussed in this report, the proposed development is acceptable with regard to its likely environmental, social and economic impacts on the locality.

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

The proposed development is permitted with consent at the subject site. The proposed variations to the maximum building heights and setbacks are acceptable in the context of the development and, despite the failure to consolidate with the neighbouring property, the proposal represents an appropriate built form outcome.

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

The application was advertised and notified on lodgement for 21 days. It was then renotified for 14 days following the lodgement of amended plans and additional information. A total of 4 submissions were received in response to the notification of the proposed development. The submissions raise concerns relating to lot consolidation and isolation of the neighbouring site, and the provision of car parking.

Failure to consolidate with the neighbouring property significantly diminishes its development potential. The application does not adequately address the relevant Land and Environment Court planning principles that relate to isolated sites and site amalgamation.

Clause 4.1B of the BLEP requires a minimum 5,000m² site area for development for the purposes of residential flat buildings in the B6 zone. While the subject site meets this requirement, the neighbouring property to the east has a site area of approximately 1,760m², which is deficient for the purposes of this standard. Despite the deficient lot area, development for the purposes of a 'residential flat building' is still permitted with consent according to the land use table.

It is the objector's view that the proposed development will significantly diminish the development potential of the neighbouring property due to the failure to consolidate with the development site. The subject site offers the only feasible consolidation option for the neighbouring property, given that the only other land adjoining the neighbouring property is Bankstown North Public School. The objector's submission references the NSW Land and Environment Court planning principles around isolated sites, which concern a number of key considerations. The first being whether site amalgamation is feasible, the second being whether a 'reasonable offer' to consolidate has been made, and the third relating to the orderly and economic use and development of the sites. The following comments are offered with respect to each of these considerations:

- It is feasible that the two sites could be consolidated. Despite the substantial structure at No. 326 Hume Highway, both sites offer reasonable redevelopment opportunities. Moreover, Council's DCP requires consolidation as a means of activating increased building heights.
- The applicant has provided documentation demonstrating attempts made to consolidate the sites. This documentation includes valuations of the neighbouring property, as well as offers to purchase the site. The most recent valuation was undertaken in December 2015, and provided a valuation based on the 'highest and best use' of the neighbouring property under the current planning controls (i.e. as part of a consolidated development site that met the minimum 5,000m² lot area requirement).

For comparison purposes, this valuation also considered the value of the neighbouring property if it were to be developed in isolation of the development site. The documentation also demonstrates an offer to purchase the neighbouring property for a sum in excess of the December 2015 valuation. This offer was rejected by the owner of the neighbouring property.

- The applicant has supplied plans that demonstrated an ability to develop the neighbouring site for the purposes of a residential flat building, notwithstanding the deficient lot area. The eastern 'wing' of the proposal comprises a single-loaded corridor with a zero lot line to the neighbouring property. This arrangement would allow a double-loaded corridor scheme should the neighbouring property be developed in conjunction with the proposed development. It is also apparent that a stand-alone development scheme would be achievable should the sites be developed independently. This scenario would involve a deficient lot area, however this requirement is a development standard and could be varied if a satisfactory Clause 4.6 request is provided.

It can be concluded that although site amalgamation is indeed feasible, a 'reasonable offer' was made to consolidate the sites and this reasonable offer was rejected. The applicant has demonstrated that both of the sites can be developed to achieve an appropriate urban form with an acceptable level of amenity, and it would be onerous on this basis to insist on further attempts to achieve lot consolidation.

More car parking spaces should be provided for Rookwood Road (west elevation).

The proposed development complies with the car parking requirements contained in Part B5 of the BDCP. It must therefore be accepted that there would be no impact on the surrounding locality with respect to overflow parking from the development, nor would there be any loss of existing kerbside parking spaces from Rookwood Road.

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

The proposed development would not contravene the public interest. It responds appropriately to the site-specific development controls contained in *Bankstown Development Control Plan 2015*, as well as the relevant standards contained in *Bankstown Local Environmental Plan 2015*. Requirements of the applicable State Environmental Planning Policies have been met, and matters raised in public submissions have been satisfactorily addressed.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy No. 55 (Remediation of Land)*, *State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)*, *State Environmental Planning Policy (BASIX) 2004*, *State Environmental Planning Policy (Infrastructure) 2007*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*.

The proposed development represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions.

Approval of this application would facilitate the development of a key site in the Rookwood Enterprise Zone, without having any unacceptable or unreasonable impacts on the surrounding locality.