

**ITEM
2162**

137 Campbell Hill Road, CHESTER HILL NSW

Demolition of existing structures and remediation of contaminated land. Construction of an eight (8) storey mixed use development comprising of one hundred (100) residential units and five (5) commercial tenancies, with at grade and basement car parking, landscaping and associated site works.

FILE

DA-687/2015 - Bass Hill Ward

ZONING

**SP2 Infrastructure: Rail Infrastructure Facility
B2 Local Centre**

DATE OF LODGEMENT

24 June 2015

APPLICANT

CMT Architects Australia Pty Ltd

OWNERS

Shelbrie Pty Ltd

ESTIMATED VALUE

\$30,644,500.00

AUTHOR

Development Services (Casandra Gibbons)

SUMMARY REPORT

This matter is reported to the Sydney South 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 \$27,858,636, which exceeds the capital investment threshold of \$20million for '*general development*'.

Development Application No. DA-687/2015 proposes the demolition of existing structures, remediation of contaminated land and construction of an eight (8) storey mixed use development comprising of one hundred (100) residential units and five (5) commercial tenancies with at grade and basement car parking, landscaping and associated site works.

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, assessment against State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The application proposes some minor variations to the requirements contained in the BDCP 2015 and the Apartment Design Guide. However, the assessment of the development application has found that these variations are justified in the circumstances of this case, in the context of both the overall development and the surrounding locality.

The application was advertised and notified for a period of twenty-one (21) days, from 8 to 28 July 2015. Revised plans were then re-advertised and notified for twenty-one (21) days from 7 to 28 October 2015. Following the submission of numerous sets of further amended plans and details, the application was re-advertised and notified for a further period of thirty (30) days, from 10 May to 9 June 2017. During these advertising and notification periods, no submissions were received.

The application was referred to Sydney Trains and Ausgrid, and they have provided concurrence. Sydney Trains have provided concurrence on the basis of a deferred commencement consent to be issued for further structural engineering detail to be submitted.

POLICY IMPACT

This matter has no direct policy implications. The proposed minor variations to the BDCP 2015 and to elements of SEPP 65, are considered to be appropriate in the context of the site, and would not set a precedent for development elsewhere in the LGA.

FINANCIAL IMPACT

The proposed matter being reported has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved on a deferred commencement basis subject to the attached conditions.

ATTACHMENTS

- A - Section 79C Assessment Report
- B - Conditions of Consent

C - Locality Plan
D - Site Plan
E - Elevations

DA-687/2015 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 137 Campbell Hill Road, Chester Hill. The site is a regular corner allotment that contains a split zoning of SP2 Infrastructure: Rail Infrastructure Facility approximately 16% of site area and B2 Local Centre approximately 84% of site area. The site has a primary frontage to Campbell Hill Road of approximately 36 metres and a secondary road frontage of 84.82 metres to Waldron Road. The total site area is 3351m².

The site has a gradual fall of approximately 800mm from the north eastern boundary to the south eastern boundary and a fall of approximately 1.5m from the north western boundary to the south western boundary.

The surrounding area is characterised by a mix of commercial and residential development. To the north of the site, on the opposite side of Waldron Road, contains mixed commercial development being both single-storey and two-storey in built form. To the west is a high density residential flat building across Campbell Hill Road. Immediately adjoining the site to the east are a number of mixed commercial single storey tenancies and their associated parking, while directly to the south of the site is the rail line and Chester Hill Railway station.

The site immediately to the west of the development is zoned R4 High Density Residential. The southern part of the subject site and the adjoining allotment to the south are zoned SP2 Infrastructure: Rail Infrastructure Facility. To the north and east the properties are zoned B2 Local Centre.

The site currently contains a disused service station and an existing butcher/delicatessen. The site contains a number of easements for drainage, support, electricity supply, right of way and services. Of these easements, the most significant is the easement located on the southern boundary of the property serving a right of way for access to the rear of the adjacent eastern lot. The right of way located on the southern boundary of the site is 11 metres wide. The site currently accommodates at grade parking and an access way within the right of way that continues through to the development to the east, providing access to the parking areas located at the south of that property.

The subject site has a split zoning being SP2 Infrastructure: Rail Infrastructure Facility and B2 Local Centre. The setback from the southern/rear boundary (SP2 land) to the B2 Local Centre zone within the site is 6 metres, resulting in the area of SP2 Land being 543m². The subsequent remaining area of B2 Local Centre zoned land is 2808m². The site located to the east at No. 129 Campbell Hill Road, accommodates the same zoning arrangements.

Pursuant to the Bankstown Local Environment Plan 2015, the B2 Local Centre portion of the site has a maximum height control of 26 metres and maximum FSR of 3:1. The resulting SP2 Infrastructure: Rail Infrastructure Facility zoned land does not

have an applicable height or FSR control applying to it. The BLEP 2015 maps are provided below.

Image 1- Aerial photo of the subject site



Image 2 – Land zoning Map



Image 3 – Height of buildings map

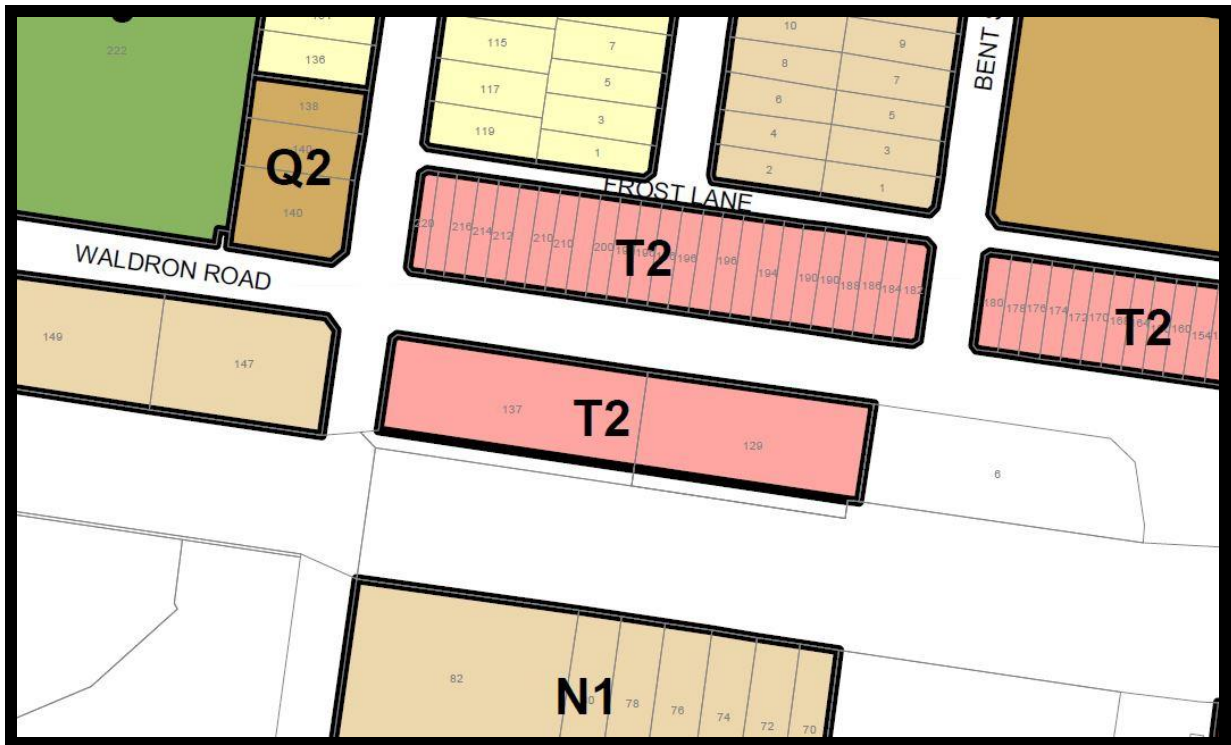
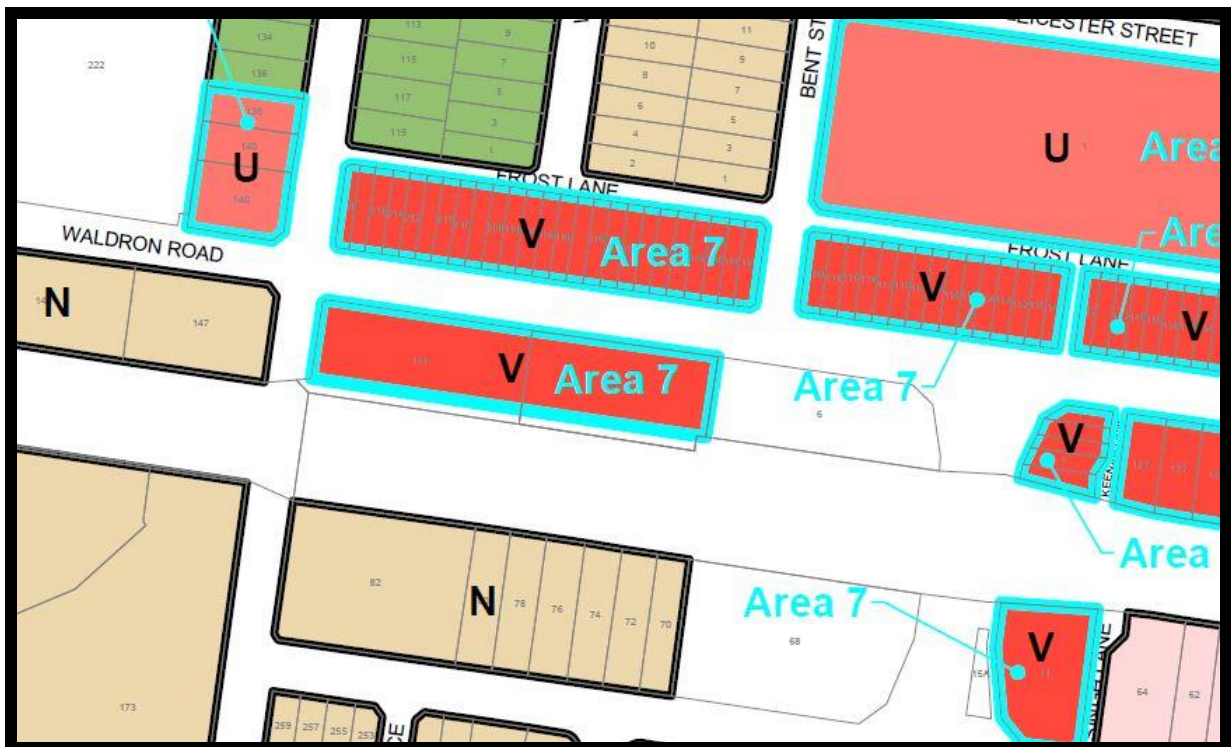


Image 4 – Floor space ratio map



PROPOSED DEVELOPMENT

The Development Application proposes the demolition of all structures on site, remediation of contaminated land and construction of an eight (8) storey mixed use development comprising of five (5) ground floor commercial tenancies and one hundred (100) residential units, with at grade and basement car parking, landscaping and associated site works.

The proposal has a ground floor containing at grade car parking, five (5) commercial tenancies, waste services facilities and communal open space. Vehicular access to the two basement levels is located off Campbell Hill Road (within the B2 Local Centre zoned land), with vehicular access to the at grade spaces for commercial development provided through a separate access point (also located within the B2 zoned land).

The proposal has a mix of apartment sizes containing 11 x studio apartments, 31 x one (1) bedroom units, 44 x two (2) bedroom units and 14 x three (3) bedroom units. Level 1 contains 18 units, levels 2-6 contain 14 units per floor and level 7 contains 12 units. The proposal provides for two levels of basement car parking providing a total of one hundred and nine (109) car parking spaces and fourteen (14) bicycle spaces across the two levels. A further eight (8) car parking spaces and twenty-six (26) bicycle spaces are provided under the building at ground floor level, and are accessed at grade.

In addition to the spaces located under the building at grade, the proposal also provides for an additional twenty-eight (28) car parking spaces and three (3) bicycle spaces in the southern portion of the site. These spaces at grade to the south of the proposal (not within the building) are currently located within that part of the site zoned SP2 Infrastructure: Rail Infrastructure Facility. The spaces located within the SP2 zoned land are not relied upon, or required for the proposed development, and are provided in addition to the minimum requirements for parking on the site. Access to these spaces (both existing and proposed) is through a driveway access located within that part of the site zoned B2 which currently exists on site, and the proposed access to these spaces remains unchanged as a result of this application. Should Sydney Trains ever acquire the SP2-zoned portion of the site in the future, the proposal will retain access to the spaces at grade within the building (B2 zoning) as a driveway 5 metres wide would be retained, post-acquisition.

The building design incorporates a mix of materials and finishes including concrete, aluminium pivoting blades, alpolic finishes, glazing and timber cladding soffit.

The proposal does not seek approval in this application for the use of the ground floor tenancies. Use of the tenancies will be subject to future development applications.

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 (State and Regional Development) 2011 (SRD SEPP)

In accordance with Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act, 1979*, development with a capital investment value in excess of \$20million is classified as regional development under Clause 20 of the SRD SEPP. In accordance with Clause 21(1)(a) of the SRD SEPP the consent authority function is to be exercised by the Regional Planning Panel. The subject application has a capital investment value of \$30,644,500.00 and, as such, the subject application is required to be determined by the Sydney South Planning Panel.

State Environmental Planning Policy No. 55 – Remediation of Contaminated Land

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

The sites have a history of commercial uses including a service station and as such a stage 1 and stage 2 Environmental Site Assessment (ESA) was completed and a subsequent Remediation Action Plan (RAP) prepared, based on the recommendations of the stage 2 (ESA). The report notes the encounter of contaminants in site samples and recommends strategies to undertake the required remediation. The proposal has been considered as category 1 remediation in accordance with the provisions of Clause 13 of SEPP 55 and the application has been advertised and notified for 30 days.

Council officers have reviewed the ESA reports, test results and the RAP submitted and are satisfied that the site will be suitable for the proposed use subject to conditions of consent in regards to remediation works.

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

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

It is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, planning principles and planning considerations of the GMREP No. 2.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)

SEPP No. 65 applies to residential flat buildings having 4 or more units and 3 or more storeys. Accordingly the SEPP applies, and an assessment against the nine

Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) has been carried out.

The proposed development is considered to be consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, 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 illustrated in the table below, with the exception of deep soil zones, private open space and setbacks.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
<p>3D-1 Communal open space</p> <p>25% of the B2 zoned land (site area) is to be communal open space (702 m²), and 50% of the COS must receive at least 2 hours direct sunlight between 9am-3pm on 21 June.</p>	<p>832m² (29%) of the B2 zoned land is provided as communal open space at the ground floor, level 1 and level 7. At least 50% of the COS is able to achieve at least 2 hours direct sunlight between 9am-3pm on 21 June.</p>	<p>Yes</p>
<p>3E-1 Deep Soil Zones</p> <p>Sites greater than 1500m² must provide 7% of the site as DSZ, 6m wide</p> <p>Design Guidance -</p> <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level 	<p>The applicable site area is 2808m².</p> <p>196m² with a 6m dimension of deep soil is required.</p> <p>135m² of deep soil with a dimension varying from 4 to 7.8m has been proposed.</p>	<p>No, however it is considered that sufficient deep soil planting is provided on site. The proposal provides for 4.8% deep soil.</p> <p>The ADG design guidance notes that achievement of the criteria may not be possible in locations where non-residential uses are located on the ground floor.</p> <p>The ground floor contains five (5) commercial tenancies, services and access arrangements. The site is further constrained by the location of the easements and right of way to the southern boundary, The proposal is considered to provide a sufficient level of deep soil, given the site constraints.</p> <p>In light of the above, support of the minor non-compliance is</p>

<p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</p>		<p>considered appropriate.</p>
<p>3F-1 Visual Privacy (Building separation)</p> <p>6m setback up to 4 storeys (3m to non-habitable rooms).</p> <p>9m setback, 5-8 storeys (4.5m to non-habitable).</p> <p>12m setback, 9+ storeys (6m to non-habitable rooms).</p>	<p><u>North (Waldron Road Frontage)</u></p> <p>Ground floor level (commercial) to residential level 2 – 3, zero setback is proposed</p> <p>Residential level 4 to 7, proposes zero to the north eastern and western corners of the building and 12.5m to the bulk of the building</p> <p><u>East</u></p> <p>Ground floor (commercial) has an 8m setback to the fire stairs and building wall</p> <p>Levels 1-7 (residential), 6.7m setback to the balcony and building wall containing habitable rooms</p> <p><u>West (Campbell Hill Road Frontage)</u></p> <p>Level 1 (ground floor) – 8, zero setback is proposed</p> <p><u>South</u></p> <p>The proposal provides for a minimum setback of 11 metres for all levels to the southern boundary.</p>	<p>Yes</p> <p>Yes</p> <p>No, see below</p> <p>Yes</p> <p>Yes</p>
<p>3J-1 Car Parking</p> <p>Minimum car parking requirement must be provided on site</p>	<p>109 residential car parking spaces are provided (in the basements), in excess of the minimum 104 required under the Roads and Maritime Services (previously Roads and Transport Authority) Guide to Traffic Generating Developments, RTA 2002, for the residential units.</p>	<p>Yes</p>

<p>4A-1 Solar access</p> <p>70% of units should receive 2hrs solar access between 9am – 3pm midwinter.</p>	<p>77 of 100 (77%) units receive 2hrs direct solar access between 9am – 3pm midwinter.</p>	<p>Yes</p>
<p>4A-3 Solar access</p> <p>A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid winter</p>	<p>9 apartments (or 9%) receive no direct sunlight at the relevant time</p>	<p>Yes</p>
<p>4B-3 Natural cross-ventilation</p> <p>60% of units to be naturally cross-ventilated.</p> <p>Overall depth cross-over or cross-through apartment does not exceed 18m, when measured glass line to glass line</p>	<p>60 units (60%) are naturally cross-ventilated.</p> <p>All cross through apartments 18m or less.</p>	<p>Yes</p> <p>Yes</p>
<p>4C-1 Ceiling heights</p> <p>Min. 2.7m for habitable rooms. If variation is sought then satisfactory daylight access must be demonstrated.</p> <p>Min. 3.3m to ground floor commercial</p>	<p>Floor-to-ceiling heights are 2.7m to all residential floors.</p> <p>Minimum 3.3m provided</p>	<p>Yes</p> <p>Yes</p>
<p>4D-1 Unit size</p> <p>Studio – min 35m² 1 bed – min. 50m² 2 bed – min. 70m² 3 bed – min. 90m² Add 5m² for each additional bathroom/WC</p> <p>Every habitable room must have a window in an external wall</p>	<p>1 Studio, – min. 40 m² 1 bed, 1 bath – min. 50 m² 2-bed, 2 bath – min 75m² 3-bed, 2 bath – min. 95m²</p> <p>All habitable rooms have a window in an external wall</p>	<p>Yes</p> <p>Yes</p>
<p>4D-2 unit performance maximised</p> <p>In open plan layouts</p>	<p>All units comply with this requirement.</p>	<p>Yes</p>

<p>(where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>		
<p>4D-3 Apartment layouts</p> <ul style="list-style-type: none"> • Master Beds: 10m² min • Other beds: 9m² min • Bedrooms min dimension of 3m <p>Living room widths</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	<p>All rooms achieve compliance.</p>	<p>Yes</p>
<p>4E-1 Private Open Space</p> <p>1 bed: Min 8m², 2m depth 2 bed: Min. 10m², 2m depth 3 bed: Min 12m², 2.4m depth to primary balconies. Ground level units/podium or similar structure : Min 15m², 3m depth</p>	<p>All units meet required minimum areas and dimensions for levels 2-7</p> <p>First floor units are located on a podium level. Of the first floor units, 8 of the units face the street or the adjoining boundaries and are considered to present/function as balconies as opposed to ground floor courtyards.</p> <p>The remaining 10 units on level 1, would be considered as ground floor units. However the private open space is generally presented and proposed in accordance with the requirements for balconies.</p>	<p>Yes</p> <p>Yes</p> <p>No, However all level 1 (podium) apartments that would be considered as ground floor apartments, adjoin the communal open space and it is considered that the functionality of the ground floor units put forward in the design is acceptable given the proximity to the COS on site</p>
<p>4F-1 Internal circulation</p> <p>Max. 8 units accessed from a single corridor.</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>The building proposes four lifts. No lift proposes access to more than 7 units on any one floor.</p> <p>The proposal is a 8 storey mixed use development containing 100 residential units and five ground floor commercial</p>	<p>Yes</p> <p>Yes</p>

	tenancies. Four lifts are proposed.	
4G-1 Storage 1 beds: 6m ³ , 2 beds: 8m ³ , 3 beds: 10m ³ (At least half to be provided within the unit)	All units provided with sufficient storage, and at least half provided within the unit	Yes

The following comments are provided in respect to the departures with the ADG and where not addressed in the table above:

Setbacks

Objective 3F-1 of the Apartment Design Guide (ADG) sets out 'design criteria' for building setbacks to property boundaries, in order to ensure appropriate visual privacy can be maintained between units in residential flat buildings.

The proposal seeks consideration of a reduced setback from the eastern boundary to levels 5-8. Levels 5-8 propose a 6.7m setback to habitable rooms containing windows and balconies to the eastern boundary. In accordance with the ADG, the setbacks for a building wall containing non habitable rooms for levels 5-8 and above is 4.5m, and 9m for building walls containing habitable rooms and balconies. The minimum setbacks proposed for levels 5-8 would exceed the requirements for setbacks to non-habitable rooms, however would fail the requirements for habitable rooms.

The development currently located to the east is single storey commercial premises containing a number of tenancies. The subject site is afforded a number of easements and restrictions which constrain the development of the site. The application as proposed seeks consent for a reduced setback to the eastern boundary. Consideration of the proposal has been given in regards to the existing situation, whilst also assuming a future development of the site to the east in a similar fashion to what is proposed within this application. The adjoining eastern lot (No. 129 Waldron Road) contains single storey commercial tenancies. The site is afforded the same planning controls in respect to zoning, floor space ratio and height of buildings.

The application proposes a minimum setback of 6.7metres widening out to the north east to 7.8metres to a habitable room/balcony. Assuming a similar mixed use development was proposed on the eastern lot, it is considered that subject to assessment, the potential visual privacy issues that could arise over the reduced setback could be mitigated through good design and planning. It is considered that should Council impose conditions on this application to amend the eastern elevation to ensure that all windows proposed have a minimum sill height of 1.5metres above finish floor level to habitable rooms, visual privacy concerns between the eastern elevation and a future western elevation could be considered as non-habitable for the purpose of visual privacy.

In respect to the balconies as proposed on the subject applications eastern boundary it is considered that subject to a minor amount of screening to unit 01 and 02 on every level, the required visual privacy objectives would be achieved.

The minor variation that is required to the eastern boundary will not represent a development type that is undesirable. Rather, it will provide a built form that is considered appropriate for the site.

It is considered that the design of the development put forth can be considered as satisfactory in its surroundings, given the adjoining developments and the minor nature of the departure. It is not considered that the visual privacy impacts are likely for the existing adjoining developments, being that they are of single storey commercial premises. The minor variation to the side setback is not likely to cause any significant impact and it is considered that any future development would not be hindered by the variation as proposed.

Despite the numerical non-compliances, sufficient separation and visual privacy is achieved to each boundary due to the use of architectural treatments, floor plan layout and/or through recommended conditions of consent and is therefore considered worthy of support.

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

In accordance with the provisions of the ISEPP the development application has been referred to Sydney Trains and Ausgrid.

Sydney Trains

The proposal has been referred to Sydney Trains pursuant to Division 15, Subdivision 2, Clause 86 'Excavation in, above or adjacent to rail corridors' of the ISEPP 2007. The proposal seeks consent for excavation and building works within 25m of a rail corridor and is referred by Sydney Trains for concurrence. Sydney Trains have reviewed the development application and have raised no objection to the proposal and have provided concurrence subject to consent being granted on a deferred commencement basis, subject to the submission of further structural engineering detail.

The proposal has also been reviewed in accordance with Clause 87 'Impact of rail noise or vibration on non-rail development' of ISEPP 2007. A condition of consent has been recommended to ensure compliance with the requirements for internal noise amenity for future residents.

A condition of consent has also been recommended that, prior to any Construction Certificate being issued, an Acoustic report in accordance with the ISEPP Cl. 87 and relevant Australian Standards be prepared and the recommendations contained be demonstrated on the Construction Certificate plans. A follow up condition of consent has been recommended that a suitably qualified consultant certify that the works have been undertaken in accordance with the report's recommendations prior to the issue of any Occupation Certificate for the development.

Ausgrid

The proposal has been referred to Ausgrid pursuant to Division 5, Subdivision 2, Clause 45 'Determination of development applications – other development' of ISEPP 2007, as the works involved are within 5m of an exposed overhead powerline. Ausgrid have reviewed the proposal and raise no objection, subject to conditions imposed in regards to Work Cover, electrical safety rules and network standards.

Conditions of consent have been recommended, both prior to and during construction, to satisfy the Ausgrid requirements.

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

A valid BASIX Certificate accompanied the Development Application. The Certificate details the required thermal comfort, energy and water commitments which are also detailed on the submitted plans. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 in this instance.

Bankstown Local Environmental Plan 2015

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

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning

An assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*.

The below table is provided to demonstrate the proposals compliance with the relevant numerical controls as set out in the BLEP 2015.

STANDARD	PROPOSED	BLEP 2015 COMPLIANCE
Clause 4.3 Height	26m proposed	Max 26m permitted
Clause 4.4 FSR	2.98:1 proposed	Max of 3:1

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

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

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

The following table provides a summary of the development application against the controls contained in Part A1, B2 and B5 of the Bankstown Development Control Plan 2015.

STANDARD	PROPOSED	PART A1, B2 and B5 of BDCP 2015											
		REQUIRED	COMPLIANCE										
Part A1 Centres													
Height and storeys	26 metres and 8 Storeys	<p>Development within the Chester Hill Village Centre and Sefton Small Village Centre must comply with the storey limit that corresponds with the maximum building height shown for the site on the Height of Building Map as follows:</p> <table border="1"> <thead> <tr> <th>Maximum building height as shown on the Height of Buildings Map (Bankstown LEP 2015)</th> <th>Storey limit (not including basements)</th> </tr> </thead> <tbody> <tr> <td>13 metres</td> <td>4 storeys (no attic)</td> </tr> <tr> <td>14 metres</td> <td>4 storeys (no attic)</td> </tr> <tr> <td>20 metres</td> <td>6 storeys (no attic)</td> </tr> <tr> <td>26 metres</td> <td>8 storeys (no attic)</td> </tr> </tbody> </table>	Maximum building height as shown on the Height of Buildings Map (Bankstown LEP 2015)	Storey limit (not including basements)	13 metres	4 storeys (no attic)	14 metres	4 storeys (no attic)	20 metres	6 storeys (no attic)	26 metres	8 storeys (no attic)	Yes
Maximum building height as shown on the Height of Buildings Map (Bankstown LEP 2015)	Storey limit (not including basements)												
13 metres	4 storeys (no attic)												
14 metres	4 storeys (no attic)												
20 metres	6 storeys (no attic)												
26 metres	8 storeys (no attic)												
Primary Setback	<p>Ground Floor Commercial approximately 4.3m</p> <p>Residential level 1–7, zero setback is proposed</p>	<p>The minimum setbacks to the primary road frontage of an allotment within Zone B2 Local Centre are:</p> <p>(a) zero setback for the basement level, the first storey (i.e. the ground floor) and second storey; and</p> <p>(b) 5 metres for the third storey and above.</p>	No, see discussion below										
Secondary Setbacks	<p>Ground floor Level (commercial) 3.8m to building wall</p> <p>Residential level 1 - 2, zero setback is proposed</p> <p>Residential level 4 to 7, proposes zero to the north eastern and western corners of the building and 12.5m to the bulk of the building</p>	<p>The minimum setback to the secondary road frontage and the side boundary of an allotment within Zone B2 Local centre is zero setback for all storeys.</p> <p>Where development is adjacent to residential zoned land, Council may increase the minimum setback to the secondary road frontage and side boundary.</p>	Yes										
Rear setbacks	11 metres proposed to all levels	The minimum setbacks to the rear boundary of an allotment within Zone B2 Local Centre are:	Yes										

STANDARD	PROPOSED	PART A1, B2 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
		<p>(a) zero setback for the first storey (i.e. the ground floor) and second storey where the site adjoins a rear lane; or</p> <p>(b) 3 metres for the first storey (i.e. the ground floor) and second storey where the site does not adjoin a rear lane; and</p> <p>(c) 3 metres for the third storey and above.</p>	
Street Frontage	<p>The site is located in figure 4 and requires ground floor commercial be provided. The proposal provides for 5 ground floor commercial tenancies.</p> <p>The design proposes levels that can be accessed from the street. The façade demonstrates a high quality design and finish with defined entries and ground floor commercial tenancies providing appropriate street activation.</p> <p>The façade incorporates a range of different material and steps in the design to ensure that a visual interplay between both the skyline and streetscape are achieved through the built form.</p>	<p>The design of street frontages must ensure:</p> <p>(a) the ground floor is at the same general level as the footpath and accessible directly from the street; and</p> <p>(b) the ground floor provides a positive street address in the form of entries, lobbies and clear glazing that contribute to street activity and promote passive surveillance. The ground floor facade must minimise large expanses of blank walls.</p> <p>This clause applies to locations where it is essential to retain the ground floor as commercial and retail floor space as shown in Figure 4.</p>	Yes
Vehicle footpath crossing	<p>The proposal utilises the Primary Street frontage to Campbell Hill Road for both vehicle (driveway) access points. However, in this instance it is considered that the Campbell Hill frontage is the 'minor street', as Waldron Road would provide greater pedestrian activity and is responsive to the commercial centre.</p>	<p>Development must optimise the opportunities for active street frontages and streetscape design by:</p> <p>(a) making vehicle access points as narrow as possible;</p> <p>(b) limiting the number of vehicle access ways to a minimum; and</p> <p>(c) avoiding the location of car park entries, driveways and loading docks at the corners of street intersections.</p> <p>For sites with two or more frontages, car park entries, driveways and loading docks must locate on lanes</p>	Yes

STANDARD	PROPOSED	PART A1, B2 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
		and minor streets rather than primary street frontages or streets with high pedestrian activity.	
Part B2 Commercial centres			
Lot widths	When measured from north to south along Campbell Hill Road the proposed frontage is approximately 36metres	The minimum primary frontage for residential flat buildings with 3 or more storeys is 30 metres.	Yes
Ceiling Height	The minimum floor to ceiling height for a living area is 2.7 metres.	The minimum floor to ceiling height for a living area is 2.7 metres.	Yes
Side and rear setbacks	The proposal adjoins both B2 Local Centre and R4 High Density Residential zoned land (Primary Frontage), it is not considered that an increased setback is warranted in this instance due to the specific site orientation, constraints and existing adjoining development forms.	Where development is adjacent to residential zoned land, Council may increase the minimum setbacks to the side and rear boundaries.	Yes
Side and rear setbacks	<p><u>East</u></p> <p>Ground floor (commercial) has a 8m setback to the fire stairs and building wall</p> <p>Levels 1-7 (residential), 6.7m setback to a balcony and building wall containing habitable rooms</p> <p><u>South (rear setback)</u></p> <p>The proposal provides for a minimum setback of 11 metres for all levels to the southern boundary.</p>	For blank building walls with no window or balcony, the minimum setback to the side and rear boundaries of an allotment is: (a) zero setback for all storeys provided the setback is to a boundary that adjoins non-residential zoned land and is not a secondary frontage; or (b) where the setback is to a boundary that adjoins residential zoned land: (i) zero setback for the basement level, the first storey (i.e. the ground floor), and the second storey; and (ii) 5 metres for the third and fourth storeys; and (iii) 9 metres for the fifth storey.	No, However the proposal has been assessed in accordance with the ADG and is considered satisfactory as discussed previously in this report.
Depths	The maximum depth of cross through apartments proposed is 18 metres.	The maximum depth for cross-through dwellings (i.e. single or dual aspect dwellings where the side building walls do not contain a window or balcony) is 14 metres.	No, However the proposal has been assessed in accordance with the ADG and it is considered satisfactory.
Setbacks	<p><u>East</u></p> <p>Ground floor (commercial) has a 8m setback to the fire stairs</p>	For building walls with a window or balcony in commercial development, shop top housing and mixed use development, the minimum setbacks	No, However the proposal has been assessed in accordance with

STANDARD	PROPOSED	PART A1, B2 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
	<p>and building wall</p> <p>Levels 1-7 (residential), 6.7m setback to any balcony and building wall containing habitable rooms</p> <p><u>South (rear setback)</u></p> <p>The proposal provides for a minimum setback of 11 metres for all levels to the southern boundary.</p>	<p>to the side and rear boundaries of an allotment are:</p> <p>(a) 3 metres for the first storey (i.e. the ground floor). Council may allow a setback less than 3 metres provided it complies with the Building Code of Australia; and</p> <p>(b) 3 metres for the second storey; and</p> <p>(c) 5 metres for the third and fourth storeys; and</p> <p>(d) 5 metres for the fifth storey provided the setback is to a boundary that adjoins non-residential zoned land; or</p> <p>(e) 9 metres for the fifth storey where the setback is to a boundary that adjoins residential zoned land.</p>	<p>the ADG and is considered satisfactory as discussed previously in this report.</p>
Building form	<p>The proposal has been assessed against SEPP 65 and the ADG as detailed above. The application proposes a number of minor variations, however the proposal has been considered satisfactory.</p>	<p>Council applies the design quality principles of State Environmental Planning Policy No. 65–Design Quality of Residential Apartment Development and the Apartment Design Guide to residential flat buildings, shop top housing, serviced 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>	Yes
Part B5 Parking			
Residential flat buildings	<p>B2 local centre zone</p> <p>(42) 1 Bed units = 42 x 1 = 42 (44) x 2 Bed units = 52.8</p> <p>(14) x 3 Bed Units = 21</p> <p>1 visitors space per 5 dwellings 100/5 = 20</p> <p>Total (42+52.8+21+20=135.8 (136)) Required</p> <p>Commercial floor area combined = 466.7m²</p> <p>466.7/40 = 11.6 (12) spaces required</p>	<p>In Zone R4, Zone B1, Zone B2 and Zone B6</p> <p>1 car space per 1 bedroom dwelling; or</p> <p>1.2 car spaces per 2 bedroom dwelling; or</p> <p>1.5 car spaces per 3 or more bedroom dwelling; and</p> <p>1 visitor car space per 5 dwellings.</p> <p>Note 1: Residential flat buildings on state and regional roads with over 10,000 vehicles per day should provide an additional space on site for a furniture truck.</p> <p>Note 2: All car spaces must be located behind the front building line. Residential flat buildings are required to provide car spaces for people with</p>	<p>Yes, based on the compliance with the RTA guide to traffic generating development residential requirement in accordance with the SEPP 65.</p>

STANDARD	PROPOSED	PART A1, B2 and B5 of BDCP 2015	
		REQUIRED	COMPLIANCE
	<p>Total development would require 135.8 + 11.6 = 147.4 (147) car parking spaces on site</p> <p>In accordance with SEPP 65 and the provisions of the ADG, the RTA Guide to Traffic Generating Developments the residential component would require a minimum 104 spaces. On this basis when considered the ADG rate overrides the BDCP 2015 in regards to residential parking.</p> <p>Total required on site – Residential – 104 Commercial – 12</p> <p>Total – 116</p> <p>Provided 117 on site</p>	<p>disabilities depending on the size of the development.</p> <p>Note 3: Service and delivery vehicles can use visitor space.</p> <p>Bankstown CBD, Chester Hill Village Centre and Sefton Small Village Centre</p> <p>1 car space per 40m² or half the gross floor area of the premises; and a planning agreement is considered on the remaining 50% of parking requirements for the purpose of public parking.</p>	

Variations

Primary Setback

The proposal fails to comply with the requirements of the BDCP 2015, Part A1, Section 4, Clause 2.2 in that the proposal seeks consent for a reduced front setback. The control as outlined is provided below:

2.2 *The minimum setbacks to the primary road frontage of an allotment within Zone B2 Local Centre are:*

(a) zero setback for the basement level, the first storey (i.e. the ground floor) and second storey; and

(b) 5 metres for the third storey and above.

The design put forth provides for a façade that articulates the frontage addressing Campbell Hill Road. The façade provides visual interest across the allotment and provides a corner element feature to the proposal. It is typical for developments that address a corner in a commercial environment to provide building elements that reinforce the corner with a reduced setback, and this site is no different.

The proposal seeks consent to provide a zero setback to the primary frontage to Campbell Hill Road, for residential levels 2-7, which is inconsistent with the clause as given above. The building walls and balconies proposed to the corner element are pronounced features of the design, and continue along the Campbell Hill Road frontage. The design utilises a mix of materials, and framing elements on the façade to shape and articulate the corner feature. The design provides for visual interest and a high quality finish to the overall development.

The subject site is constrained as it contains an 11 metre wide right of way to the southern boundary. The stepping of the building back along the primary frontage (i.e. Campbell Hill Rd) to accommodate the required setback from residential levels 2-7, would result in this floor space needing to be relocated elsewhere within the development, and the possible design options available in order to achieve an appropriate form of development on site would be limited. Should Council insist on strict compliance, the proposal would likely see the rearranging and additional massing of the building located along the secondary frontage (Waldron Road). Instead, the proposal as designed treats Waldron Road as the primary frontage and Campbell Hill Road as the secondary frontage. This is considered to be an entirely appropriate response in this instance.

It is not considered that the relocation of the units towards Waldron Road would be desirable, as it is envisaged that the intention of the control is to restrict residential building form along the commercial frontages of sites, and instead encourage the presentation of lower-level street walls to enhance the activation of retail areas within B2 Local Centres. Having the main part of the residential building form presenting to the cul-de-sac frontage of the site (which is more residential in nature), and away from the commercial frontage of the site (i.e. along Waldron Rd), ensures compliance with the objectives (i.e. an active local centre in support of larger retail centres in the surrounding catchment) can be achieved, in accordance with the zone objectives and wider strategic plans.

The subject site is unique, in that the primary road frontage is located off the typical commercial street, and is accessed off a cul-de-sac (dead end street) that is more residential in nature, being the last allotment before the train line on the eastern side of Campbell Hill Road. The presentation of a zero setback to the primary frontage will, in this instance, assist in allowing the façade to Waldron Road to step back from the street frontage where residential units are proposed in the building design, while ensuring that a development type that is responsive to the intent of the control and desired street character to Waldron Road (i.e. commercial tenancies along the main commercial street frontage) can be achieved. As such, it is considered that the treatment of the shorter frontage as the secondary street and the longer frontage as the primary street, and the subsequent application of setbacks accordingly, is the most appropriate design response in this particular instance.

The proposal as designed does not cause any significant negative impact as a result, to the existing development on the western side of Campbell Hill Road. It is considered that the proposal as put forth provides for an appropriate design solution reflective of the site specific constraints, location and is responsive to both the primary and secondary street frontages. On the basis of the above it can be considered from an urban design perspective there is merit in allowing the reduced

setback proposed in this instance, and positive planning outcomes arise from allowing this departure.

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

There are no planning agreements applicable to this development application.

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

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

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

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. As detailed in this report, where non-compliances with the relevant development controls and the 'design criteria' in the ADG occur, they have been addressed satisfactorily and are considered worthy of support. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

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

The site is considered suitable for the proposed development.

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

The application was advertised and notified for a period of twenty-one (21) days, from 8 to 28 July 2015. Revised plans were then re-advertised and notified for twenty-one (21) days from 7 to 28 October 2015. Following the submission of numerous sets of further amended plans and details, the application was re-advertised and notified for a further period of thirty (30) days, from 10 May to 9 June 2017. Following these advertising and notification periods, no submissions were received.

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

Approval of the proposed development is not considered to contravene the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, assessment against State Environmental Planning Policy No. 55- Remediation of Land, State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the associated Apartment Design Guide, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The assessment of the application has found that the development is generally capable of complying with the relevant development controls and requirements, with the exception of a number of minor variations including setbacks, private open space and deep soil zones which are considered worthy of support in this instance for the reasons outlined elsewhere in this report. Subject to the imposition of conditions to address minor matters and the concurrence of external authorities, it is considered that the development application is an appropriate outcome in the context of the surrounding locality.

RECOMMENDATION

It is recommended that the application be approved on a deferred commencement basis subject to the attached conditions.