

ITEM	135-151 Hume Highway and 1Z Cahill Lane, Greenacre
	Excavation works and demolition of existing site structures, and construction of two (2) motor vehicle showrooms, service centre, car parking and associated landscaping works, and partial closure of Cahill Lane.
	Section 96(2) Application: Modifications to floor area, floor levels, roof design, service and plant, materials, access and other internal and external changes.
FILE	DA-1369/2014/1 (Panel Ref. 2017SSH009)
ZONING	B5 Business Development, B6 Enterprise Corridor, R2 Low Density Residential
DATE OF LODGEMENT	8 February 2017
APPLICANT	Art-Tec Building
OWNERS	Proauto Group Property Holdings Pty Ltd
AUTHOR	Development Services (Samantha Mitchell)

SUMMARY REPORT

Section 96(2) Application No. DA-1369/2014/1 seeks to modify a determination made by the Sydney West Joint Regional Planning Panel and, according to Clause 21(1)(b) of State Environmental Planning Policy (State and Regional Development) 2011, is reported to the Sydney South Planning Panel for determination.

The application proposes to alter the previously approved motor vehicle showroom development through modifications to the floor area, floor levels, roof design, service and plant, materials, access and other internal and external changes.

The application was notified for a period of fourteen (14) days from 13 February 2017 to 26 February 2017. Three (3) submissions were received raising concerns relating to visual privacy and solar access impacts on neighbouring residential properties, building height and bulk/scale, acoustic impacts from approved car service workshop, impacts from existing construction works (property damage, noise, dust and dirt), and a non-compliance with the condition of consent relating to construction hours. Due to an error relating to the property address, the application was subsequently re-notified and advertised for a period of twenty-one (21) days from 3 May 2017 to 23 May 2017. Two (2) submissions were received (including one submission from previous objectors) raising similar concerns to those outlined above.

The application has been assessed against sections 79C and 96(2) of the *Environmental Planning and Assessment Act, 1979*, and is recommended for approval.

BACKGROUND / HISTORY

At a meeting held on 15 October 2015, the Sydney West Joint Regional Planning Panel granted consent for excavation works and demolition of existing site structures, and construction of two (2) motor vehicle showrooms, service centre, car parking and associated landscaping works, and partial closure of Cahill Lane, at the subject site.

The proposed development had an estimated Capital Investment Value (CIV) of \$14,500,000.00 and exceeded the capital investment threshold for 'Council related development'. At the time of assessment of the original development application (DA-1369/2014), Council was the owner of a portion of land on which the development is to be carried out (Cahill Lane).

Approval is now sought for modifications to the floor area, floor levels, roof design, services and plant, materials, access and other internal and external changes under the subject Section 96(2) Application.

Council is no longer the owner the land at Cahill Lane, however the application is required to be determined by the Sydney South Planning Panel in accordance with Clause 21(1)(b) of State Environmental Planning Policy (State and Regional Development) 2011.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

DA-1369/2014/1 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

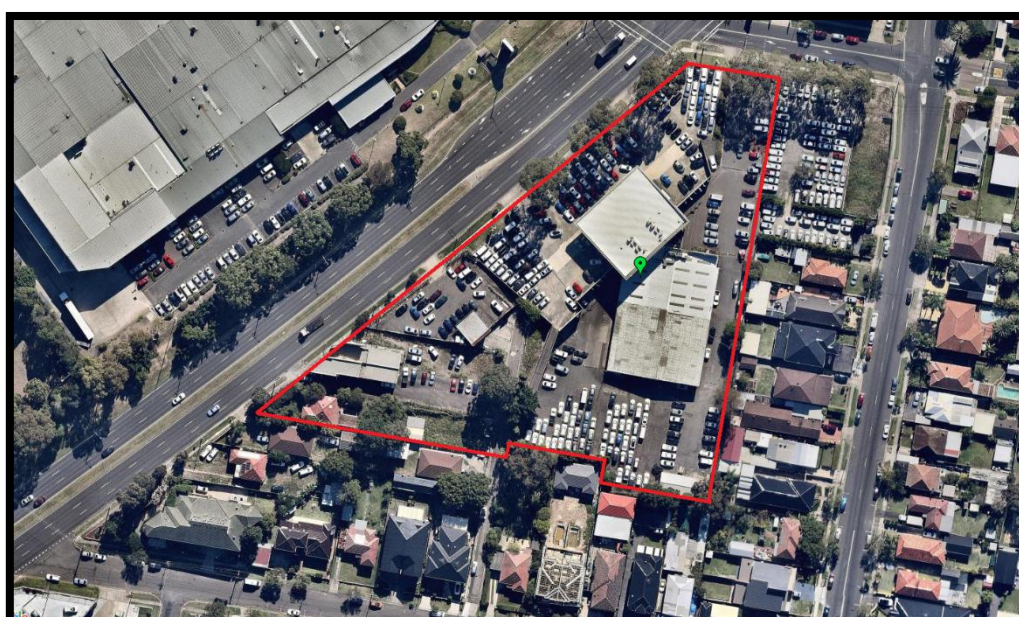
The subject site is known as 135-151 Hume Highway and 1Z Cahill Lane, Greenacre. The site comprises fifteen (15) allotments with a consolidated area of 16,920sqm, a frontage of approximately 180m to Hume Highway and a frontage of approximately 37m to Shellcote Road.

The allotments at No. 135 Hume Highway are zoned B5 Business Development, the allotments at Nos. 139-151 Hume Highway are zoned B6 Enterprise Corridor and the allotment at No. 1Z Cahill Lane (the former laneway closed as part of the original development application) is zoned R2 Low Density Residential under the Bankstown Local Environmental Plan (BLEP) 2015.

The site currently contains an existing motor showroom at No. 135 Hume Highway with associated car display areas and car parking. The motor showroom at No. 139 Hume Highway, and the commercial buildings and dwelling houses at Nos. 143-151 Hume Highway, were recently demolished to allow the commencement of construction works on these allotments. The subject site contains several mature trees, a number of which are located within the vegetated buffer fronting Hume Highway.

Development surrounding the site consists of various building types and uses. There is an existing motor showroom located to the north of the site at No. 121 Hume Highway. General industrial development is located to the west of the site on the western side of Hume Highway. Low density residential development is located to the immediate south and east of the site, which predominantly consists of single and two storey detached dwelling houses and attached dual occupancies fronting Noble Avenue and Tennyson Road.

The site locality is illustrated in the aerial photo below.



PROPOSED DEVELOPMENT

The statement submitted with the application describes the proposed modifications as follows:

External

- *Minor expansion to the floor area of the approved VW Showroom by 207sqm;*
- *VW Showroom floor level was reduced from 49.250 to 49.150 and Toyota Showroom floor level increased from 48.100 to 48.450 to allow disabled access between showrooms;*
- *New plant room adjacent to Ramp 9, adjacent to western boundary;*
- *New fire egress onto Ramp 7 between plant rooms 3 and 4 adjacent to western boundary;*
- *New ventilation louvers to southwest elevation of plantroom 5;*
- *Driveway repositioned along Hume Highway;*
- *Photovoltaic cells added to southeast roof elevation;*
- *New ventilation louvers added to southwest elevation of basement service bay;*
- *Basement parking floor level beneath VW showroom raised to 45.400 and beneath Toyota showroom to 44.900;*
- *VW Parapet level increased to 56.570 allowing for adequate falls to roof (setback from façade);*
- *There is a secondary set back parapet on the VW building not indicated on original drawings;*
- *South west VW elevation altered to suit VW design brief;*
- *North East Toyota building it is proposed to remove the rear 'wing' of the roof;*
- *Basement service area windows on South East have been reduced in depth and are now at high level;*
- *Roller door has been added to basement service area;*
- *Basement level showroom windows have been altered to suit walkway levels;*
- *Toyota outdoor area to North East full height glass balustrade changed to a combination of glass and low concrete wall, to act as a vehicle stop (as per conditions of consent for original approval);*
- *2 pedestrian entries from Hume Highway added, one adjacent vehicle driveway toward SW corner, the second added to allow disabled access to the low level car display and showroom;*
- *Electricity sub-station added adjacent the vehicle access off the Hume Highway;*
- *Fire-fighting equipment (pumps and valves etc.) added adjacent the vehicle access off the Hume Hwy;*
- *Main vehicle ramp from Shellcote Road extended to suit 1 in 5 ramp requirement and alteration to adjacent ramp accessing basement service level to assist car transporter access;*
- *Sets of gates added to main access ramps to basement entering from Shellcote Road and exiting onto Hume Hwy;*
- *Temporary car service area/building omitted (as per conditions of consent for original approval);*
- *Disabled parking relocated from area west of VW showroom to south east side of showrooms;*
- *Fuel bowser location now confirmed adjacent to Ramp 5.*

Internal

- Configuration changes associated with the minor expansion to the VW Showroom;
- Ramp adjacent VW showroom extended to accommodate 1 in 5 ramp;
- Toyota Mezzanine level altered to 52.050;
- VW Mezzanine level altered to 52.050;
- Mezzanine over VW showroom extended and connected to lift/toilet mezzanine area;
- Ramp and enclosure adjacent Toyota showroom extended to accommodate 1 in 5 ramp;
- Oil storage area added over service area rooms S9 and S10;
- New exit added onto showroom forecourt from parking level in northern corner;
- Enclosed paths of travel removed on parking level;
- Altered layout to rooms P6, S2, S3, S4, S13, S14, S15, S16, S17, S21, S22, S23;
- Lift added to Toyota dealership administration area.

It is also noted that the proposed modification to the driveway location on Hume Highway requires the removal of one (1) additional *Eucalyptus baueriana* (Blue Box) street tree.

SECTION 96(2) ASSESSMENT

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

(a) *the development as modified is substantially the same development as the development for which the consent was originally granted*

The proposal is for various internal and external modifications to the approved development, which primarily relate to minor issues identified at the Construction Certificate stage. The development, as modified, is substantially the same development as the development for which the consent was originally granted under DA-1369/2014.

(b) *the application has been notified in accordance with the regulations or a development control plan*

The application was notified for a period of fourteen (14) days from 13 February 2017 to 26 February 2017. Due to an error relating to the property address, the application was subsequently re-notified and advertised for a period of twenty-one (21) days from 3 May 2017 to 23 May 2017.

(c) *Council has consulted with the relevant Minister, public authority or approval body*

Consultation with the minister, public authority or approval body was not required for this application.

(d) any submissions made concerning the proposed modification

Submissions from four (4) separate households were received in relation to the proposed modifications, raising concerns regarding visual privacy and solar access impacts on neighbouring residential properties, building height and bulk/scale, acoustic impacts from the approved car service workshop, impacts from existing construction works (property damage, noise, dust and dirt), and a non-compliance with the condition of consent relating to construction hours. The submissions are discussed in detail later in this report.

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

At the time of assessment of the original development application, Council was the owner of a portion of land on which the development was to be carried out (Cahill Lane). Accordingly, Part 4 (Regional Development) of *State Environmental Planning Policy (State and Regional Development) 2011* applied to the original development application as the development had an estimated Capital Investment Value (CIV) of \$14,500,000.00 and exceeded the capital investment threshold for 'Council related development'.

Approval is now sought for modifications to approved development under the subject Section 96(2) Application. Council is no longer the owner of the land at Cahill Lane (now known as 1Z Cahill Lane), however the application is required to be determined by the Sydney South Planning Panel in accordance with Clause 21(1)(b) of *State Environmental Planning Policy (State and Regional Development) 2011*.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the Infrastructure SEPP 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 original development application was referred to the RMS for comments as the proposal exceeded the threshold listed in Schedule 3 of the SEPP and had direct access to Hume Highway, which is a classified road. The RMS reviewed the original development application and raised no objection, subject to the imposition of conditions of consent.

The subject Section 96(2) Application does not propose any modifications to the vehicular capacity of the development, nor does it propose to increase the number of vehicular footway crossings (VFCs) along Hume Highway. Accordingly, the subject application was not referred to the RMS for further comments.

State Environmental Planning Policy No. 55 - Remediation of Land

Under the provisions of clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless:

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

The development site has long been used for motor showroom purposes and various other business uses. The subject application proposes to continue the use of the site as a motor showroom. There is no evidence to suggest that the site is contaminated, nor is it necessary for any further consideration or investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the proposed use, as modified, and therefore satisfies the provisions of SEPP 55.

Bankstown Local Environmental Plan 2015

The following clauses of the *Bankstown Local Environmental Plan (BLEP) 2015* are relevant to the subject Section 96(2) Application and were taken into consideration:

- Clause 1.2 – Aims of Plan;
- Clause 1.3 – Land to which Plan applies;
- 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 4.3 – Height of buildings;
- Clause 4.4 – Floor space ratio;
- Clause 4.5 – Calculation of floor space ratio;
- Clause 5.9 – Preservation of trees or vegetation; and
- Clause 6.3 – Flood planning.

An assessment of the subject Section 96(2) Application revealed that the development, as modified, remains generally compliant with the matters raised in the above clause of the BLEP 2015. Further comments are provided below with respect to Clause 2.1, Clause 4.3 and Clause 5.9.

Clause 2.1 – Land use zones

The Bankstown Local Environmental Plan (BLEP) 2001 and Bankstown Development Control Plan (BDCP) 2005 were in force at the time of lodgement of the original development application. Throughout the assessment of the DA-1369/2014, the BLEP 2015 and BDCP 2015 were gazetted, which resulted in changes to the zoning of the subject site. Under the BLEP 2001, the site was zoned 3(c) Business Enterprise, while the northern portion of Cahill Lane (now referred to as 1Z Cahill Lane) was unzoned.

Under the BLEP 2015, the allotments at No. 135 Hume Highway are zoned B5 Business Development, the allotments at Nos. 139-151 Hume Highway are zoned B6 Enterprise Corridor and the allotment at No. 1Z Cahill Lane is zoned R2 Low Density Residential.

The proposed development was previously defined as 'motor showroom' under the BLEP 2001. The use is now defined as 'vehicle sales and hire premises' with an ancillary 'service station' / 'vehicle repair station' under the BLEP 2015. The uses are permissible in the B5 Business Development and B6 Enterprise Corridor zones, however they are prohibited in the R2 Low Density Residential zone.

The statement submitted with the Section 96(2) Application contains the following comments with respect to this matter:

"As BLEP 2015 does not include provisions allowing for development near zone boundaries to overcome such prohibitions, the continued use of this portion of the Site for the approved development must rely on existing use rights as defined under Section 106 of the Environmental Planning and Assessment Act 1979.

As the proposed modifications are minor in the context of the overall development, maintains the previously approved use without intensification or enlargement of operations in the R2 zoned part of the Site, the proposed modifications satisfy the relevant matters for continuation of the approved use under the Act relating to this part of the Site."

Accordingly, the proposed development, as modified, is acceptable with respect to Clause 2.1 of the BLEP 2015 due to the existing use rights provisions contained in Section 106 of the *Environmental Planning and Assessment Act, 1979* and Part 5 of the *Environmental Planning and Assessment Regulation, 2000*.

Clause 4.3 – Height of buildings

As stated above, the Bankstown Local Environmental Plan (BLEP) 2001 and Bankstown Development Control Plan (BDCP) 2005 were in force at the time of lodgement of the original development application. Throughout the assessment of the DA-1369/2014, the BLEP 2015 and BDCP 2015 were gazetted, which resulted in changes to the maximum building height permitted on the subject site. The BLEP 2001 did not contain a maximum building height control, however the BDCP 2005 allowed a maximum of 2 storeys. The Sydney West Joint Regional Planning Panel supported a variation to this control due to the basement level, which exceeded a height of 1 metre above the natural ground level to the rear of the site and was therefore defined as a storey (resulting in a 3 storey development when viewed from Shellcote Road and properties to the south-east).

The BLEP 2015 now permits a maximum building height of 11 metres for the subject site. The development approved under DA-1369/2014 results in a maximum building height of 13.24m for the northern showroom (Toyota) and 11.70m for the southern showroom (Volkswagen), which does not comply with the current applicable building height control. The proposed modifications include a reduction in the pitch of the roof over the northern showroom, and therefore a reduction in the overall building height

at this part of the site. However, the proposed modifications to the parapet around the roof of the southern showroom result in an increase in the building height by 710mm at this part of the site. The southern showroom, as modified, presents as a maximum building height of 9.3m to Hume Highway, which complies with Clause 4.3, however the building height is up to 12.68m towards the rear of this showroom due to the slope of the site. Accordingly, the additional building height proposed to the southern showroom exceeds the current maximum building height control of 11m by 1.68m, however the non-compliance results in a building height that is consistent with the development approved under DA-1369/2014.

The statement submitted with the Section 96(2) Application contains the following comments with respect to this matter:

“The development originally approved has a maximum height of 13.24m and already exceeds the 11m maximum applicable across the majority of the Site. Only minor variations to address stormwater management requirements and new floor levels are proposed...

...the proposal remains consistent with the objectives as the variation will not contribute to any visual disruption to the desired streetscape of the locality which will still present as anticipated from the approved development. The minor modification will be indiscernible from the approved development and will not result in any exacerbation of amenity issues arising from overshadowing or privacy.

The proposal is compliant with all other development controls and will not result in any environmental impact.

The proposal remains significantly under the permitted floor space ratio and does not present any attempt at overdeveloping the Site, but rather to improve the approved development.

The variation is considered justified as the variation is only minor, will not be discernible from the public domain, does not provide any significant additional amenity impacts in comparison to a compliant scheme...

...Based on the above is considered that there are sufficient planning grounds to support the variation. It is clear that the aims of the standard, being to control building bulk; minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain; maintain an appropriate visual relationship between existing areas; and to facilitate design excellence, are comprehensively achieved through the proposed built form.”

The increase in building height to the Volkswagen showroom is minor in nature and is not likely to result in any additional adverse impacts on the adjoining residential properties. The additional overshadowing that results from the 710mm high parapet around the roof of the building predominantly falls within the shadow cast by the existing approved development. Furthermore, the parapet does not contain any windows which would generate additional visual privacy impacts.

As outlined above, the proposed development, as modified, is considered to be acceptable in with respect to Clause 4.3 of the BLEP 2015.

Clause 5.9 – Preservation of trees or vegetation

The objective of Clause 5.9 of the BLEP 2015 is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The subject Section 96(2) Application proposes to reposition a VFC along Hume Highway (approximately 4 metres to the south of its approved location) to avoid the requirement to relocate a power pole. The repositioning of the VFC will require the removal of a *Eucalyptus baueriana* (Blue Box) street tree in Council's nature strip.

The original development application proposed the removal of a *Eucalyptus baueriana* (Blue Box) street tree in Council's nature strip along Hume Highway to allow the provision of a VFC. Council's Tree Management Officer supported the removal of this tree, subject to the requirement for three (3) replacement *Eucalyptus baueriana* (Blue Box) street trees to be planted in Council's nature strip along Hume Highway.

The additional street tree proposed for removal is of a similar size and condition to the street tree previously supported for removal. Accordingly, the proposed tree removal is considered to be acceptable, subject to the modification of conditions of consent requiring four (4) replacement *Eucalyptus baueriana* (Blue Box) street trees, as opposed to three (3).

The proposed development, as modified, is considered to be acceptable with respect to Clause 5.9 of the BLEP 2015.

Having regard to the above, it is considered that the proposed modifications result in a development that is compatible with the locality, and the proposal generally satisfies the relevant aims, objectives and development standards of the BLEP 2015.

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

There are no draft environmental planning instruments applicable to the proposed development, and the provisions of Section 79C(1)(a)(ii) therefore do not apply to this application.

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

The subject Section 96(2) Application has been assessed against the following parts of the Bankstown Development Control Plan (BDCP) 2015:

- Part A2 – Corridors;
- Part B2 – Commercial Centres;
- Part B5 – Parking; and
- Part B11 – Tree Preservation Order.

The proposed development, as modified, does not result in any additional non-compliances with the applicable controls contained in the BDCP 2015.

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

There are no planning agreements applicable to the proposed modifications.

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

The proposed modifications are not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

Any coastal zone management plan [section 79C(1)(a)(v)]

There are no coastal zone management plans applicable to the subject site.

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

As discussed throughout this report, the proposed modifications are considered to be acceptable with regard to the likely environmental, social and economic impacts on the locality.

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

The proposed development, as modified, represents a built form that is compatible with the existing and desired future character of the locality. Environmental matters have been appropriately addressed, with the proposed additional building height and tree removal having been examined in detail by Council and supported. The site is therefore considered to be suitable for the proposed development, as modified.

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

The application was notified for a period of fourteen (14) days from 13 February 2017 to 26 February 2017. Three (3) submissions were received. Due to an error relating to the property address, the application was subsequently re-notified and advertised for a period of twenty-one (21) days from 3 May 2017 to 23 May 2017. Two (2) submissions were received (including one from previous objectors). The issues raised in the submissions are summarised and discussed below.

Visual privacy impacts on neighbouring residential properties

The proposed modifications are not likely to result in an increase in visual privacy impacts on the residential properties to the south and east of the site. The proposed modifications include a reduction in the size and number of windows on the south-east elevation of the development and an increase in the sill height of these windows. The modifications to the building height relate to parapet walls, which do not contain any additional windows. Similarly, the proposed modifications to the RLs of the floor levels are minor in nature, and are not likely to vary the extent of visual privacy impacts to that previously approved under DA-1369/2014.

Increased building height – visual bulk/scale and solar access impacts on neighbouring residential properties

The proposed modifications to the building height are not likely to result in an increase in visual bulk and scale or solar access impacts on the neighbouring residential properties. The increase in building height primarily relates to parapet walls around the roof of the southern showroom. The parapet walls result in an additional height of 710mm, which is minor in nature. The overshadowing that will occur from the additional building height predominantly falls within the shadow cast by the existing approved development. The proposed modifications do not result in a non-compliance with the development controls relating to solar access to the surrounding residential properties.

Acoustic impacts from approved car service workshop

The subject Section 96(2) Application does not propose any modifications to the location or operation of the approved car workshop.

Impacts from existing construction works (property damage, noise, dust and dirt)

These issues are not matters for consideration in the assessment of the Section 96(2) Application. Any issues relating to impacts from existing construction works should be raised with the Principal Certifying Authority (PCA) or Council's Compliance Unit.

Non-compliance with condition of consent relating to construction hours

This issue is not a matter for consideration in the assessment of the Section 96(2) Application. Any issues relating to non-compliances with conditions of consent should be raised with the PCA or Council's Compliance Unit.

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

The proposed modifications do not contravene the public interest. The development, as modified, responds appropriately to previous and current planning controls that apply to the site, and is not likely to result in any unreasonable or adverse impacts on the locality.

CONCLUSION

The application has been assessed in accordance with the provisions of sections 79C and 96(2) of the *Environmental Planning and Assessment Act, 1979*, and is recommended for approval.

The proposed development, as modified, results in a suitable built form for the subject site and the relevant planning controls have been appropriately responded to. The concerns raised in public submissions have been addressed in this report, and the modifications are not considered to result in any unacceptable or unreasonable impacts on the surrounding locality.

RECOMMENDATION

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

CONDITIONS OF CONSENT

Conditions 2, 5, 31, 32 and 55 of Determination Notice No. DA-1369/2014 are amended to read ***(amendments in bold italics)***:

- 2) Development shall take place in accordance with Development Application No. DA-1369/2014, submitted by Frank Mosca, accompanied by Drawing No. 13037 AP03 and AP09, Issue A, dated 16 December 2014, and Drawing No. 13037 AP01, AP02, AP04 and AP05, Issue B, dated 4 June 2015, prepared by Mosca Pserras Architects, and affixed with Council's approval stamp, ***and Section 96(2) Modification Application No. DA-1369/2014/1, submitted by Art-Tec Building, accompanied by Drawing Nos. DA01 Revision 02, DA02 Revision 03, and DA04 Revision 1, dated 16 March 2017, Drawing Nos. DA03 Revision 04b, and DA05 Revision 05b, dated 3 April 2017, and Drawing No. DA06 Revision 04, dated 17 March 2017, prepared by Art-Tec Building, and affixed with Council's approval stamp,*** except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) No approval is granted for the 'temporary car service facility' shown on the approved plans in the southern corner of the site. This component of the proposed development shall be deleted from the plans, and all Construction Certificate plans shall reflect this amendment.
- b) The car parking area above the basement service centre adjacent to the eastern boundary of the site shall be designed to incorporate appropriate wheel stops and balustrading to address safety and headlight/glare impacts on the residential properties fronting Noble Avenue. All Construction Certificate plans shall reflect this requirement.
- 5) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The Landscape Plan shall be amended as follows:

- Incorporate the retention of all existing trees located on the Hume Highway nature strip forward of the development site, with the exception of the ***two (2)*** Eucalyptus baueriana (Blue Box) located forward of ***139 and*** 151 Hume Highway;
- Delete all reference to planting Corymbia ficifolia "Summer Beauty" on the Hume Highway nature strip;
- Include ***four (4)*** x Eucalyptus baueriana (Blue Box) to be planted on the Hume Highway nature strip. The trees shall be a minimum of 100Litre size

shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201. Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

1. Carry out engineering works to protect those services from damage; or
2. Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
3. Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The trees shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

- Include 8 x *Corymbia maculata* (Spotted Gum) in the deep soil buffer area along the Hume Highway setback of the site. The trees shall be a minimum of 800Litre size and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use. The trees shall be planted by a qualified landscape contractor and to the satisfaction of the project arborist.
- Include 1 x *Corymbia maculata* (Spotted Gum) in the deep soil buffer area along the Shellcote Road setback of the site. The tree shall be a minimum of 800Litre size and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use. The tree shall be planted by a qualified landscape contractor and to the satisfaction of the project arborist.

- 31) The following street trees shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location
6 x <i>Eucalyptus baueriana</i> (Blue Box)	Nature strip, Hume Highway frontage of the property.
1 x <i>Tristaniaopsis laurina</i> (Watergum)	
1 x <i>Corymbia ficifolia</i> (Dwarf Flowering Eucalypt)	

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) shall be marked on all demolition and construction drawings.

- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- The area of Council's nature strip – excluding the concrete footpath – shall be fenced off at the defined Tree Protection Zone (TPZ) determined as per cl. 3.2 of the Australian Standard AS4970-2009 Protection of trees on development sites prior to the commencement of demolition. The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works.
- The applicant will display in a prominent location on the fencing of each tree protection zone a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - The Development Consent number;
 - The name and contact phone number of the nominated project arborist;
 - The purpose of the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced off Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone.
- Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.

32) Approval is granted for the removal of the following trees:

Tree Species	Location
2 x Eucalyptus baueriana (Blue Box)	Nature strip forward of 139 and 151 Hume Highway to allow vehicle footpath construction

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.

- 55) 271 off street car spaces being provided in accordance with the submitted plans. This shall comprise:

87 customer spaces

36 employee spaces

148 car storage spaces

Three (3) of the above customer car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.