

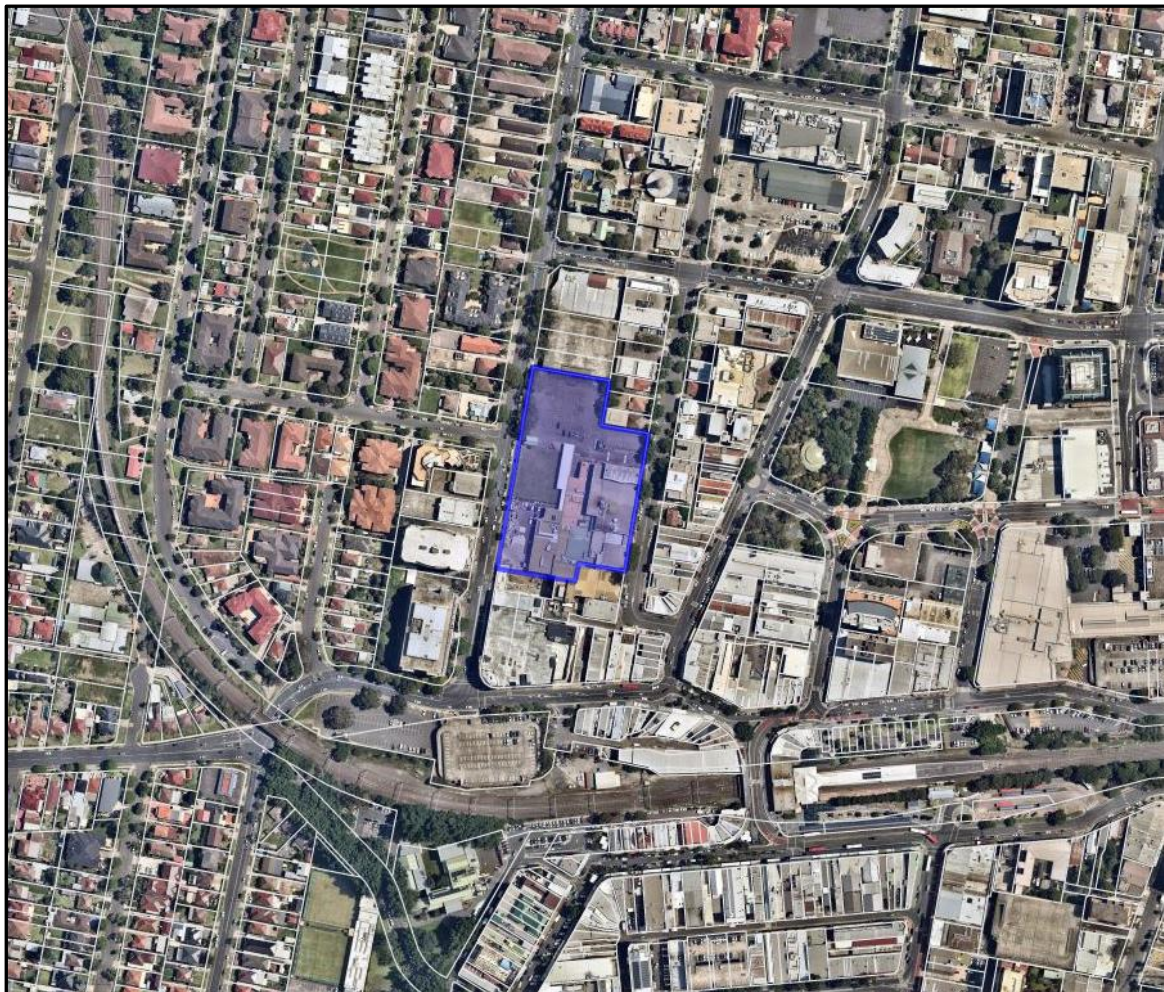
## **DA-957/2017 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 32 Kitchener Parade, Bankstown. It comprises a single, 13,270m<sup>2</sup> allotment and was formerly occupied by the Bankstown RSL Club. The site is zoned B4 – Mixed Use under the Bankstown LEP 2015 and enjoys street frontages of 107m to Kitchener Parade to the east, and 156m to Meredith Street to the west. The 97m northern boundary adjoins a 4-level public carpark, and a number of single storey buildings that are occupied as professional suites. The southern boundary, also 97m, adjoins a Telstra telephone exchange building and the new Bankstown RSL Club development.

The site is situated at the western fringe of the Bankstown CBD, with Bankstown train station approximately 200m to the south-east. The Bankstown Civic Precinct is located east of the site, beyond the commercial buildings that occupy the blocks between Kitchener Parade and Chapel Road. Land west of the site is zoned R4 High Density Residential and is occupied by a range of dwelling types, including residential flat buildings, boarding houses, and existing cottages.

The context of the site's locality is illustrated in the aerial photo below.



## **PROPOSED DEVELOPMENT**

DA-957/2017 proposes the following works:

- Provision of a pedestrian through-site link that connects Kitchener Parade to Meredith Street.
- Construction of 4 mixed-use buildings to the south of the through-site link, ranging in height from 10-storeys to 14-storeys (including a 2-storey podium), containing ground and first floor retail and commercial tenancies, communal open space, and a total of 417 apartments across the 4 buildings.
- Construction of an 11-storey mixed-use building to the north of the through-site link containing ground floor retail tenancies, first floor child care centre, and 99 apartments.
- Basement and above-ground car parking for a total of 537 vehicles, with access points at the northern and southern ends of the Meredith Street frontage, and at the southern end of the Kitchener Parade frontage.

Demolition of the former Bankstown RSL buildings and facilities at the site is currently being undertaken under a separate development consent DA-380/2018.

The proposed overall site layout is illustrated below.



## **SECTION 4.15 ASSESSMENT**

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

### **Environmental planning instruments [section 4.15(1)(a)(i)]**

#### **State Environmental Planning Policy (State and Regional Development) 2011**

According to SEPP (State and Regional Development) a regional panel may exercise the consent authority functions of Council for the determination of applications included in Schedule 4A of the EP&A Act. Schedule 4A includes 'general development over \$20 million'. The proposed capital investment value of \$215.4 million falls within this category. Accordingly, the application is reported to the Sydney South Planning Panel for determination.

A Panel Briefing was held on 6 December 2017. The Panel noted a number of issues at the briefing, which are discussed below.

- *First floor residential component of the development contravenes clause 6.9 of the BLEP 2015.*

The proposed development has been amended subsequent to the Panel briefing, with the ground and first floors now comprising non-residential uses.

- *Question over whether clause 6.9 is a development standard and the applicability of a clause 4.6 objection.*

Given that the proposed development is now consistent with the provisions of clause 6.9, the question as to whether this clause is a development standard is no longer relevant to this application.

- *Desirability of the objectives and provisions of clause 6.9 being met.*

The objectives and provisions of clause 6.9 of the Bankstown LEP 2015 have been met, as discussed later in this report.

- *Unclear environmental benefits arising from the proposed height breaches.*

The proposed development has been amended to comply with the maximum building heights prescribed by clause 4.3(2) of the Bankstown LEP 2015.

- *Ground level carpark component seems anachronistic in a contemporary development of this scale and aspiration.*

Car parking for the retail and commercial components of the development is proposed at the ground and first floors of the buildings to the south of the through-site link. The parking areas are located at the centre of each proposed floor plate, with retail and commercial tenancies sleeving each level in such a way that no part of the proposed car parking areas would be visible from the public domain.

The proposed arrangement has the added benefit of providing direct and level access from the car parking spaces to the proposed retail and commercial tenancies, and aligns the podium level communal open space area at the same level as the first floor of residential apartments. This is an appropriate arrangement, and is preferred over an alternative configuration that would result in a communal open space area being located 2 floors below the closest residences.

The proposed above-ground parking levels are provided with a 3.3m floor to ceiling height, with a minor exception at the western end of the Level 1 floorplate due to a structural fold. This ensures that these parts of the building can be adapted to other uses should there be a future shift in car parking demands or other advancements (i.e. autonomous vehicles). This adaptability of parking design is promoted in the Greater Sydney Commission South District Plan (Action 28), and the Greater Sydney Region Plan.

- *Importance of the activation of the retail component in the through site link, as well as activation of the street frontages (Kitchener Parade and Meredith Street).*

The proposed development has been amended to minimise the number of lobbies and fire escapes that had previously interfered with the activation of the street frontages (including the edges of the through-site link). Ground floor retail tenancies now activate approximately 74% of these frontages, and are generally limited to between 6m – 8m in width to ensure street activity and interest, as well as retail diversity.

- *Desirability of avoiding the Kitchener Parade street level parking entry given the importance of pedestrian links between the site and the Bankstown CBD.*

The benefits of restricting access at Kitchener Parade are noted, in particular those relating to impacts on pedestrian movements to and from the eastern edge of the site. However, the traffic conditions on Meredith Street are such that vehicles could not move safely away from the site in a northerly direction without having to first head southbound, then navigate their way north via a combination of Marion Street, Chapel Road, and Rickard Road. It is therefore necessary to provide an exit-only driveway to Kitchener Parade, to ensure that the additional vehicle movements associated with the development are appropriately distributed across the local road network.

- *Width of the through site link and its permeability.*

The ground level width of the proposed through-site link ranges from 20m at the eastern end (Kitchener Parade) to 28m at the western end (Meredith Street). This width reduces at higher floors, however still achieves the minimum 20 metres required by clause 4.4(2G) of the Bankstown LEP 2015. The through-site link is proposed to be treated with a variety of hard and soft landscaping elements, limited in their height to ensure views and permeability.

- *Building separation.*

The proposed development has been amended to respond to concerns around building separation, and is now deemed to be satisfactory as discussed later in this report.

- *Green space and landscaping.*

Although the percentage of site area proposed as communal open space does not strictly accord to the ADG target of 25%, the development is still regarded to be appropriate with respect to its provision of landscaped areas. The majority of existing trees along the Meredith Street frontage are to be retained, and 52% of the through-site link is to be provided as deep soil zones, with the basement car parking levels configured to allow genuine deep soil plantings.

- *Likely composition and anchoring of a retail component.*

The provision of 5,490m<sup>2</sup> retail and commercial gross floor area is proposed, as well as a 627m<sup>2</sup> child care facility. Efforts by the applicant to secure a large format anchor tenant have been unsuccessful, and it would be onerous to require that such a space be provided within the development given the uncertainty around whether the tenancy would ever be occupied.

- *Opportunities presented by the scale and location of this site for a landmark building integrating with the city centre.*

The proposed development would deliver a well-considered, high quality built environment to the western edge of the Bankstown CBD. The through-site link would provide a legible and active pedestrian connection and, while somewhat understated, the form and expression of the buildings respects the context of the site.

- *Consistency with the draft District Plan, and maintaining and fostering new employment opportunities in key centres and locations.*

The proposed development complies with the aims and provisions of clause 6.9 of the Bankstown LEP 2015, which seeks to promote and reinforce the economic growth and status of the Bankstown CBD. It is consistent with the provisions of the Greater Sydney Commission South District Plan, which has now been adopted.

### **State Environmental Planning Policy (BASIX) 2004**

SEPP (BASIX) encourages sustainable residential development, and sets water and energy targets that must be met, as well as minimum performance levels for the thermal comfort of a proposed development. The application is accompanied by a BASIX Certificate that demonstrates a range of commitments that in fact exceed the minimum BASIX requirements, as required by clause 4.4A of the Bankstown LEP 2015 which is discussed in more detail later in this report.



## **State Environmental Planning Policy (Infrastructure) 2007**

### **Roads and Maritime Services (RMS)**

According to clause 104 and Schedule 3 of SEPP (Infrastructure) the proposal qualifies as a 'traffic generating development' and was referred to RMS for review. Although RMS raised no objection to the proposed development, a number of 'advisory comments' were provided with respect to certain matters including:

- Adoption of the residential parking rates prescribed by the RMS guidelines, specifically those for high density residential flat buildings in metropolitan regional centres.
- Resolution of the proposed loading dock access and any impact on the southern set of 'KEEP CLEAR' line-markings on Meredith Street which are used for the purpose of emergency vehicle access.
- Provision of bicycle parking that accords with the relevant provisions of Austroads.
- Removal of the northern set of 'KEEP CLEAR' line-markings on Meredith Street as they would become redundant as a result of the development.
- Relocation of the existing bus zone at the proposed residential driveway at the northern end of the Meredith Street frontage.

The first three matters noted above have been addressed by the applicant and are resolved in the plans that accompany this assessment report.

The latter two matters, and the other 'standard' considerations also outlined in the RMS response (carpark layout, access control, and traffic management during construction), can be addressed via conditions of consent should the Panel resolve to approve the development application.

### **Ausgrid**

The proposed development involves works within 5m of overhead power lines on the eastern side of Meredith Street, as well as the installation of a new substation. As such and according to clause 45 of SEPP (Infrastructure), a referral to the electricity supply authority for the area was required, who in this case is Ausgrid.

Ausgrid have assessed the plans lodged in support of the application, and advise that they consent to the proposed development subject to conditions relating to certain matters including the supply of electricity to the site, infrastructure installation, and managing any impacts on existing electricity network assets.

The full set of conditions contained in Ausgrid's advice is included in the recommended conditions of consent at Attachment 'B' to this report.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7 of 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 (Stage 1) Site Investigation was submitted in support of the proposed development. Notwithstanding the limitations posed by existing buildings present at the time of the investigation, the Stage 1 assessment concludes that the site can be made suitable for the proposed development subject to:

- The undertaking of a Stage 2 Environmental Site Assessment to address data gaps relating to the inability to sample beneath the existing buildings, hazardous material in the existing buildings (which have since been demolished), and the absence of any sampling of the groundwater (which is noted as being shallow at this site).
- An inspection and clearance certificate from a licensed asbestos removal contractor, after the site is stripped of the asphalt and concrete pavements and demolition of the buildings, structures, bowling greens and carpark.
- Preparation of an Unexpected Finds Protocol to be implemented during earthworks.
- In the event of any contamination issues being identified in the Stage 2 assessment, preparation of a Remedial Action Plan.

The Stage 1 investigation was reviewed by Council's Environmental Health Officers and was accepted, subject to conditions that reinforce the recommendations above. The site is therefore considered to be suitable for the proposed development, as required by clause 7 of the SEPP.

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

SEPP 65 applies to residential flat buildings having 4 or more units and 3 or more storeys. All of the proposed buildings fulfil this criteria, and an assessment against the relevant provisions of the *Apartment Design Guide* (ADG) has been undertaken.

The proposal has adequate regard for the design quality principles under the SEPP, and responds appropriately to the site's context. Moreover, the proposed development generally conforms to the key ADG design criteria as discussed in the table below.

DESIGN CRITERIA	PROPOSED	COMPLIES?
<b>Communal open space</b> Min. 25% of the site with a min. 2hrs sunlight to 50% of the principal usable space between 9am – 3pm on 21 June	20% consolidated on the podium. 'Communal room' and attached terrace brings this up to 23%	<b>No</b> – see discussion below
<b>Deep soil zones</b> Minimum 7% of the site	10%	Yes
<b>Building separation</b> For buildings over 9 storeys a minimum 12m from habitable rooms/balconies to site boundaries and min. 6m from non-habitable rooms to site boundaries  Separation between buildings within the site should combine depending on the type of room	Generally 9m to the site boundaries with a minor extent of the building at 6m in two separate locations  Separation between buildings within the site ranges from 8m to 12m and varies according to the nature of rooms that are opposing one another	<b>No</b> – see discussion below  <b>No</b> – see discussion below
<b>Building depth</b> Maximum apartment depth of 12m – 18m from glass line to glass line with greater depths demonstrating acceptable amenity	Maximum building depth is up to 26m	<b>No</b> – see discussion below
<b>Ceiling height</b> Min. 2.7m for habitable rooms  Min. 3.3m for ground and first floor to promote flexibility of uses	2.75m (300mm slabs).  3.3m	Yes  Yes
<b>Solar access</b> Living rooms and POS of at least 70% apartments must receive min. 2hrs direct sunlight between 9am – 3pm on 21 June  Max. 15% of apartments receive no direct sunlight between 9am – 3pm on 21 June	82%  8%	Yes  Yes
<b>Cross ventilation</b> At least 60% apartments to be naturally cross ventilated in first 9 storeys	63%	Yes



<b>Apartment size</b> 1 bed – Min. 50m <sup>2</sup> 2 bed – Min. 70m <sup>2</sup> 3 bed – Min 90m <sup>2</sup> (Add 5m <sup>2</sup> per additional bath)	Min. 50m <sup>2</sup> Min. 70m <sup>2</sup> Min. 90m <sup>2</sup> Additional 5m <sup>2</sup> provided where second bathroom is proposed	Yes Yes Yes Yes
<b>Room layout</b> Min. 10m <sup>2</sup> for master bed and 9m <sup>2</sup> for other beds with min. 3m dimension (exc. robes)  Min. 3.6m and 4m living room width for 1-bed and 2/3-bed apartments  Max. habitable room depth 8m from window	All bedrooms have a minimum 10m <sup>2</sup> area with 3m dimension  3.6m and 4m minimum widths  Rear of kitchens are all within 8m of a window. Some entry areas, laundries and study nooks are more than 8m	Yes  Yes  <b>No</b> – see discussion below
<b>Balcony size</b> 1 bed – 8m <sup>2</sup> (2m depth) 2 bed – 10m <sup>2</sup> (2m depth) 3 bed – 12m <sup>2</sup> (2.4m depth)	Minimum 8m <sup>2</sup> Minimum 10m <sup>2</sup> Minimum 13m <sup>2</sup>	Yes Yes Yes
<b>Podium open space</b> Min. 15m <sup>2</sup> with min. 3m depth	Apartment 4.0208 is only 12m <sup>2</sup> but all others facing the podium comply (minimum 20m <sup>2</sup> )	No – this matter can be conditioned
<b>Car Parking</b> For sites within 800m of a railway station comply with RMS guidelines: 293 resident spaces 74 visitor spaces 144 retail/commercial spaces 19 child care spaces TOTAL 530 spaces	Proposed car parking provision complies with the applicable RMS guidelines: 300 resident spaces 74 visitor spaces 144 retail/commercial spaces 19 child care spaces TOTAL 537 spaces	Yes
<b>Circulation</b> Max. 8 apartments from a circulation core, however up to 12 may be considered  Max. 40 apartments sharing a single lift	Maximum 15 however generally between 9 and 11  Between 47 and 58	<b>No</b> – see discussion below  <b>No</b> – see discussion below
<b>Storage</b> 1 bed – 6m <sup>3</sup> 2 bed – 8m <sup>3</sup> 3 bed – 10m <sup>3</sup> (Min. 50% to be provided within the apartment)	Provision in basement for at least 50% of the required storage areas. Storage also provided within the apartments	Yes

As noted in the above table, the proposed development seeks to depart from the following ADG design criteria.

### Communal open space

Objective 3D-1 of the ADG requires that a minimum 25% of the site area be provided as communal open space. The communal open space needs to be arranged as a well-designed, easily identified and usable area, and should achieve an appropriate level of direct solar access at mid-winter.

The proposed development makes provision for a consolidated communal open space area above the Level 1 podium. This area is directly accessible from Buildings 2, 3, 4 and 5. Access from Building 1 is achieved via a series of landscaped terraces that connect the communal open space to the through-site link. The proposed communal open space equates to 20% of the site area. When the proposed communal room and its associated outdoor terrace is included, this increases to 23%.

Although the formal communal open space area fails to meet the minimum 25% site area requirement, residents of the development would have unrestricted access to the proposed through-site link. This link would provide a unique pedestrian environment and should be taken into account as a space that both residents and visitors can enjoy. A minimum 20m width is prescribed for the through-site link by the Bankstown LEP and DCP, however its western end exceeds this requirement and provides an additional 300m<sup>2</sup> of public open space. If this surplus area was resolved as part of the communal open space, it would increase to 25% and the requirements of the ADG would be complied with. However the anticipated benefits of the current design of the through-site link far outweigh any gain that would be achieved through a marginally increased communal open space area. Strict compliance with the ADG is therefore not necessary in this case and should not be pursued.

### Building separation

Objective 3F-1 of the ADG prescribes minimum separation distances according to the height of a building. For buildings exceeding 9 storeys a minimum 12m separation is required between habitable rooms and a side boundary. The required separation distance for non-habitable rooms reduces to 6m. For separation between buildings within a development the figures quoted need to be combined depending on the nature of the rooms.

The proposed buildings generally adopt a 9m setback to the side boundaries, with two points on Building 3 at which the proposed setbacks reduce to 6m (for a 7m length of wall on the southern elevation, and for a similar length of wall on the eastern elevation). These setbacks are to a variety of room types including living areas, bedrooms, and balconies, and do not strictly accord to the design criteria. In each case, however, fixed privacy measures are proposed to ensure that an appropriate level of privacy is afforded to residents. The proposed setbacks also ensure that future developments on neighbouring sites would not be required to provide excessive or onerous side setbacks to ensure that acceptable separation distances are maintained.

Setbacks between the buildings within the site also fail to meet the applicable design criteria, in the following locations:

- The separation between Buildings 2 and 3 is generally 12m, with a minor portion at 11m. However the affected part of Building 3 has a height of 10 storeys and as such it is only the uppermost floor that is impacted. The remainder of the building setback complies. The proposed 8m setback is between bedrooms in each building and is deemed appropriate.
- The minimum separation between Buildings 3 and 4 is 9.5m. However this occurs at the outer points of balconies in each building. The separation between actual rooms is a minimum of 14m. This, combined with the provision of vertical blades adjacent the Building 3 balconies, would ensure that the intent of the control is met.
- The separation between Buildings 4 and 5 is generally 9m, with a minor portion at 8m. Similar to the situation above involving Building 3, only the upper floors of Building 5 are affected given it has a height of 11 storeys. Rooms at the southern end of Building 5 are limited to bedrooms. The side of living area balconies are proposed on this façade, however they are provided with fixed privacy screens that are incorporated into the design of the building. Having regard to these measures, coupled with Council's desire for a street wall presentation to Kitchener Parade, the proposed separation is considered to be appropriate and is accepted.

#### Building depth

Objective 2-E of the ADG recommends a building depth of between 12m and 18m from glass line to glass line, to ensure that apartments receive an appropriate level of amenity through adequate daylight and natural ventilation. While there are points across the proposed 5 buildings that meet this requirement, there are also parts of the buildings that exceed the maximum recommended depth, with glass line to glass line dimensions of up to 26m.

However despite the non-conforming building depths, the intent of this control is still met. Compliant solar access is provided to over 80% of the proposed apartments, and only 8% of apartments are south-facing (compared to the 15% allowed by the ADG). Additionally, cross-ventilation complies, and habitable room depths are appropriate as discussed below.

#### Habitable room depth

Objective 4D-2 of the ADG limits the depth of habitable rooms in open plan layouts to 8m from a window. While all kitchens comply, there are some elements that fall outside this distance. These elements include apartment entry areas, open study areas, laundries, and bathrooms. With the exception of the study areas, these elements are all classified under the ADG as non-habitable spaces and as such are not required to be located within the minimum 8m zone.

Although a study is deemed a 'habitable room', their design in this case provides an open area without enclosing walls. Accordingly their location outside the 8m depth is considered to be appropriate. In some apartments these study areas are offset from the apartment entry, a layout that may lend itself to conversion at a later date to a fully enclosed room. To ensure this does not occur, it would be appropriate to include a condition on any consent granted that requires the front entry to the affected apartments be offset from the hallway so that residents have to traverse the study space on their way to the living areas. This layout is proposed for units 02 and 04 on Levels 6 to 13 in Building 4, and should be repeated throughout the development.

### Common circulation

Objective 4F-1 of the ADG sets a maximum of 8 (and up to 12) apartments sharing a circulation core on a single level, and a maximum 40 apartments sharing a single lift. The proposed development generally requires between 9 and 11 apartments share each circulation core, and between 47 and 58 apartments share a lift.

Each proposed building is provided with a double lift core, located so that no more than 8 apartments should need to rely on a single lift. Additionally, the corridors adjacent the proposed lift area on each level of the buildings are typically wider than the corridors at other parts of the buildings, and are provided with windows to improve the amenity of these areas for residents waiting for a lift to arrive.

### **Bankstown Local Environmental Plan 2015**

Bankstown LEP 2015 applies to the subject site. The relevant provisions of the LEP are addressed as follows.

#### Clause 1.2 Aims of Plan

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

- (a) *to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community.*
- (c) *to protect the natural, cultural and built heritage 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 the road network.*
- (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 B4 Mixed Use, which permits development for the purposes of 'residential flat buildings', 'commercial premises' (which includes 'business premises', 'office premises' and 'retail premises'), and 'centre-based child care centres'. Moreover, the proposal is consistent with the objectives of the B4 zone, being:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To maintain the role of the Bankstown CBD as a major metropolitan centre.*

#### Clause 2.7 Demolition requires development consent

As noted earlier in this report, demolition of the former Bankstown RSL buildings and facilities at the site has already been undertaken under a separate development consent DA-380/2018.

#### Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map there are 2 separate building height standards that apply to the development site:

- A maximum height of 47m at the southern end of the site, set in approximately 20m from the western (Meredith Street) boundary.
- A maximum height of 35m for the remainder of the site.

The proposed development complies with the maximum building heights. The plans do indicate a minor exception, with upper level balcony balustrades at the north-western corner of Building 4 marginally encroaching into the 37m height zone. However this matter can be remedied via a condition of consent requiring a minor amendment to the plans.

#### Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map the maximum FSR at the subject site is 3:1. However clause 4.4(2G) applies (the site is located in 'Area 5'), and states that the maximum FSR at the subject site is 2:1 if the development does not provide at least a 20 metre wide mid-block connection for public use.

The proposed development makes provision for a pedestrian through-site link that connects Kitchener Parade to Meredith Street. The width of the through-site link ranges from 20m at the eastern end to 28m at the western end. The site is therefore entitled to a maximum FSR of 3:1.

An FSR of 3.5:1 is proposed. This exceeds the maximum allowed by clause 4.4. of the LEP, however may still be pursued according to the provisions of clause 4.4A which is discussed below.

Clause 4.4A Additional gross floor area for more sustainable development in Bankstown CBD commercial core

To encourage building design that minimises water and energy consumption, clause 4.4A allows for an additional 0.5:1 FSR in certain cases where it has been demonstrated that certain water and energy targets can be met. The development must also ensure that there would be no adverse impact on neighbouring land by way of visual bulk or overshadowing.

The proposed development satisfies each of the applicable water and energy standards, and is considered to be acceptable with respect to solar access and visual bulk when viewed from the adjoining properties. The maximum allowable FSR therefore increases to 3.5:1, with which the proposed FSR of 3.5:1 complies.

Clause 5.6 Architectural roof features

Each building within the development is proposed to be finished with a decorative roof feature at its highest point (illustrated below). The proposed roof features to Buildings 1 and 2 extend above the maximum building height allowed by the LEP.



The proposed roof features overlap the floor of the building immediately below. Their design comprises palisade-type vertical frame elements with bronze metal mesh above, and each roof feature is proposed to incorporate LED lighting.

Clause 5.6 of the LEP allows equipment for servicing the building (i.e. plant, lift motor rooms, and the like) to be contained in the roof features, provided they are fully integrated into their design. The architectural plans submitted in support of the application indicate that no part of any building services would be visible beyond the outer edges of the roof features. Additionally, no floor space or advertising is proposed as part of the roof features, nor would there be any additional overshadowing given their location at the centre of each building. The requirements of clause 5.6 have therefore been met.



#### Clause 5.10 Heritage conservation

According to Part 1 in Schedule 5 of the LEP, a shop ('*Rosen Chambers*') at 346 Chapel Road is listed as having local heritage significance. This item is located south-east of 32 Kitchener Parade, at the intersection of Chapel Road. The item is not located in a heritage conservation area.

Clause 5.10 allows the consent authority to require the preparation of a heritage management document, to assess the extent to which the proposed development would affect the heritage significance of the item. In this case, such a request would be onerous. When viewed from the southern end of Chapel Road, the proposed development would be visible beyond the façade of the listed building. However it would not be read in the same visual plane, nor would it have any substantive impact on the setting of the item.

#### Clause 6.8 Special provisions applying to centre-based child care facilities

Clause 6.8 precludes the grant of consent to a centre-based childcare centre facility on a classified road, a cul-de-sac road, or a road where the carriageway width between kerbs is less than 10m. According to the RMS schedule of classified and regional roads, Meredith Street is an *unclassified* regional road. It is not a cul-de-sac road, nor does it have a carriageway width of less than 10m.

#### Clause 6.9 Restrictions on development Zone B4 Mixed Use

The subject site is identified as land to which clause 6.9 applies. According to this clause, the ground floor and first floor of the proposed buildings must be used for the purposes of commercial premises or other non-residential purposes. The ground floor and first floor of the proposed development do not contain any residential dwellings, rather comprise the following elements:

- Retail and commercial tenancies.
- Child care centre.
- Community room.
- Car parking for retail, commercial, and child care uses.
- Retail and commercial loading dock.
- Non-residential services and amenities.

Having regard to the above it is considered that the requirements of clause 6.9 have been met. While it is noted that some residential 'support' services are proposed at ground and first floor level (i.e. residential storage cages, waste facilities, bicycle parking, and access lobbies), these elements are also considered to be non-residential in their nature.

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

There are no draft environmental planning instruments applicable to the proposed development.

**Development control plans [section 4.15(1)(a)(iii)]**

**Part A1 – Centres**

The following table provides a summary of the development application against the key numerical controls contained in *Part A1 – Centres* and *Part B5 – Parking* of the *Bankstown Development Control Plan 2015*. It is noted that *Part A1* contains site specific provisions for the subject site.

CONTROL	BDCP 2015 PARTS A1 and B5	
	PROPOSED	COMPLIES?
<b>Street setbacks</b> Nil to Kitchener Parade 3m to Meredith Street	Nil to Kitchener Parade Nil to 6m to Meredith Street	Yes <b>No</b> – see discussion below
<b>Side setbacks</b> Compatible with site conditions, context and desired character and comply with the ADG	Side setbacks (i.e. building separation) are compatible with the context of the site and appropriately respond to the provisions of the ADG	Yes
<b>Outcomes</b> Retain site as a single allotment	The site comprises 1 allotment and is not proposed to be subdivided	Yes
<b>Through site link</b> Minimum 20m wide mid-block connection between Meredith Street and Kitchener Parade	The proposed through-site link ranges in width, from 20m at Kitchener Parade to 28m at Meredith Street	Yes
<b>Building envelopes</b> Proposed DCP building envelopes are illustrated in plan, elevation and section	The proposed site layout and building envelopes differ from those illustrated in the DCP	<b>No</b> – see discussion below
<b>Active street frontages</b> Ground floor at same general level as the footpath and minimises large expanses of blank walls	Proposed ground floor tenancy RLs provide level access to the footpaths in Kitchener Parade and Meredith Street, and are stepped where required to respond to the topography of the site	Yes
<b>Vehicle footway crossing</b> Make vehicle access points as narrow as possible and limit the number of vehicle accessways	Vehicle access is limited to 2 locations on Meredith Street and just 1 on Kitchener Parade. Widths of the crossings have been designed to meet the relevant Australian Standards	Yes

<b>Car parking (residential)</b> Minimum 1 space and maximum 3 spaces per unit 1 visitor space per 5 units TOTAL 619 spaces	374 spaces	<b>No</b> – see discussion below
<b>Car parking (commercial)</b> 1 space per 40m <sup>2</sup> TOTAL 144 spaces	144 spaces	Yes
<b>Car parking (child care)</b> 1 space per employee (at the highest rate of 1 staff per 4 children a total of 19 spaces is required)	19 spaces	Yes

### Building envelopes

The DCP provides a site-specific layout plan for development at this site. Anticipated building envelopes are also shown in elevation and in section. Development of the site is required to 'comply generally' with the site layout plan (illustrated below) to ensure that the form and separation of buildings contribute to a high quality urban environment.



The proposed development adopts the street wall approach shown in the DCP layout plan, and provides a through-site link in the same general location, from Kitchener Parade to Meredith Street. However despite these consistencies, there are 2 key differences between the proposed site layout and that illustrated in the DCP:

1. The building shown in the DCP plan at the southern edge of the through-site link has not been included in the proposed development. The omission of this building increases solar access to the communal open space podium, and relieves the building mass at the mid-point of the through-site link.
2. The proposed distribution of deep soil zones does not follow that shown in the DCP. Rather, the majority of deep soil is concentrated in and around the proposed through-site link, improving the amenity of the public domain.

Although the proposed site layout differs in some respects from that prescribed by the DCP, it should be preferred as it provides for a superior built outcome and fulfils the intent of the control.

### Street setbacks

Although the DCP allows a nil setback to Kitchener Parade, a minimum 3m setback is required to Meredith Street. The proposed setback of Building 1, at the northern end of the Meredith Street frontage, is 6m. However a nil setback to Meredith Street is proposed for Buildings 2 and 3.

The recent Bankstown RSL Club development, located immediately to the south of the subject site, was approved by the Sydney West Joint Regional Planning Panel in early 2016. The new RSL building adopts a nil setback to Meredith Street. The proposed setback of Buildings 2 and 3 continues this building alignment and is appropriate in the context of the site. This approach also promotes the relevant built form objectives of the DCP, which seek to ensure that setbacks are compatible with the surrounding context and provide a continuous built edge to the street at locations where it is essential to have active street frontages.

The width of the proposed through-site link to the north of Buildings 2 and 3 exceeds the minimum 20m required by the Bankstown LEP. This additional width increases the permeability of the through-site link and has the effect of offsetting the proposed setback non-compliance. It is also noted that the Meredith Street setback increases to 6m for Building 1, resulting in a compliant average setback across the full Meredith Street frontage of 3 metres.

### Car parking (residential)

According to Clause 2.1 in Part B5 of the DCP, the amount of parking is to be calculated using the schedule of off-street parking requirements. This schedule states that '*residential flat buildings*' in Zone B4 are to provide a minimum of 1 car space and a maximum of 3 car spaces per dwelling, plus 1 visitor space per 5 dwellings. At these rates a minimum of 619 residential spaces are required by the DCP.

As noted earlier in this report, the SEPP 65 Apartment Design Guide allows sites within close proximity to public transport (in this case being Bankstown railway station) to adopt the car parking rates set out in the RMS guide to traffic generating developments. According to these guidelines, the residential parking requirement is reduced to 293 resident spaces and 74 visitor spaces (total 367).

Although the proposed provision of 374 residential spaces does not comply with the rates prescribed by the Bankstown DCP, it meets the demands expressed in the RMS guidelines which should be preferred in this case.

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

There are no planning agreements applicable to the proposed development.

**The regulations [section 4.15(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 4.15(1)(b)]**

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

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

The proposed development is permitted with consent at the subject site. The development standards contained in the Bankstown LEP have been complied with, and the departures from the SEPP 65 Apartment Design Guide are acceptable in the context of the development. The proposal represents an appropriate, high quality outcome for a key site on the fringe of the Bankstown CBD.

**Submissions [section 4.15(1)(d)]**

The application was initially advertised and notified for a period of 21 days, and was renotified for 14 days following the lodgement of amended plans and additional information. One (1) submission was received with respect to the proposed development, raising matters relating to the height of the proposed buildings and potential view loss, and car parking. These matters are discussed below.

***Height of the proposed buildings and likelihood of views being obstructed.***

The proposed development complies with the maximum building heights prescribed by the Bankstown LEP, and generally adopts the tower arrangement illustrated in the site-specific layout plan included in the Bankstown DCP. It therefore cannot be reasonably held that there would be any greater impact on views available across the Bankstown CBD beyond those already contemplated and accepted when the applicable planning controls were adopted for the site.

***Car parking requirements for residents, businesses, and people driving to the area.***

The proposed car parking provision is appropriate for a site in close proximity to public transport services. Although the provisions of the Bankstown DCP have not been strictly met, the applicable RMS guidelines have been satisfied and should be preferred given their acknowledgement of the site's accessibility and CBD context.

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

Having regard to the matters discussed in this assessment report, approval of the proposed development would not contravene the public interest.

**OTHER ASSESSMENT MATTERS**

**Pedestrian Access at Meredith Street**

Council's traffic engineer has reviewed the proposed development and identified a potential pedestrian safety issue at the western end of the through-site link. The link is aligned with Gordon Street, however there is currently no direct or suitable way for pedestrians to cross Meredith Street at this location. To ensure the safe passage of pedestrians travelling to and from the through-site link, Council's traffic engineer has requested that traffic signals be installed at the intersection of Gordon and Meredith Streets. Alternatives to traffic signals have been explored, namely a pedestrian crossing or a refuge island. However neither alternative would be appropriate in this location given that Meredith Street is a regional road with a 60km/h speed limit and peak hour parking restrictions that accommodate through traffic.

The provision of traffic signals requires an 'in principle agreement' from RMS. Although RMS have not raised this matter in their own assessment of the proposed development, it would be appropriate for the applicant to pursue the signalisation of this intersection, and facilitate this should RMS approval be granted. A recommended condition of consent requiring consultation with RMS for the modelling, design and installation of traffic signals is included at Attachment B to this report.

In the event that RMS deny the request for traffic signals, pedestrians would still be able to utilise the existing signalised intersections at Meredith Street / Rickard Road and Meredith Street / Marion Street to achieve safe passage to and from the site.

**Child Care Centre**

The proposed development makes provision for a purpose-built, 75-place child care centre at Level 1 of Building 1, at the north-western corner of the site. '*Centre based child care centres*' are permitted with consent in the B4 zone, and the requirements of clause 6.8 of the Bankstown LEP, which relate to the characteristics and status of Meredith Street, have been met. Car parking is provided adjacent to the proposed centre, at ground level, at a rate that complies with the applicable RMS guidelines.



An acoustic report submitted in support of the application examines the potential noise impacts from the proposed centre's outdoor play area. The acoustic assessment considers all 75 children playing the outdoor space and concludes that noise levels at the nearest residential receivers (i.e. the apartments within the proposed development, on the level immediately above the proposed child care centre) would comply with the adopted noise criteria.

An assessment of the layout and operational details of the centre will follow upon lodgement of a future application seeking consent for the fitout and use of this space.

### **Wind Environment Assessment**

Given the scale of the development and the importance of creating a comfortable pedestrian experience in and around the site, the effects of strong winds and down drafts have been considered. A desktop assessment has been undertaken, based on the local wind climate, existing surrounding buildings, and the design of the proposed development.

The desktop assessment concludes that proposed design features including low podium/tower setbacks, landscaping, and recessed and canopied entrances would result in suitable wind conditions in areas immediately around the main building entrances, all footpaths, and the landscaped podium area. However '*higher than desired*' wind speeds are predicted around exposed building entrances at the eastern and western ends of the through-site link, and on the child care terrace at Building 1. Various control measures can be considered at the child care terrace, however the wind effects at each end of the through-site link would not be suitable for passive pedestrian activity such as sitting without controls including screens, fences, or dense bushes and shrubs. Such measures would impact the permeability of the through-site link and should not be incorporated. Opportunities for outdoor dining would still be available at other locations in the through-site link.

Full wind tunnel testing should be undertaken to confirm the results of the desktop assessment. A recommended condition of consent requiring this testing is included at Attachment B to this report. The condition notes that measures such as screens and dense landscaping shall not be considered at the ends of the through-site link.

### **Bankstown Airport Operations**

The obstacle limitation surface plan for Bankstown Airport requires that any development that exceeds a maximum height of 15.24m be referred for assessment. The proposed development exceeds this height and was referred to Bankstown Airport Limited (BAL).

BAL subsequently engaged with the Department of Infrastructure, Regional Development and Cities, who have approved a controlled activity for the intrusion of the proposed development into prescribed airspace to a maximum height of 74.3m AHD. The proposed development complies with this height, and would be subject to a set of conditions imposed by the Department which are included in Attachment B to this report.

## **CONCLUSION**

Development Application No. DA-957/2017 has been assessed having regard to the relevant provisions 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 would deliver an appropriate built form that would reinforce the role of the Bankstown CBD as a major metropolitan centre. Proposed non-compliances with the applicable planning controls have been demonstrated to be appropriate in the context of the site, and no significant or unresolved matters have been raised in public submissions.

Approval of this application is recommended, and would promote an appropriate design response to the development of this key site without any unacceptable or unreasonable impacts on the surrounding locality.