

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2018SSH045
DA Number	DA-550/2018
LGA	Canterbury Bankstown
Proposed Development	Demolition of existing site structures, construction of a 7 storey mixed commercial and residential building comprising of a 52 room boarding house with communal living area, managers room, and a Residential Apartment Building containing 56 apartments both with basement car parking and associated landscape works, site works and ancillaries.
Street Address	46 - 50 Meredith Street, BANKSTOWN NSW 2200
Applicant/Owner	J A Bova and C & J Bova Investments Pty Ltd
Date of DA lodgement	9 July 2018
Total number of Submissions Number of Unique Objections	NIL
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The proposed development has an estimated value of \$29,799,000, which exceeds the capital investment threshold of \$5 million for ' <i>Private Infrastructure and Community Facilities</i> '.
List of all relevant s4.15(1)(a) matters	<p>i.e. any:</p> <ul style="list-style-type: none"> • Section 4.15 of the <i>Environmental Planning and Assessment Act, 1979</i> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, • State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017 • Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP) • Bankstown Local Environmental Plan 2015 • Bankstown Development Control Plan 2015 Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • Architectural Plans • Stormwater Plans • Acoustic Report • Detailed Site Investigation Report (DSI Report) • Remediation Action Plan • Contour Plans • Landscape Plans • Shadow Diagrams • BASIX Certificate • Schedule of finishes • Airport concurrence • Plan of Management
Clause 4.6 requests	N/A

Summary of key submissions	N/A
Report prepared by	Cassandra Gibbons
Report date	21 October 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Not applicable

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

ITEM **46 - 50 Meredith Street, BANKSTOWN NSW 2200**

Original Proposal: Demolition of existing site structures, construction of a 7 storey mixed commercial and residential building to be constructed in 2 stages. Stage 1 comprising of a 54 room boarding house with communal living area, managers room, basement car parking and associated landscaping. Stage 2 comprising of 68 apartments with basement car parking and associated landscape works and ancillaries.

The application will be reported to the Sydney South Planning Panel for determination. Submissions in respect to this application should be made to Canterbury-Bankstown Council but will be provided to the Sydney South Planning Panel and may be viewed by other persons with an interest in the application.

Court Appeal Case number 2019/0051426 - Amended Plans and Description - Demolition of existing site structures, construction of a 7 storey mixed commercial and residential building comprising of a 52 room boarding house with communal living area, managers room, and a Residential Apartment Building containing 56 apartments both with basement car parking and associated landscape works, site works and ancillaries.

FILE	DA-550/2018 – Bankstown
ZONING	B4 Mixed Use
DATE OF LODGEMENT	9 July 2018
APPLICANT	Planning And Urban Design
OWNERS	J A Bova and C & J Bova Investments Pty Ltd
ESTIMATED VALUE	\$29,799,000
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 \$29,799,000, which exceeds the capital investment threshold of \$5 million for '*Private Infrastructure and Community Facilities*'.

Development Application No. DA-550/2018 proposes demolition of existing site structures, construction of a 7 storey mixed commercial and residential building comprising of a 52 room boarding house with communal living area, managers room, and a residential flat building containing 56 apartments both with basement car parking and associated landscape works, remediation, site works and ancillary development.

The Development Application has been assessed in accordance with the provisions of Section 4.15 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 Apartments Development, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017, Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP), Bankstown Local Environmental Plan 2015, Bankstown Development Control Plan 2015 and the Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020.

The application is generally compliant, however proposes a minor variation to the requirements contained in 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 25 July 2018 to 14 August 2018. The development description was updated to include a reference to the application being determined by Sydney South Planning Panel and re-advertised for twenty-one days (21) from 19 September 2018 to 9 October 2018. Following the submission of amended plans and details, the application was re-notified for fourteen (14) days from 7 November 2019 to 21 November 2019. During these advertising and notification periods, no submissions were received.

The application was referred to Sydney Metro Airport. Sydney Metro Airport have provided concurrence subject to conditions on the overall height of the development and subsequent future applications for crane usage.

Background

DA-550/2018 was lodged with Council 9 July 2018. The application was advertised and notified by Council. The DA was briefed to the Sydney South Planning Panel on 13 November 2018. Following the briefing a complete assessment was finalised and an additional information request sent out in December 2018. On 15 February 2019, the applicant lodged a deemed refusal with the Land and Environment Court for DA-550/2018. A section 34 conciliation was held on 29 October 2019 where the applicant provided amended plans for review and consideration. Following the conciliation further amended plans and documents were submitted to Council for review and assessment. Subsequently, Council renotified the DA in November 2019 and referred the DA to Sydney Metro Airport for concurrence.

Following concurrence being provided by the Department of Infrastructure, Transport, Regional Development and Communications on 24 February 2020 and satisfactory plans being provided, draft conditions and a S34 agreement was prepared and submitted to the Land and Environment Court in July 2020. The commissioner did not endorse the agreement set out.

The applicant has since requested that Council determine the development application with Sydney South Planning Panel, pending a hearing date of 23 December 2020.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

The proposed matter being reported has no direct financial implications.

RECOMMENDATION

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

ATTACHMENTS

- A - Section 4.15 Assessment Report
- B - Conditions of Consent
- C - Locality Plan
- D - Site Plan
- E – Elevations
- F – Sydney Metro Airport

DA-550/2018 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 46 - 50 Meredith Street, Bankstown. The site is a regular rectangular allotment containing 4 parcels of land that are zoned B4 Mixed Use. The site has a primary frontage of 50.04m to Meredith Street and a side boundary length of 61.92m. The overall site area is 3103.1m².

The site has a gradual fall of approximately 1.5m from the northern boundary to the southern boundary. The site contains three residential dwellings as initially constructed and the associated residential structures. The site contains approximately 19 trees both native and exotic. The site is bound by a tree lined avenue along Meredith Street and located at the termination of Rickard Road (T intersection).

The surrounding area is characterised by a mix of commercial and residential developments. To the north of the site, a single storey brick dwelling occupies the site operating as a Medical Centre, the site to the south contains a three storey residential flat building and associated car parking and landscaping. To the east of the site across Meredith Street is the Rickard Road intersection and traffic signals to the north of the intersection across Meredith Street contains a commercial development operating as Guardian Funerals. The site is currently undertaking building works to the existing operations. To the south at the intersection, across Meredith Street is the Ambulance NSW operations.

To the west of the development, the adjoining sites are occupied by a mix of residential development containing both single storey and two storey dwellings with the associated residential structures and to the south west a residential flat building. The sites immediately to the west of the development are zoned R4 High Density Residential, while the areas to the east, south and north are zoned B4 Mixed use.

Figure 1: Aerial of subject site in blue. Source: NearMaps 2020

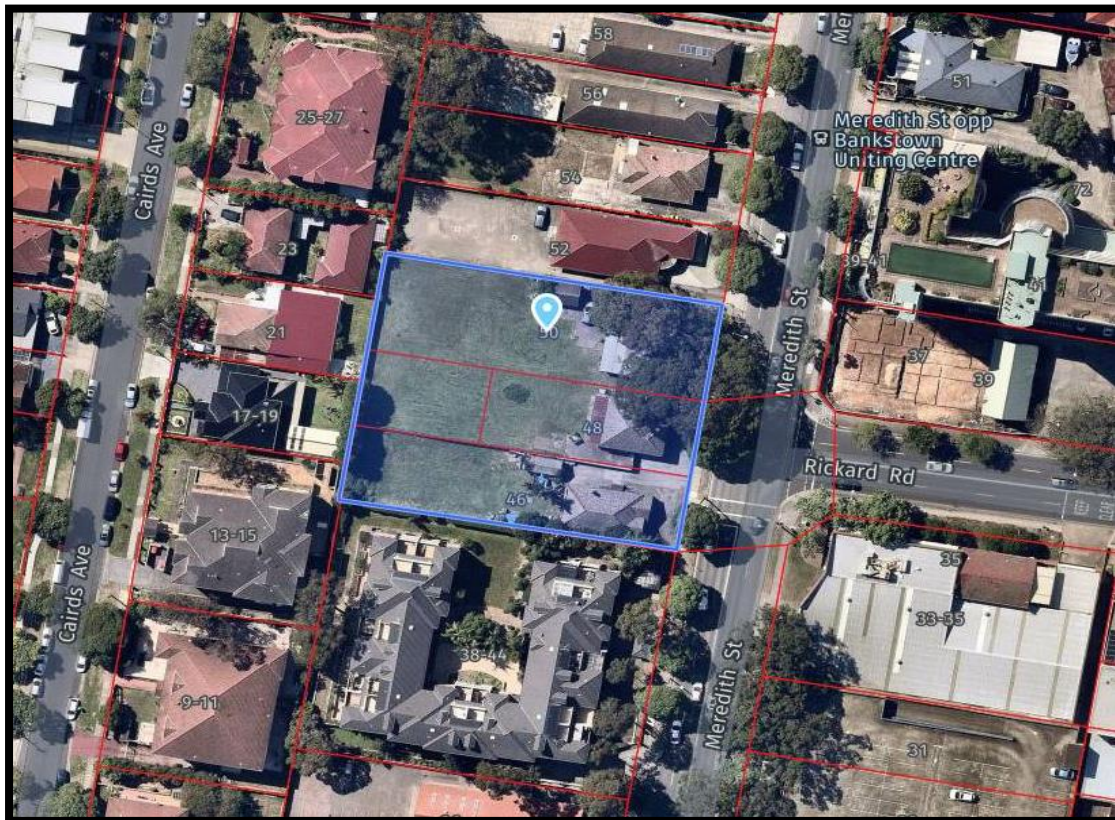
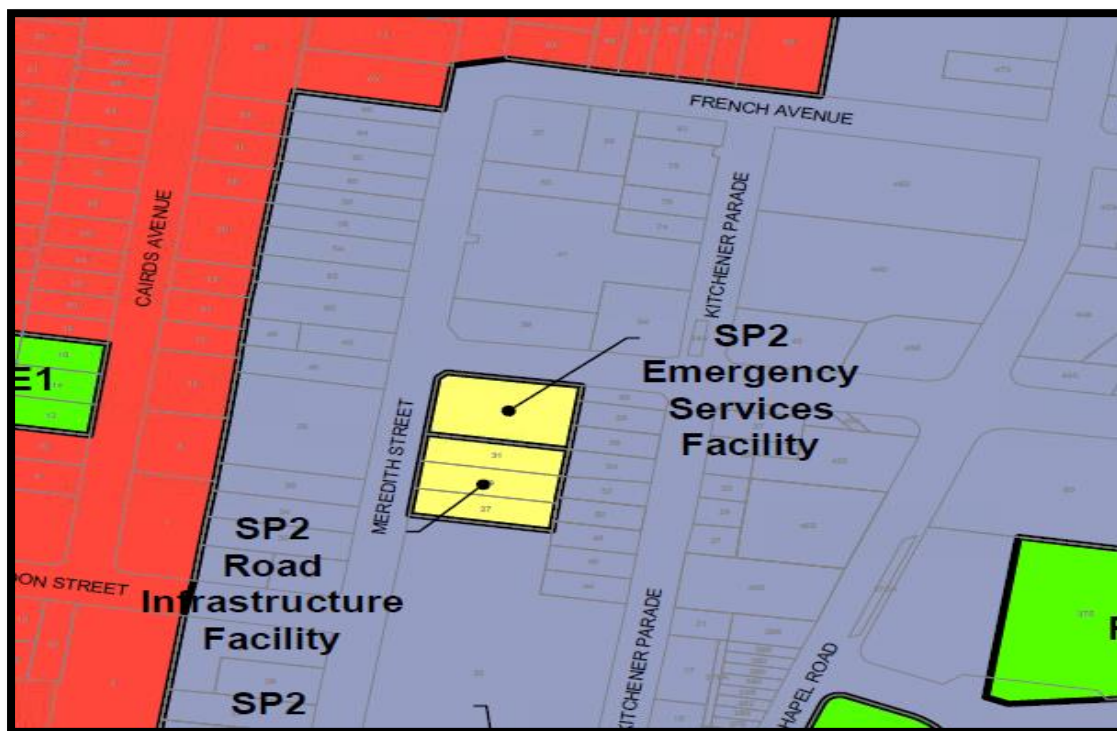


Figure 2: Zoning Map subject site in blue. Source: BLEP 2015 Maps, Map 5, exert.



PROPOSED DEVELOPMENT

The Development Application proposes construction of a 7 storey mixed commercial and residential building comprising of a 52 room boarding house with communal living area, managers room and a residential flat building containing 56 apartments with a ground floor commercial premises. The development provides basement car parking and associated landscaping, remediation, site works and ancillary development. A breakdown of the particulars is provided below:

- Basement Level 1: 55 car parking spaces (11 visitors car parking spaces, 6 commercial spaces and 38 boarding house and apartment spaces), 15 motorcycle spaces, 11 bicycle spaces and associated storage and access.
- Basement level 2: 71 car parking spaces for the apartments and 4 motorcycle spaces and associated storage and access.

Boarding house

- Ground Floor: three boarding rooms, lobby, bin storage area, managers room and communal room, communal open space and ground floor service provisions and access
- Level 1 – 6: Contain 8 boarding rooms including one accessible room.

Residential flat building

- Ground Floor: Commercial premises, commercial waste storage area, residential waste storage area, two separate apartment lobbies, 5 ground floor apartments (4 x 2 bedroom and 1 x single bedroom apartments), communal open space with ground floor service provisions and access.
- Level 1: 9 apartments (2 x 1 bedroom, 6 x 2 bedroom, 1 x 3 bedroom).
- Level 2-3: 9 apartments (1 x 1 bedroom, 7 x 2 bedroom, 1 x 3 bedroom).
- Level 4-6: 8 apartments (1 x 1 bedroom, 7 x 2 bedroom).





Statutory Considerations

When determining this application, the relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment
- Bankstown Local Environmental Plan 2015 (BLEP 2015)
- Bankstown Development Control Plan 2015 (BDCP 2015)
- Bankstown Section 94A Development Contributions Plan

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

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 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*. Schedule 7 includes 'Private Infrastructure and Community Facilities'. The proposed capital investment value of \$5 million falls within this category. Accordingly, the application is reported to the Sydney South Planning Panel for determination. A Panel Briefing was held on 13 November 2018. The Panel noted a number of issues at the briefing, which are discussed in the assessment of this application below.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

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 residential and commercial uses (1992 approval at 50 Meredith Street for use as a Doctors Surgery). A detailed Site Investigation was completed, the report notes that contaminants were encountered in the site samples and recommends strategies to undertake the required remediation. A subsequent Remediation Action Plan (RAP) was prepared, based on the recommendations of the Detailed Site Investigations.

Council officers have reviewed the Detailed Site Investigation, 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 regard to the 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.

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

In accordance with BASIX SEPP, a BASIX Certificate accompanies this application. The Certificate makes a number of energy/resource commitments relating to water, energy and thermal comfort. The relevant commitments indicated on the BASIX Certificate have been shown on the plans in order to satisfy objectives of the SEPP. The BASIX Certificate requirements have been incorporated into conditions of consent.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, being a deemed

SEPP under Clause 120 of Schedule 6 of the *EP&A Act, 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposed development seeks approval for the removal of nineteen trees, some of which are exempt on site. Council's Tree Management Officers have reviewed the application and raised no objection to the removal of the trees on site, subject to the replacement tree plantings and the tree protection measures recommended. Conditions of consent have been imposed to achieve this requirement. It is considered that the proposal meets the requirements of the Clause 7, 9 and 10 of the SEPP.

State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65)

This policy applies to residential apartment development and is required to be considered when assessing this application. Residential apartment development is defined under SEPP 65 as development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component. The development must consist of the erection of a new building, the conversion of an existing building or the substantial redevelopment or refurbishment of an existing building. The building must also be at least 3 or more storeys and contain at least 4 or more dwellings. Residential apartment development does not include boarding houses or serviced apartments.

SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'. Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the development application that addresses the design quality principles contained in SEPP 65 and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved.

The proposal has been considered against the various provisions of the Apartment Design Guide in accordance with Clause 28 (2)(c) of SEPP 65. The 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 communal open space.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
3B – Orientation <u>Design Guidance:</u> <ul style="list-style-type: none"> Solar access to living rooms, balconies and private open 	The adjoining residential flat development to the south (No. 38-42 Meredith Street) was	Yes.

	<p>apartment building has incorporated ground floor units adjoining the communal open space, a level change is utilised in the design. This has allowed the development to provide a legible, walkable grain, providing a visual cue for the separation of the public and private spaces within the development at the pedestrian level.</p> <p>There is limited opportunity for people to be concealed within the development. The design of the development has ensured adequate provision of secure entrances and checks are provided.</p>	
<p>3C – 2 Amenity of public domain <u>Design Guidance:</u></p> <ul style="list-style-type: none"> Minimise visual prominence of underground carpark Substations, pump rooms, garbage areas etc. to be in basement or out of view. Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels. 	<p>Car parking does not dominate the streetscape as it is concealed within the basement. Services and garbage areas have been reasonably designed within the development and do not dominate the public domain.</p> <p>Where services have been provided within the building it is considered that they have limited façade appearance and are internalised sufficiently. Some minor ramping elements have been utilised within the frontage to ensuring waste can be removed and access provided.</p> <p>The ground floor level of the commercial premises is within 500mm of the footpath level. The ramping is minor and it is considered the ground floor levels are suitable for the proposal in relation to the street level.</p>	Yes.
<p>3D – Communal open space <u>Design Criteria:</u> 25% of the site area is to be communal open space, and 50% of the COS must receive at least 2 hours direct sunlight between 9am-3pm on 21 June. <u>Design Guidance:</u></p> <ul style="list-style-type: none"> Minimum dimension 3m Co-located with deep soil zones Direct access to communal area from entries, lobbies & circulation areas. Where communal open space cannot be provided at ground level, provide at podium or roof Where unable to achieve design criteria (small lots, business zones, dense urban areas) should: <ul style="list-style-type: none"> provide COS elsewhere (landscape roof top, terrace or common 	<p>The site has an area of 3103.1m². The ADG requires 775.7m² of communal open space (COS).</p>	<p>No, 625m² provided.</p> <p>See below discussion.</p>

<ul style="list-style-type: none"> room), provide larger balconies or <ul style="list-style-type: none"> provide larger balconies/POS demonstrate good proximity to public open space and facilities Facilities are provided within communal open spaces and common spaces for a range of age groups and can incorporate seating, BBQ areas, play equipment/areas, swimming pools, gyms, tennis courts or common rooms COS visible from habitable rooms and POS while maintaining privacy, bay windows, corner windows or balconies. Safe - fenced/contained for young children Connect to public street along one edge Clear boundaries between public and private open space 														
<p>3E – 1 Deep Soil Zones</p> <p><u>Design Criteria:</u> Sites with an area of between 650m² and 1,500m² is to provide 7% of the site as deep soil zone with a minimum dimension of 3m</p>	<p>The entire site has an area of 3103m² which equates to 217.21m² deep soil zone. A deep soil zone of 298m² has been provided within the western boundary collocated partial with the communal open space. The minimum width of the deep soil zone is 6m.</p>	<p>Yes.</p>												
<p>3F – 1 Visual Privacy (Building separation)</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="209 1429 632 1832"> <thead> <tr> <th>Building height</th><th>Habitable rooms & balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note: Separation distances between building on the same site should be combine required building separations depending on the type of room.</p>	Building height	Habitable rooms & balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p><u>Southern Setback:</u></p> <p>Ground Floor – Level 3: 6m setback proposed to building wall and balcony edge Level 4-6 – 9m setback proposed to building wall and balcony edge</p> <p><u>Western Setback:</u></p> <p>Ground floor: 6m to terrace/balcony edge Level 1 – 3: 9m to building and balcony edge Level 4 – 6: 12m to building and balcony edge</p> <p><u>Eastern Boundary (Street) Setback:</u></p> <p>All levels: 3m to the closest point on all levels</p> <p><u>Northern Setback:</u></p> <p>Ground – Level 6: 4.25m to architectural element (projection) and 4.5m to Building wall.</p> <p>The portion of the building adjacent to the northern boundary is a boarding house and</p>	<p>Yes.</p>
Building height	Habitable rooms & balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

Apartment buildings should have an increase separation distance of 3m (in addition to the requirements in the table) when adjacent to a different zone that permits a lower density residential development to provide for a transition in scale and increased landscaping	<p>is not subject to compliance with the ADG. However, for completeness, the setbacks have been considered under the design guidance of the ADG.</p> <p>The portion of the building adjoining the northern boundary has a setback of 4.245m at the closet point (building projection) with all windows orientated north east (street) and proposing a minimum 4.5m setback from the window to the boundary across all levels.</p> <p>It is considered that the encroachment of the building element and windows will not cause a significant visual privacy impact through the design of the boarding room and orientation of the windows shown. The windows are acceptable due to the 45° angle of the windows facing the primary frontage (Meredith Street). The function of the boarding room is such that the entire space is a considered a habitable room and the location of the windows proposed have been designed to achieve the required natural light and ventilation as well as limit the potential impacts on visual privacy to the north and ensure the future development of the site to the north should not be impacted by the design.</p> <p>Given the orientation of the windows it is considered that in this instance the setback can be accepted given the likely visual privacy resulting from the design is low for the boarding house rooms proposed.</p>	
3G – 1 Pedestrian access and entries <ul style="list-style-type: none"> • Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries • Access, entries and pathways are accessible and easy to identify 	<p>The building materials and façade treatments enhance way finding of the development.</p> <p>The commercial entry and both residential entries (flat building and boarding house) are clearly defined at street level.</p>	Yes.
3H – Vehicle access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and creates high quality streetscapes.	<p>One vehicle access point for the development is considered to be acceptable from both a functionality and a streetscape perspective. The site is located at the signalised intersection (terminating T section). The driveway is proposed at the most northern point, away from the signalised intersection. Council's Engineers and Traffic team have assessed the proposal against the relevant Australian Standards and have found the vehicular access driveway to be satisfactory.</p>	Yes.
3J – 1 Bicycle and parking Minimum car parking requirement must be provided on site	<p><i>Car parking spaces</i></p> <p><u>Boarding house</u></p>	Yes.

	<p>0.5 per boarding room 1 per managers room</p> <p>Required: 27 spaces</p> <p><u>Apartments in Zone B4</u></p> <p>A minimum of 1 car space and a maximum of 3 car spaces per dwelling; and 1 visitor car space per 5 dwellings.</p> <p>Required Min:56 spaces Required Max: 168 spaces Visitors: required 11.2 (11)</p> <p><u>Commercial</u></p> <p>1 car space per 40sqm</p> <p>$119 / 40 = 2.97$</p> <p>Required: 2.97</p> <p>Total spaces required minimum = 97.17 (97) Total spaces required maximum = 209.17 (209)</p> <p><u>Total spaces provided = 126</u></p> <p><i>Bicycle and motorcycle parking spaces</i> 11 bicycle spaces and 19 motorcycle spaces have been provided within the basement and a further 7 bicycle spaces at grade.</p>	
<p>4A-1 Solar access 70% of apartments should receive two hours solar access between 9am - 3pm midwinter.</p>	<p>40 apartments (71%) receive a minimum of 2hrs solar access between midwinter 9am – 3pm.</p>	<p>Yes.</p>
<p>4A-3 Solar access A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid-winter</p>	<p>One apartment receives no direct sunlight at mid-winter.</p>	<p>Yes</p>
<p>4B – 3 Natural cross-ventilation 60% of apartments 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>80% of apartments (46 apartments) are naturally cross ventilated.</p> <p>All cross through apartments 18m or less.</p>	<p>Yes.</p>
<p>4C-1 Ceiling heights Min. 2.7m for habitable rooms. If variation is sought, then satisfactory</p>	<p>Floor-to-ceiling heights are 2.7m to all residential floors.</p>	<p>Yes</p>

daylight access must be demonstrated.		
Min. 3.3m to ground floor commercial	Minimum 3.3m provided.	Yes
4D-1 Unit size Studio – min 35m ² 1 bed – min. 50m ² 2 bed – min. 70m ² 3 bed – min. 90m ² Add 5m ² for each additional bathroom/WC Every habitable room must have a window in an external wall	1 bed, 1 bath – min. 50 m ² 2-bed, 2 bath – min 75m ² 3-bed, 2 bath – min. 95m ² All habitable rooms have a window in an external wall.	Yes Yes
4D-2 unit performance maximised In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All units comply with this requirement.	Yes
4D – 3 Apartment layouts <ul style="list-style-type: none"> • Master Beds: 10m² min • Other beds: 9m² min • Bedrooms min dimension of 3m • Living rooms at least 4m wide 	All apartments main bedrooms are at least 10m ² and other bedrooms are a minimum of 9m ² with a minimum dimension of 3m. All living rooms within the apartments have a minimum dimension of 3.6m or 4m as required.	Yes.
4E -1 Private Open Space 1 bed: Min. 8m ² , 2m depth to primary balconies. 2 bed: Min. 10m ² , 2m depth to primary balconies. 3 bed: Min 12m ² , 2.4m depth to primary balconies. Ground level units: Min 15m ² , 3m depth	G05 is shown to fail the dimension as a planter is located on the northern edge of the terrace. A condition of consent will be imposed to ensure G05 achieves compliance with the minimum dimension of 3m. All other units meet the requirements set out.	Yes, subject to condition of consent.
4F – 1 Internal circulation Max. 8 units accessed from a single corridor.	Two main lifts/corridors proposed. No more than 5 units are proposed off any lift and associated corridor.	Yes.
4G-1 Storage 1 beds: 6m ³ , 2 beds: 8m ³ , 3 beds: 10m ³ (At least half to be provided within the unit)	One unit on every level does not achieve compliance with the minimum 50% of storage provided within the unit, however sufficient space is afforded within the basement to accommodate the storage needs to the unit. It is considered that a condition can be imposed to ensure that each of these units have ample allocation of storage within the unit and the basement to ensure compliance. All other units are provided with sufficient storage, and at least half is provided within the unit.	Yes
4H – Acoustic privacy Acoustic privacy is about protecting sound transmission between	An acoustic report was prepared and submitted for the proposed development that	Yes.

external and internal spaces, between apartments and communal areas and between apartments within a building	detailed the development's ability to achieve satisfactory internal amenity for residents and how to mitigate noise to impacts to adjoining sites. Council's Environmental Health Officer reviewed the proposal and the associated acoustic report. The acoustic assessment found that the development is considered satisfactory subject to conditions of consent.	
4K – Apartment mix A mix of apartment choice provides housing choice and supports equitable housing access	<u>Apartments</u> 1 bedroom x 8 2 bedrooms x 45 3 bedrooms x 3 The development provides for an appropriate level of housing choice in accordance with the ADG.	Yes.
4M-Facades The design of facade contributes greatly to the visual interest of the building and the character of the local area. Facades that face the street have an impact on the public domain, while side and rear facades often influence the amenity of neighbouring buildings and communal and private open spaces.	The streetscape design and the external finishes proposed are representative of more modern forms of architecture found throughout the area. It is considered that the development will result in a positive contribution to the streetscape and identity of the business zone.	Yes.
4O – Landscaping Sites between 850m ² and 1,500m ² to have 1 large tree or 2 medium trees per 90m ² deep soil zone	The deep soil zone is 298m ² . This would require 3 trees on site. Council's tree management officer has provided conditions of consent to require the planting of 3 trees, to obtain a minimum height of 15m at maturity.	Yes.
4P – Planting on structures Planting on structures can provide amenity, improve air quality and microclimate and reduces direct energy use and stormwater runoff. It can also supplement deep soil planting on site where opportunities for this area limited or restricted, e.g. in high density areas.	The proposed development incorporates substantial landscaping within the communal open space area on the ground floor. The location of the larger trees will be in the area containing deeper soil, with further landscaping on structures occurring above the lower basement levels forming part of the overall COS. The landscaping proposed is consistent with the design guidance.	Yes.
4Q – Universal design Universal design is an international design philosophy that enables people to continue living in the same home by ensuring that apartments are able to change with the needs of the occupants. Universally designed apartments are safer and easier to enter, move around and live in. They benefit all members of the community, from young families to	The development is satisfactory with regard to the universal design principles, a condition of consent to ensure compliance is maintained to 20% required to meet the criteria.	Yes.

older people, their visitors, as well as those with permanent or temporary disabilities.		
4S – Mixed use <ul style="list-style-type: none"> Mixed use development includes multiple uses in one building. In apartment buildings this is commonly achieved vertically with different uses stacked above one another. A vertical mix of uses is more likely to increase activity through the days and night which in turn improves passive surveillance of the public domain. Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement Mixed use development should be concentrated around public transport and centres Residential entries and services to be separated to commercial entries. Concealment opportunities are avoided Landscaped communal open space areas should be provided at podium or roof levels. 	<p>The development is a mixed use development containing a RFB, commercial tenancy and a boarding house. The mix of uses are both horizontally and vertically located within the development.</p> <p>The development provides an active frontage with a defined commercial edge to ground floor southern portion. The façade provides clear delineation of the residential entry points at the pedestrian level and incorporates activation of the public domain during the day and night with passive surveillance opportunities in the residential design above.</p> <p>The basement level has been conditioned to ensure access throughout is restricted in the residential portion.</p> <p>The residential areas and the commercial entries and services are separate and concealment opportunities are avoided. The communal open space areas provide substantial areas dedicated to landscaping.</p>	Yes.
4U – Energy efficiency <ul style="list-style-type: none"> The development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer Adequate natural ventilation minimises the need for mechanical ventilation 	<p>The development application complies with the requirements of <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> and the development application was accompanied with a Nationwide House Energy Rating Scheme Certificate. The development meets the objectives and design guidance that relates to energy efficiency.</p>	Yes.
4V – Water management and conservation <ul style="list-style-type: none"> Potable water use is minimised Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into the site design. 	<p>The development application complies with the requirements of <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>. The development meets the objectives and design guidance that relate to water management and conservation.</p>	Yes.
4W – Waste <ul style="list-style-type: none"> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient separation and recycling. 	<p>The development meets the requirements of Council's Waste Management Guide for New Developments and BDCP 2015 – Part 13 Waste Management and Minimisation. Council's waste team have reviewed the proposal and consider it to be satisfactory in this regard, subject to conditions.</p>	Yes.

Communal Open Space

As the site has an area of 3103.1m², 775.7m² of communal open space (COS) is required in accordance with the ADG (being 25% of the site area). The site accommodates three development types being a boarding house, a residential flat building and a commercial premise.

In the context of the site and the overall development, for the purposes of calculating COS, it is considered appropriate to look at the apportioned site area to each development type. If the site is viewed as portioning part of the site area to a boarding house of 501m², being the footprint of the Boarding House and associated private open space the site area remaining and proportioned to the RFB is 2602m². On this basis 25% of the site area associated with the RFB is 650.5m².

The communal open space is north west facing and provides one area of consolidated space. The area is overlooked by residential apartments within the development located to the south of the area and is considered a well-designed, functional, accessible, usable space for a range of activities. Solar access is achieved to more than 50% of the COS between 9am and 3pm on the 21 June. The COS provided is collocated where possible in areas of deep soil and is able to be used for both active and passive recreation.

The application proposes an area of 623m² of communal open space on the ground floor, which equates to a short fall of 27.5m² of the 650.5m² required. The design and functionality of the space is considered sufficient and comprehensively designed to enable use for future residents achieving a high level of amenity for users. Considering the functional design put forth and the minor departure, the departure is considered to have merit and considered worthy of support in this case.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 of SEPP (ARH) 2009 provides controls for boarding house developments. The table below provides a summary of the controls set out in this Policy in regard to this development:

Control	Comment	Compliance
Clause 26 – Land to which Division Applies		
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones— a) Zone R1 General Residential, b) Zone R2 Low Density Residential, c) Zone R3 Medium Density Residential, d) Zone R4 High Density Residential, e) Zone B1 Neighbourhood Centre, f) Zone B2 Local Centre, g) Zone B4 Mixed Use.	The site is zoned B4 Mixed Use.	Yes.
Clause 29 – Standards that cannot be used to refuse		
Floor Space Ratio If the development is on land within a zone in which residential flat buildings	Residential flat buildings are permissible within the zone, with a maximum	Yes.

are permitted—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less.	<p>permissible floor space ratio of 2:1. The SEPP (ARH) 2009 affords the proposal an additional 0.5:1 FSR, allowing a total maximum FSR of 2.5:1 for the development.</p> <p>The proposed FSR for the overall development is 2.36:1 which is compliant with the SEPP.</p>	
Building Height The building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land	The proposed total building height is within the 23m height limit prescribed by BLEP 2015.	Yes.
Landscaped Area The landscape treatment of the front setback area is to be compatible with the streetscape in which the building is located	<p>The current streetscape is characterised by residential developments varying in operation and density. The development proposes a 3m front setback and to retain the street trees on Meredith Street.</p> <p>The sites located to the north will likely be redeveloped in the future and can propose a 3m setback in accordance with the current controls as this development has. The developments in the locality across Meredith Street vary in nature and it is considered that the setback and landscaping proposed is acceptable in the CBD.</p> <p>The proposed development is not inconsistent with the adjoining developments in the CBD.</p>	Yes.
Solar Access Where the development provides for one or more communal living rooms, at least one of those rooms is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	The north facing communal living room receives the required three (3) hours solar access between 9am and 3pm in mid-winter.	Yes.
Private Open Space One area of at least 20m ² (with a minimum dimension of 3m) for lodgers & 8m ² (with a minimum dimension of 2.5m) for the boarding house manager	A communal open space area of more than 20m ² is provided for the lodgers on the ground floor, accessed via the common room.	Yes.
Parking At least 0.5 spaces is provided for each boarding room, plus 1 space for each employee	<p>The proposal includes 51 boarding rooms and a manager's room:</p> <p>51 x 0.5 = 25.5 car parking spaces are required for the boarding rooms and 1 car space for staff.</p> <p>Total spaces required is 26.5 (27) car parking spaces. The boarding house component of the development has been provided and allocated with 27 car parking spaces.</p>	Yes
Accommodation size		

Minimum GFA (excluding private kitchen and bathrooms) is 12m ² for single lodging rooms and 16m ² in any other case	The proposed rooms comply with this requirement.	Yes.
Clause 30 – Standards for boarding houses		
Communal Living Room A boarding house that has 5 or more boarding rooms, at least one communal living room will be provided	A communal living room of 50m ² is provided on the ground floor, adjoining the common open space.	Yes.
Maximum GFA No boarding room is to have a gross floor area of more than 25m ² (excluding private kitchen and bathroom) per room.	No boarding room is greater than 25m ² (excluding private kitchen and bathroom).	Yes.
Maximum occupants No boarding room is to be occupied by more than 2 adult lodgers	The largest boarding rooms are double rooms. These are designed to only accommodate two people. This will be reinforced through conditions of consent.	Yes.
Facilities Adequate bathroom and kitchen facilities are to be available within the boarding house for the use of each lodger	Individual facilities have been provided in each room.	Yes.
Boarding Room Manager A boarding house that has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling is to be provided for a boarding house manager	A manager's room is proposed on the ground floor.	Yes.
Non-residential ground floor within commercial zones For a boarding house on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street is to be used for residential purposes unless another environmental planning instrument permits such a use	The site is within a business zone. The ground floor of the boarding house proposes a lobby, entry and waste room facing the street. The southern portion of the development is an RFB and contains a ground floor commercial premises and servicing arrangements facing the street. Any residential accommodation within the overall development is not street facing.	Yes.
Motorcycle/Bicycle One parking space is to be provided for a bicycle, and one space is to be provided for a motorcycle, for every 5 boarding rooms.	Within basement 1, 15 motorbikes and 11 bicycle spaces are provided.	Yes.
Clause 30A – Character of the Local Area		
Character Design of the development is compatible with the character of the local area.	In accordance with planning circular PS 18-001 (issued 16 Jan 2018), character is <i>'the way a place looks and feels'</i> . The circular goes on to say <i>"Character can be reflected in a LEP in its aims (Clause 1.2 of the Standard Instrument LEP) where a council can describe the characteristics of the LGA, through zone objectives, in principal development standards (such as height and FSR controls)"</i> . It is noted that the proposal is different from the existing	

	<p>surrounding developments in the locality in terms of height and scale. The surrounding development consists of lower scale residential developments to the north and west with a higher density residential flat building to the south and a mix of commercial developments to the east across Meredith Street.</p> <p>The development complies with the maximum permitted building height of 23 metres as provided in BLEP 2015 while also observing the minimum required side, rear and front setbacks as stipulated in BDCP 2015 and the ADG.</p> <p>The development benefits from the provisions contained in the ARH SEPP where a bonus FSR of 0.5:1, on top of that provided in the LEP, is available. In the light of the provisions contained within the ARH SEPP, it's reasonable to assume that a building of greater bulk and scale to that envisaged by the LEP is anticipated.</p> <p>In our assessment of the development, particularly our assessment of whether the development is compatible with the character of the area, Council concludes that the development provides for an appropriate response to the opportunities afforded by the ARH SEPP.</p> <p>The 'design of the development' is therefore considered to be compatible with the local area as permitted by the SEPP.</p>
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Bankstown Local Environmental Plan 2015 (BLEP 2015)

This site is zoned B4 Mixed use under BLEP 2015. The following clauses of the Bankstown Local Environmental Plan 2015 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 6.2 – Earthworks

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of Bankstown Local Environmental Plan 2015. A more detailed assessment against the zoning, environmental and numerical development standards contained in the abovementioned clauses is provided below.

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the BLEP 2015, which provides as follows:

1.2 Aims of Plan

- (a) to manage growth in a way that contributes to the sustainability of Bankstown, and minimizes the needs and aspirations of the community,*
- (b) to protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,*
- (c) to protect the natural, cultural and built heritage of Bankstown,*
- (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,*
- (e) to minimize risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,*
- (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,*
- (h) to provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,*
- (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.*

Comment: The proposal generally complies with the relevant aims of this Plan.

Clause 2.3 Zone objectives and Land Use Table

Clause 2.3(2) of BLEP 2015 outlines that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the B4 Mixed Use Zone are as follows:

- *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.*

The proposed development meets the objectives of the B4 zone as it provides for residential housing options within a mixed use development, incorporating a boarding house, residential flat building and commercial premises. The design comprises a mix of residential types that contribute to providing a range of housing choices to meet the needs of the community within the CBD. The location of the ground floor tenancy will

assist in the integration of business and residential options within the CBD. The mix of uses proposed is considered compatible on the site and within the wider CBD.

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.3 Zoning	B4 Mixed Use Development	Mixed use development, comprising a residential flat building, boarding house and commercial tenancy.	Yes
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Proposed	Yes
Part 4 Principal Development Standards			
4.3 Height of Buildings	Maximum 23m	22.9m proposed	Yes
4.4 Floor Space Ratio	BLEP maximum 2:1 However, the SEPP ARH 2009 affords the proposal a bonus of 0.5:1 floor space ratio pursuant to Clause 29(1)(c)(i).	Proposed 2.36:1 RFB and commercial – 1.767:1 Boarding house - 0.59:1 Total 2.36:1	Yes, SEPP bonus permitted.
Part 6 Local Provisions			
6.2 Earthworks	Before granting consent to development including earthworks, the following must be considered: (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposal has been reviewed by Council's staff and is not considered to be inconsistent with this clause.	Yes

Proposed Environmental Planning Instruments [section 4.15(1)(a)(ii)]

The following draft environmental planning instrument applies to this development.

Draft Canterbury Bankstown Consolidated Local Environmental Plan 2020

The Draft Canterbury Bankstown Local Environmental Plan 2020 (CBLEP 2020) applies to the subject site. The Draft CBLEP 2020 has been publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020 and is now to be reviewed by the Department of Planning. While the draft instrument proposes the introduction of some additional provisions, in the most part, the Draft CBLEP 2020 provides for an administrative conversion of both the BLEP 2015 and CLEP 2012 into a combined document under the Standard Instrument LEP template.

With respect to the proposed development the proposal remains consistent with the aims and objectives of the draft instrument. The proposed development is not inconsistent with the draft provisions.

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

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

Bankstown Development Control Plan 2015 (BDCP 2015)

STANDARD	PART A1 and B5 of BDCP 2015		COMPLIANCE
	REQUIRED	Proposed	
Part A1 Centres	<p>Built Form Objectives</p> <p>The objectives to achieve the desired character are:</p> <p>(a) To require a continuous built edge to the street at locations where it is essential to have active street frontages.</p> <p>(b) To ensure setbacks are compatible with the surrounding context and desired urban character of the Bankstown CBD precincts.</p> <p>(c) To provide specific guidelines for key redevelopment sites that will significantly contribute to the desired urban character of the Bankstown CBD precincts.</p> <p>(d) To encourage the orientation of buildings to optimise passive design strategies that will reduce the need for artificial lighting and mechanical heating and cooling systems, and thus contribute to a sustainable urban environment.</p>	<p>The site is shown in Figure 3 of BDCP 2015 – Part A1, to require a 3m setback. The proposal complies with this and it is considered the street is activated in accordance with the DCP.</p> <p>The site is shown as a 'corner site' in figure 2 of BDCP 2015 – Part A1. The site and the design put forward provides visual interest at the street level and a design that utilise materials and building elements to create controlled visual interest. The design is considered to be suitable and clearly identifies the site in the context of the CBD.</p>	Yes.

STANDARD	PART A1 and B5 of BDCP 2015		COMPLIANCE
	REQUIRED	Proposed	
	<p>(e) To retain the original building elements that contribute to the townscape significance of the Bankstown City Plaza precinct and, where original elements are missing, to encourage their reinstatement.</p> <p>(f) To ensure development and signage in the Bankstown City Plaza precinct is compatible with the distinctive character of the buildings and surrounding context.</p>	<p>The building design maximised north, east and western exposures to assist in ensuring solar access and the need for artificial lighting is reduced in the proposal. The development does not contain any single aspect south facing units, ensuring that all units have reasonable access to natural light.</p> <p>The application is not within the Bankstown City Plaza precinct.</p>	
Primary Setback	Meredith Street	Figure 3 of BDCP 2015 – Part A1 depicts a 3m setback required.	Yes.
Side and rear setbacks	<p>In determining the side and rear setbacks, Council must take into consideration the following matters:</p> <ul style="list-style-type: none"> (a) whether the proposed setbacks respond to site conditions; and (b) whether the proposed setbacks are compatible with the surrounding context and desired character of the precinct; and (c) whether the proposed setbacks comply with the Apartment Design Guide. <p>Certain development proposals must submit a site analysis plan to illustrate the site conditions and relationship to the surrounding context.</p>	<p>An additional 3m setback to the western boundary is provided in accordance with the ADG as the site adjoining is zoned R4 High Density.</p> <p>The proposal complies with the design guidance and visual privacy controls outlined in the ADG. It is considered that the design presented is acceptable given the existing and desired future character of the locality.</p>	Yes.
Active street frontages	<p>The design of street frontages must ensure:</p> <ul style="list-style-type: none"> (a) the ground floor is at the same general level as the footpath and accessible directly from the street; and 		Yes

STANDARD	PART A1 and B5 of BDCP 2015		COMPLIANCE
	REQUIRED	Proposed	
	<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 or desirable to retain the ground and first floors as commercial and retail floor space as shown in Figure 7.</p>	<p>Figure 7 of BDCP 2015 – Part A1, notes this site is desirable, not essential for ground and first floor commercial floor space.</p> <p>The development has proposed a 119m² commercial tenancy to the ground floor plan to assist in activating the street frontage within the CBD. The tenancy provides direct access to the street and visual relief and interest at pedestrian level with the façade design and materials selected.</p>	
Vehicle footpath crossings	<p>Development must optimise the opportunities for active street frontages and streetscape design by:</p> <ul style="list-style-type: none"> (a) making vehicle access points as narrow as possible; (b) limiting the number of vehicle access ways to a minimum; and (c) avoiding the location of car park entries, driveways and loading docks at the corners of street intersections. <p>For sites with two or more frontages, car park entries, driveways and loading docks must locate on lanes and minor streets rather than primary street frontages or streets with high pedestrian activity.</p>	<p>The development site is located at the intersection of Meredith Street and Rickard Road. The intersection is controlled by traffic signals.</p> <p>The development has located the VFC to the northern most portion of the site to maximise the distance between the VFC and traffic signals. Council's Traffic engineers have reviewed and are satisfied with the access proposed.</p>	Yes.
Part B5 Parking			
Car Parking	<p>Apartments in Zone B4</p> <p>A minimum of 1 car space and a maximum of 3 car spaces per dwelling; and 1 visitor car space per 5 dwellings.</p>		Yes.

STANDARD	PART A1 and B5 of BDCP 2015		COMPLIANCE
	REQUIRED	Proposed	
	Boarding House 0.5 per boarding room 1 per managers room Commercial 1 car space per 40sqm <u>Required:</u> Boarding House $0.5 \times 51 = 25.5$ 1 managers space = 1 Total BH car parking 26.5 (27) Apartments B4 mixed use rate 56 units x 1 (minimum) = 56 $56 \times 3 = 168$ (maximum) 1 visitors' space per 5 dwellings $56/5 = 11.2$ Commercial $119/40 = 2.97$ (3) Total (assuming the minimum) $26.5 + 56 + 11.2 + 2.97 = 96.67$ (97) Minimum 97 required Total (assuming the maximum) $26.5 + 168 + 11.2 + 2.97 = 208.67$ (209) Maximum 209 required	126 car parking spaces, 11 bicycle spaces and 19 motorcycle spaces have been provided within the basement and a further 7 bicycle spaces at grade.	

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 provisions of the Environmental Planning and Assessment Regulation, 2000.

The likely impacts of the development [section 4.15(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 'design criteria' in the ADG occur, they have been addressed 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 4.15(1)(c)]

The site is considered suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised twice for a period of 21 days and then re-notified for 14 days with amended plans. No submissions were received.

The public interest [section 4.15(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 4.15 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 Apartments Development*, *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Affordable rental Housing) 2009*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017*, *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (a deemed SEPP)*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the *Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020*.

The application proposes some minor variations to the requirements contained in 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.

RECOMMENDATION

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