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| **COUNCIL ASSESSMENT REPORT**  SYDNEY SOUTH PLANNING PANEL | |

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| **PANEL REFERENCE & DA NUMBER** | PPSSSH-121 DA-698/2022 |
| **PROPOSAL** | Construction of a two-storey, 66-unit light industrial business park, with associated parking and landscaping |
| **ADDRESS** | Lot 104 DP 1149790 - 10 Nelson Short Street, Bass Hill |
| **APPLICANT** | Loftex Potts Hill Pty Ltd |
| **OWNER** | Loftex Potts Hill Pty Ltd |
| **DA LODGEMENT DATE** | 26 September 2022 |
| **APPLICATION TYPE** | Development Application |
| **REGIONALLY SIGNIFICANT CRITERIA** | Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as the proposal exceeds a Capital Investment Value (CIV) of $30 million. |
| **CIV** | $30,173,385 (excluding GST) |
| **LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)** | * State Environmental Planning Policy (Biodiversity and Conservation) 2021 * State Environmental Planning Policy (Industry and Employment) 2021 * State Environmental Planning Policy (Planning Systems) 2021 * State Environmental Planning Policy (Resilience and Hazards) 2021 * State Environmental Planning Policy (Transport and Infrastructure) 2021 * Canterbury Bankstown Local Environmental Plan 2023 * Bankstown Local Environmental Plan 2015 (by virtue of the savings provisions within CBLEP 2023); and * Bankstown Development Control Plan 2015. |
| **TOTAL & UNIQUE SUBMISSIONS** | NIL (0) |
| **DOCUMENTS SUBMITTED FOR CONSIDERATION** | * Acoustic Report; * Arborist Report; * Architectural Plan set * BCA Assessment Report; * Civil Plans; * Heritage Report * Landscape Plans; * Remediation advice; * Site Survey; * Stormwater Management Report * Traffic Report; and * Waste Management Plan. |
| **PREVIOUS BRIEFINGS** | * Applicant briefing (previous Panel) - 1 November 2022 * Council briefing (current Panel) - 6 March 2023 |
| **RECOMMENDATION** | Approval (subject to the recommended conditions) |
| **DRAFT CONDITIONS TO APPLICANT** | Yes |
| **SCHEDULED MEETING DATE** | 25 July 2023 |
| **PLAN VERSION** | Architectural Plan set issue 5, dated 19.06.23. |
| **PREPARED BY** | Priscilla Prakash |
| **DATE OF REPORT** | 11 July 2023 |

**EXECUTIVE SUMMARY**

This matter is reported to the Sydney South Planning Panel as the proposed development exceeds a capital investment value of $30 million in accordance with Section 2.19(1) in Part 2.4 Regionally Significant Development and Schedule 6 in SEPP (Planning Systems) 2021.

Development Application No. DA 698/2022 proposes the construction of a two-storey, 66-unit light industrial business park, with associated parking and landscaping.

DA-698/2022 has been assessed against the relevant provisions contained in State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023), Bankstown Local Environmental Plan 2015 (BLEP 2015), Bankstown Development Control Plan (BDCP 2015) and the Potts Hill Reservoir Concept Plan : Business Park Design guidelines.

The application was advertised for twenty-one (21) days between 12 October 2022 and 2 November 2022 in accordance with Council’s Community Participation Plan. No submissions were made during the assessment of the application.

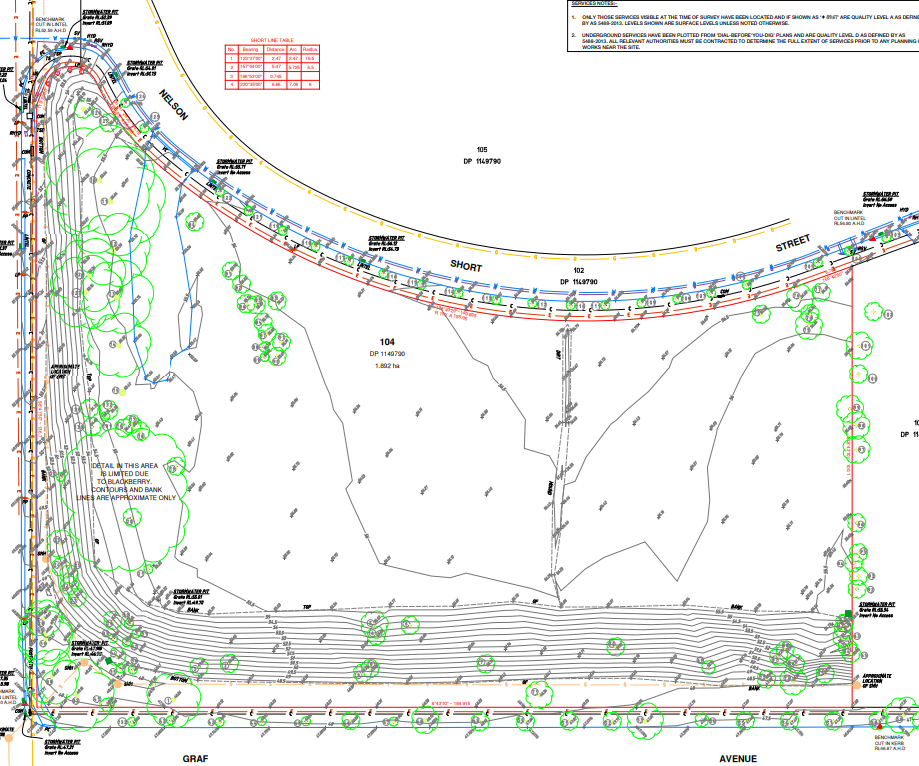
1. **THE SITE AND LOCALITY**
   1. **The Site**

The subject site is legally described as Lot 104 in DP 1149790 while is more commonly known as 10 Nelson Short Street, Bass Hill. The site is 1.892 ha (18917m2) in area and is generally rectangular in shape except for an arc frontage along Nelson Short Street of 199.23 metres. The site also has a street frontage to Graf Avenue of 184.92 metres to the east and to Brunker Road to the south of 136.7 metres. The site contains a distinct plateau with embankments adjacent the southern and eastern (7.61m fall) boundaries of the site.

The site is vacant other than 100 trees ranging in height of between 3 metres and 18 metres and is surrounded by a further 31 trees on Council’s nature strip ranging in height from 2 metres -12 meters.



*Figure 1 – Aerial Photograph Source: Neamap 2023*



*Figure 2 – Survey Plan*

* 1. **The Locality**

The subject site is the last remaining allotment to be developed within the Potts Hill Business Park precinct which was determination as a major project’s approval (no 08-0069) on 26 November 2008. This area adjoins the operational Potts Hill Water Reservoir to the west while the development directly to the north is occupied by New South Wales Police. The built form to the immediate north consists of two buildings of two and three storeys in height.

The land to the south (across Brunker Road) and to the east (across Graf Ave) is zoned R2 – Low Density Residential. Development in this area primarily consists of single storey cottages with a small number of more recently constructed two storey dual occupancy developments.

The greater Potts Hill Business Park extends further west up Brunker Road to the Ausgrid depot and further north up Nelson Short Street to include Sydney Water’s offices and the Transgrid Substation on William Homes Street.

1. **THE PROPOSAL AND BACKGROUND** 
   1. **The Proposal**

The proposal seeks consent for the construction of a two (2) level, sixty-six (66) unit light industrial business park with associated parking and landscaping.

Specifically, the proposal involves:

* + - Construction of twenty-eight (28) units on the ground level
    - The ground floor units range in size from 96m2 to 436m2
    - Construction of associated ground floor parking, driveway, loading area, entry lobby, fire stairs, lift, services and communal garbage room
    - Construction of thirty-eight (38) units on the upper level, ranging in size from 85m2 to 232m2
    - Construction of associated two-way vehicular ramp to the upper level, driveway, parking, lift, lift lobby and fire stairs
    - Removal of twenty-four (24) trees
    - Associated landscaping; and
    - Associated stormwater infrastructure works.

The key development data is provided in **Table 1**.

## Table 1: Key Development Data

|  |  |  |
| --- | --- | --- |
| **Control** | **Required** | **Proposal** |
| Site area | - | 18,917m2 |
| GFA | - | 10,364m2 |
| FSR | 1:1 | 0.55:1 |
| Max Height | 16 metres | 16 metres |
| Car Parking spaces | 108 spaces | 154 spaces in total  including 19 visitor spaces |
| Setbacks | North – 6 metres  East –20 metres  South – 10 metres  West – 6 metres  (as per Potts Hill Business Park Guidelines) | North – 6 metres  East – 20 metres  South – 20 metres  West – 6 metres |

A blueprint of a building

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*Figure 3 – Site Plan*

* 1. **Background**

The development application was lodged on **26 September 2022.** A chronology of the development application since lodgment is outlined in **Table 2**.

## Table 2: Chronology of the DA

|  |  |
| --- | --- |
| **Date** | **Event** |
| **12 October 2022 –**  **2 November 2022** | Exhibition of the application for twenty-one days |
| **27 October 2022** | DA referred to Transport for New South Wales (TfNSW) |
| **1 November 2022** | Applicant’s briefing (Kick off) with the Panel |
| **23 December 2022** | Request for Information from Council to the applicant |
| **8 February 2023** | Amended plans lodged and assessed.  Changes include:   * Additional view corridors * Amended design including changes to presentation along Nelson Short Street * Amended façade treatment * Civil plan change to stormwater pits * Deletion of visitor spaces off Nelson Short Street. * Increased landscaping. * Increased setback to Brunker Road to 15 metres * Reduction in height * Relocation of the substation * Unit 1 consolidated. |
| **6 March 2023** | Council’s Briefing with the Panel |
| **6 April 2023** | Meeting with applicant focusing on planning matters |
| **11 April 2023** | Meeting with applicant focusing on urban design matters |
| **13 April 2023** | Request for further information from Council to the applicant |
| **22 May 2023** | Meeting with the applicant and Council |
| **30 May 2023** | Informal sketches provided to Council to address matters raised previously via Council’s letters and meetings. |
| **9 June 2023** | Council provides the following feedback in response the applicant sketches   * Cladded elements along Brunker and Nelson Short Street are to continue to the ground, * The cladding colouring to be consistent or grouped. Ad hoc pattern to the colour selection is not supported, and * Corner elements to have the same roofline as the main buildings and vertical element such as timber beams to continue from upper level to lower floor*.* |
| **20 June 2023** | Amended architectural plans and statement lodged.  Changes include:   * Additional view corridor * Inclusion of an upper-level communal outdoor area including outdoor seating and planter boxes * Additional timber battens to corner of Nelson Short Street and Brunker Road. * Internal reconfiguration of units and offices. Subsequent change to associated windows. |
| **21 June 2023** | Telephone conversation between applicant and Council to confirm Council’s request regarding colouring and vertical continuation of colouring. Requested amended information to demonstrate these changes |
| **22 June 2023** | Landscape plan submitted |
| **26 June 2023** | Applicant confirmed (via email) that they had no objection to the cladding colouring pattern and vertical extension of cladding to the ground floor to be conditioned. |

* 1. **Site History**

The subject site has had two previous approvals determined by the Sydney South Planning Panel for seniors housing developments which appear to have not been activated. These applications are summarised below:

* DA-845/2017 was approved on 11/12/2018 for the construction of a Seniors Living Development comprising of six (6) buildings with a total of 224 dwellings and ancillary uses including a medical centre, café, retail shop, restaurant/lounge, outdoor swimming pool, with communal landscaped areas and on-site basement car-parking.
* DA-152/2021 was approved on 3/12/2021 for the remediation of the site, construction of a Seniors Living Development comprising of five (5) buildings with a total of 197 dwellings and ancillary uses including a medical centre, café, retail shop, restaurant/lounge, outdoor swimming pool, with communal landscaped areas and basement car-parking.

1. **STATUTORY CONSIDERATIONS**

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (‘EP&A Act’). These matters as are of relevance to the development application include the following:

1. *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*

*(i)  any environmental planning instrument, and*

*(ii)  any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii)  any development control plan, and*

*(iiia)  any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv)  the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

1. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
2. *the suitability of the site for the development,*
3. *any submissions made in accordance with this Act or the regulations,*
4. *the public interest.*

These matters are further considered below.

* 1. **Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations.**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below:

1. **Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

* [State Environmental Planning Policy (Biodiversity and Conservation) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722)
* [State Environmental Planning Policy (Industry and Employment) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723)
* [State Environmental Planning Policy (Planning Systems) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724)
* [State Environmental Planning Policy (Resilience and Hazards) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730)
* [State Environmental Planning Policy (Transport and Infrastructure) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732)
* Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)
* Bankstown Local Environmental Plan 2015 (BLEP 2015), by virtue of the savings provisions contained within CBLEP 2023.

A summary of the key matters for consideration arising from these Environmental Planning Instruments are outlined in **Table 3** and considered in more detail below.

**Table 3: Key matters of consideration**

| **EPI** | **Matters for Consideration** | **Compliance** | | |
| --- | --- | --- | --- | --- |
| Y | N | N/A |
| State Environmental Planning Policy (Biodiversity & Conservation) 2021 | Chapter 2: Vegetation in non-rural areas | ✓ |  |  |
| State Environmental Planning Policy (Resilience and Hazards) 2021 | Chapter 4: Remediation of land  4.6 Contamination and remediation to be considered in determining development application | ✓ |  |  |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | Chapter 2: Infrastructure  Division 17 Roads and traffic  Subdivision 2 Development in or adjacent to road corridor and road reservations  2.122 Traffic-generating development  Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2 | ✓ |  |  |
| Bankstown Local Environmental Plan 2015 | Part 1 Preliminary  Clause 1.2 – Aim of Plans  Part 2 Permitted or prohibited development  Clause 2.3 – Permissibility and zone objectives  Part 4 Principal development standards  Clause 4.4 – Floor space ratio  Part 5 Miscellaneous provisions  Clause 5.10 – Heritage conservation | ✓ |  |  |
| Canterbury-Bankstown Local Environmental Plan 2023 | Clause 1.8A – Savings provisions relating to development applications | ✓ |  |  |

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

**Chapter 2 Vegetation in non-rural areas**

The proposal has been assessed against the relevant aims and objectives which seek to protect remaining native vegetation within urban areas. The site currently contains 100 trees with a further 31 trees on Council’s nature strip surrounding the site. The proposed development seeks approval for the removal of 24 trees within the site to allow for the proposed development. Generally, the trees sought to be removed are weed species or young trees. All landscaping on the embankment is sought to be retained and naturally revegetated. The proposed tree removal has been supported by the submitted arborist report. This report has been reviewed by Council’s tree management officers and conditiosn of consent have been recommended (as set out in **Attachment A**). As such, the proposal is considered suitable with respect to the requirements of the SEPP.

**State Environmental Planning Policy (Planning Systems) 2021**

Section 2.19(1) of Part 2.4 of SEPP (Planning Systems) 2021 reads as follows;

*Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.*

Schedule 6 of SEPP (Planning Systems) 2021, in part, reads;

*2* *General development over $30 million*

*Development that has a capital investment value of more than $30 million.*

The CIV of the proposed development exceeds $30 million ($30,173,385). Therefore, the development qualifies as being a ‘regionally significant development’ and the Sydney South Planning Panel are the determining authority.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

State Environmental Planning Policy (Resilience and Hazards) 2021 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.

Clause 4.6(1) of Chapter 4 of SEPP (Resilience and Hazards) 2021 reads as follows;

*(1)  A consent authority must not consent to the carrying out of any development on land unless—*

*(a)  it has considered whether the land is contaminated, and*

*(b)  if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c)  if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site was formerly used as a storage premises, hydrographics office and workshop/test room facilities for Sydney Water prior to its subdivision. Investigations as part of the major project’s approval (No 08-0069, determined 26 November 2008) for the subdivision found, the site contained contamination in the form of Polycyclic Aromatic Hydrocarbons (PAH) in shallow/surface fill in the main area and within the embankments (located to the south and east of the site). Subsequent remediation works undertaken as a requirement of the subdivision approval included the removal of Underground Storage Tanks (USTs), remediation of the shallow fill and stabilisation of the embankment by covering the contaminated fill with jute matting and establishing denser vegetation. The Site Audit Report (prepared by Environ Australia Pty Ltd, dated May 2010) noted that not all the contaminated materials were removed, and that ongoing management of the embankment area was required under an Environmental Management Plan (EMP) to prevent users from being exposed to the residual contamination. The site was deemed suitable for an industrial and commercial use subject to the implementation of Environmental Management Plan (‘EMP’, titled ‘Lot 104, Environmental Management Plan’ dated 20 May 2010, AECOM Australia Pty Ltd’) for the ongoing management of the embankment area (as per figure 4). The submitted supporting documentation titled ‘Review of previous site audit statement (GN221-07) for compliance with current legislation, 10 Nelson Short Street, Potts Hill NSW (Revision 1)’, dated 7 February 2023, prepared by Ramboll, summaries the requirements of this EMP as follows:

*The key features of the EMP were:*

* *Identification of potential hazards and minimum health and safety measures specific to PAH contamination*
* *Maintenance of the jute matting on the embankment faces and ensuring adequate vegetation coverage over the management area*
* *Environmental protection measures for when soils are excavated, exposed or otherwise disturbed, including for water, soil, odour and dust control/ management*
* *Requirements for the classification and disposal of any soils from the embankment*
* *Routine inspection of the management area to confirm it is being maintained in a stable condition, with a corresponding corrective action process*
* *Process for annual review of records under the EMP and revision of the EMP as appropriate.*

The works proposed under this development application are contained within the plateau area and do not extend into the nominated embankment area. As demonstrated by Figure 4 below:A map of a land

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Figure 4: Embankment from EMP with overlay of the current proposal.

Ramboll also reviewed the Site Audit Statement and EMP to confirm its validity considering the legislative changes that have occurred since 2010. It found that changes in legislation have not had an impact on the original findings, and the findings of the above reports remain sound subject to conditions of consent requiring the implementation of an updated EMP. Council’s Environmental Health Officer has recommended appropriate conditions in the draft conditions of consent outlined in ‘**Attachment A’** of this report for an updated EMP to be prepared that is consistent with the current proposal before the Panel.

Having regard to the assessment set out above, the Panel can be satisfied that the development site is suitable for the proposed development, in accordance with clause 4.6(1) of SEPP (Resilience and Hazards) 2021.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

**Division 17 Roads and traffic**

Schedule 3 of SEPP (Transport and Infrastructure) 2021 identifies developments for ‘*warehouse or distribution centres*’ that are proposed on sites with a site area of 8,000m2 (or greater) as traffic generating developments. The subject site has a total area of 18917m2 thus clause 2.122(3) of Division 17 of SEPP (Transport and Infrastructure) 2021 applies. Council has provided notice and sought comment regarding the proposed development from Transport for NSW (TfNSW). TfNSW responded and raised no comments or objection to the application as proposed.

**Canterbury Bankstown Local Environmental Plan 2023**

Clause 1.8A “savings provision relating to development applications”of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) states:

“*If a development application has been made before the commencement of this plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this plan had not commenced.*”

This development application was lodged on 26 September 2022 and predates the commencement of the CBLEP 2023 on 23 June 2023. Thus, the application must be assessed against the provisions contained within the Bankstown Local Environmental Plan 2015 (below).

**Bankstown Local Environmental Plan 2015 (BLEP 2015’)**

The relevant development controlsin the Bankstown Local Environmental Plan 2015 were taken into consideration and are summarised in the below **Table 5**:

**Table 5: BLEP 2015**

| **Bankstown Local Environmental Plan 2015** | | | | | |
| --- | --- | --- | --- | --- | --- |
| **Clause** | **Standard / Requirement** | **Comment** | **Compliance** | | |
| **Y** | **N** | **N/A** |
| **Part 1 Preliminary** | | | | | |
| 1.2 | Aim of Plans | | ✓ |  |  |
| **Part 2 Permitted or prohibited development** | | | | | |
| 2.3 | Zone objectives and Land Use Table | | ✓ |  |  |
| **Part 4 Principal development standards** | | | | | |
| 4.4 | Floor space ratio | | ✓ |  |  |
| **Part 5 Miscellaneous provisions** | | | | | |
| 5.10 | Heritage conservation | | ✓ |  |  |

**Clause 1.2 – Aims of Plan**

The proposal does not hinder the aims of BLEP 2015 and is consistent with the planning framework including the relevant Environmental Planning Instruments (EPIs) and Development Control Plan (DCP) as noted throughout this report. The proposal actively contributes to the locality’s ability to provide for a range of industrial opportunities as it encourages employment and economic growth through the facilitation of light industrial units on a currently vacant site. The proposal has generally adopted good urban design including built form and streetscape presentation while considering the existing landform and vegetation of the site. The proposal is not considered to result in any negative impact to the natural, cultural and built heritage of Bankstown and will not result in any substantial reduction in the quality of life and social well-being and amenity of the surrounding communities.

**Clause 2.3 – Zone objectives and Land Use Table**

As called upon by Clause 2.2, the ‘Land Zoning Map’ identifies the subject site as ‘Zone B7 Business Park’. Clause 2.3 requires the consent authority to have regard for the objectives of this zone when determining a development application.

The objectives of ‘Zone B7 Business Park’ are:

* *To provide a range of office and light industrial uses.*
* *To encourage employment opportunities.*
* *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposal contains 66 units designed to accommodate a variety of light industrial uses including the provision of ancillary offices in each individual unit. It is considered the proposed development is consistent with the zone objective for employment generation at all stages including the planning and construction of the complex as well as the operation of the future businesses. The development is not considered to hinder the existing operations surrounding the site nor will it impact the ability for other future uses to be carried out.

**Clause 4.4– Floor Space Ratio**

This clause seeks to limit bulk and provide for a maximum density of development that is consistent with the capacity and character of the surrounding locality. This is achieved through a prescribed maximum floor space ratio (‘FSR’) as set out by the ‘Floor Space Ratio Map’ and the defined methodology of calculating FSR. This map identifies this site to have a maximum FSR of 1:1 and the proposed development has an FSR of 0.55:1.

**Clause 5.10 - Heritage conservation**

The subject site is located adjacent to ‘Potts Hill Reservoirs 1 and 2 and site’, an identified heritage item (number 01333) in Schedule 5 – Environmental Heritage of BLEP 2015. As per Clause 5.10(5) , the consent authority may require the preparation of a heritage management document where it is considered the proposal will affect the heritage significance of the heritage item. In Council’s assessment, including a review of the proposal and its supporting documentation by Council’s heritage officer, it is not considered this development will impact the heritage item.

1. **Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are currently no draft environmental planning instruments to be considered.

1. **Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plans are relevant to this application:

**Canterbury Bankstown Development Control Plan 2023**

This development application was formally made on 26 September 2022 which predates the commencement of the CBDCP 2023 on 23 June 2023. As per Council’s resolution on 25 May 2021, savings provisions are enacted and the application is assessed on the provisions contained in the Bankstown Development Control Plan 2015 (below).

**Bankstown Development Control Plan 2015 and the Potts Hill Reservoir Concept Plan: Business Park Design Guidelines**

The relevant development controls contained in Bankstown Development Control Plan 2015 (‘BDCP 2015’) and the Potts Hill Reservoir Concept Plan: Business Park Design Guidelines are considered below:

| **TABLE 6: BDCP 2015** | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Bankstown Development Control Plan 2015 | Part 2 Commercial Centers** | | | | | | |
| **Clause** | **Standard / Requirement** | **Comment** | **Compliance** | | | |
| **Y** | **N** | **N/A** | |
| **SECTION 1–INTRODUCTION** | | | | | | |
| Relevant / applicable desired character objectives | | | | | | |
| (f) | To have business parks that primarily accommodate contemporary office and light industrial uses, including high technology industries. Business parks perform vital economic and employment roles in the subregion and primarily apply to larger campus–style business parks. | | ✓ |  |  | |
| (g) | To have development that is compatible with the desired character and role of the particular centre. | | ✓ |  |  | |
| (h) | To have development that achieves good urban design in terms of building form, bulk, architectural treatment and visual amenity. | | ✓ |  |  | |
| (I) | To have development that provides adequate amenity to people who live in, work in and visit the local area. | | ✓ |  |  | |
| **SECTION 6–BUSINESS DEVELOPMENT CENTRES AND BUSINESS PARKS** | | | | | | |
| Objectives | | | | | | |
| (a) | To have development that is compatible with the desired character and role of the particular business zone. | | ✓ |  |  | |
| (b) | To have development that achieves good urban design in terms of building form, bulk, architectural treatment and visual amenity. | | ✓ |  |  | |
| (c) | To have transitional areas that are compatible with the prevailing suburban character and amenity of neighbouring residential environments. | | ✓ |  |  | |
| **Storey limit** | | | | | | |
| 6.1 | The storey limit for development is 2 storeys. Council does not allow development to have attics. | The proposal is a two-storey light industrial business park. | ✓ |  |  | |
| **Setbacks** | | | | | | |
| 6.2 | Development must provide a minimum 5 metre wide landscape buffer zone to the primary and secondary road frontages. | A 6 metre landscaped setback is provided along the primary frontage to Nelson Short Street.  A 20 metre setback is provided to both Brunker Road and Graf Avenue. Both of these setbacks contain existing mature landscaping. | ✓ |  |  | |
| 6.3 | The minimum setback to the side and rear boundaries of an allotment is 6 metres, with preference given to deep soil planting within the setback | The remaining setback to the north has a 6 metre setback to the building wall. A communal outdoor seating area and exit path complement landscaping within this setback. | ✓ |  |  | |
| 6.4 | Council may require minimum setbacks to the side and rear boundaries:   1. to maintain reasonable solar access or visual privacy to neighbouring dwellings; or 2. to avoid an easement or the dripline of a tree on an allotment or adjoining allotment. | Setbacks as required by BDCP 2015 and the associated Potts Hill Business Park guidelines are sufficient to ensure solar access and visual privacy is retained to the neighbouring residences in Graf Ave and Brunker Road. |  |  | ✓ | |
| **Building design (business development zones)** | | | | | | |
| N/A | | | | | | |
| **Building design (business parks)** | | | | | | |
| 6.8 | Development must comply with the Potts Hill Reservoir Concept Plan: Business Park Design Guidelines dated 9 July 2008 prepare by Allen Jack + Cottier subject to the following landscape setback requirements:  ...  (c) A minimum 60% of the nominated landscaped setback areas are to incorporate deep soil planting. | A later section of this report details the proposal’s compliance with design guidelines.  The setbacks to Brunker Road and Graf Avenue consist primarily of existing mature landscaping. The setbacks to the north and Nelson Short Street consists of hard and soft landscaping. | ✓ |  |  | |
| **Access to sunlight** | | | | | | |
| 6.9 | The design of buildings should achieve a northern orientation to maximise solar access. | The site has three frontages that enable the proposal to achieve a great degree of solar access from the eastern and western elevations. The proposal provides a break in the upper level to the north to enhance light from the north. | ✓ |  |  | |
| 6.10 | The living areas of a dwelling on an adjoining allotment must receive a minimum sum of 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling. | The proposal results in minimal overshadowing of Nos 55 to 65 Brunker Road in the early morning (between 8am and 9am). This proposal does not hinder the existing solar amenity of these properties to any great extent. No solar impact is expected on the properties location along Graf Ave. | ✓ |  |  | |
| Development adjacent to residential zones | | | | | | |
| 2.11 | In determining a development application that relates to land adjoining land in Zone R2, R3 or R4, Council must take into consideration the following matters:   1. whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone; 2. whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development; 3. whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid–winter solstice; 4. whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised; 5. whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and 6. whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences. | 1. The proposal is distinct in its presentation because of the unique nature of the site. Increased setbacks have been provided to minimise the bulk that’s presented to the adjoining residential development. 2. The internal orientation of the units provides for sufficient screening. 3. The proposed development does not cause unreasonable overshadowing to the adjacent residential properties . 4. The application has provided an indicative acoustic report. A condition of consent is recommended to be imposed requiring compliance with the report at all times during the operation of the industrial units. 5. The use of the proposed development is conditioned to minimise nuisance to residents. 6. The proposal is across the street of all residential lands thus generally facing the front of the adjoining dwellings.   It is not considered there is significant opportunities for the loss of visual privacy for the adjoining residences. | | ✓ |  |  |

| **Bankstown Development Control Plan 2015 | Part B5 – Parking** | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Clause** | **Standard / Requirement** | | | **Comment** | **Compliance** | | |
| **Y** | **N** | **N/A** |
| **Section 2 – off-street car parking** | | | | | | | |
| 2.1 | Development must calculate the amount of parking required using the schedule of off–street parking requirements.  *Industries and light industries.*  1 car space per 100m² of gross floor area.  Note: Where an office component is involved, provided this does not exceed 20% of the total gross floor area, 1car space per 100m² of gross floor area is to be provided.  Any additional office space will be assessed at a rate of 1 car space per 40m² of gross floor area. | | | 108 spaces required.  154 spaces provided. | ✓ |  |  |
| **Section 3 – off street parking design and layouts** | | | | | | | |
| 3.3 | The following minimum dimensions are generally required for each parking space. | | | 2.5m x 5.5m parking dimensions | ✓ |  |  |
| Parking Type | Length | Width |
| Open | 5.4 | 2.5 |
| **Bankstown Development Control Plan 2015 | Part B12 – Waste Management and Minimisation** | | | | | | | |
| **Clause** | **Standard / Requirement** | | | **Comment** | **Compliance** | | |
| **Y** | **N** | **N/A** |
| 4.3 | Where development involves multiple tenancies, individual bin storage for each tenancy is to be provided. | | | .  The proposed industrial units are of sufficient size and dimension~~s~~ to cater for waste storage bins. A communal bin room has also been provided on the lower level to ensure all waste arrangements are contained within the site. | ✓ |  |  |
| 4.6 | Bin storage areas are to be integrated with the overall design and functionality of the development and are to locate within the building envelope to enable these areas to be screened from view from the public domain. | | | ✓ |  |  |

**Table 7: Potts Hill Reservoir Concept Plan : Business Park Design Guidelines**

| **Potts Hill Reservoir Concept Plan: Business Park Design Guidelines**  Concept Plan - Business Park Design Guidelines for Potts Hill Reservoir provides urban design and development control information on the public domain and  built form. | | | | | |
| --- | --- | --- | --- | --- | --- |
| **Clause** | **Relevant**  **Requirement** | **Comment** | **Compliance** | | |
| **Y** | **N** | **N/A** |
| **B3 – Private Domain** | | | | | |
| B3.1 | Subdivision and Site Planning | The subject site (identified as Site D) remains consistent with the subdivision pattern envisaged by the Potts Hill business park design guidelines. | ✓ |  |  |
| Figure 5 : Sites within Potts Hill Business Park | | | | | |
| B3.1.2 | Floor Space Ratio and Site coverage   * Maximum FSR of 1:1 * Maximum site coverage is 70% of the site area. | The subject proposal has an FSR of 0.55:1. The guidelines also call for a maximum site cover of 70%. The subject site has a site cover of 54.5%. | ✓ |  |  |
| B3.1.3 | Building Height and Bulk   * Maximum building height 16m * Buildings oriented along east and west axis with clear building separations. * Buildings to have adequate separation to increase the amenity of the building regarding visual privacy and daylight access, reduce building bulk and maintain view corridors. | The proposal complies with the height limit of 16m and significant effort has been made to minimise the perceived bulk of the building atop the embankment. Council has recommended the continuation of the vertical cladding along the Brunker Road frontage to the ground floor. This is considered to assist in providing textural articulation to this facade. | ✓ |  |  |
| B3.1.4 | Setbacks  :   * 20m setback to eastern boundary * 6m setback to northern and western boundary. * 10m setback to another boundary along Brunker Road to retain existing embankment and existing row of mature trees. * Setback zones are to be landscaped and excluding buildings. | A 6 metre landscaped setback is provided along the primary frontage to Nelson Short Street.  A 20 metre setback is provided to both Brunker Road and Graf Avenue. Both setbacks contain existing mature landscaping. | ✓ |  |  |
| B3.1.5 | Heritage   * Development to not adversely impact the heritage palms and maintain a buffer to Sydney water operational land. * Where possible conserve and maintain existing trees along the southern boundary of the Business Park. | The proposal is across the road from the state protect heritage palms and the Potts Hill water reservoirs. It is not considered the proposal will impact either item due to the distance between them. | ✓ |  |  |
| B3.1.6 | Vehicular Access, Parking + Servicing   * Vehicular access to site is to be from Brunker Road | The guidelines call for vehicular access to the site to be via Brunker Road. This is from the formation of Nelson Short Street during the redevelopment of the site. Access to the site is via two driveways on Nelson Short Street. Direct access would conflict with other principles and guidance that seeks to retain the existing vegetation along the southern portion of the site.  The provision of access off Nelson Short Street is considered a better planning outcome. Not only does this allow for the mature vegetation to be retained but also retains the existing embankment and topography of the site. | ✓ |  |  |
| B3.1.7 | Pedestrian and Cycle access   * All pathways and ramps to be to the minimum Australian Standards. * High quality safe and accessible pedestrian access to be provided to all public areas. * Clearly defined pedestrian pathways. | All pathways and accessways are to comply with the relevant Australian Standard as reinforced by the recommended conditions of consent provided in **Attachment A** of this report. Pedestrian markings are provided to ensure clear wayfinding. | ✓ |  |  |
| **B4 – Design Guidelines** | | | | | |
| B4.1 | Building Design   * Long horizontal articulations shall be incorporated into the design of buildings to balance monumental vertical planting and to reduce bulk of buildings given the site is location on a plateau. * Appropriately sized roof overhangs * Building facade along a road frontage of more than 40m to be articulated by:   + varying facade alignment and height   + varying material and colours   + Overhanging elements   + Breaking up the facade with windows and the use of structural features. | The proposal provides horizontal elements in the form of the roof and upper-level slab. The vertical cladding is proposed to balance this but has not been continued to the ground. Council is of the view this would achieve the balance sought by the guidelines and assist in minimising the perceived bulk of the building perched on the plateau. | ✓ |  |  |
| B4.2 | Building Entries   * Visible from the street and convenient for pedestrians * Clearly identifiable elements of the building in the street * Sheltered and highly visible spaces on the building entry for safe and secure access * Clear glazing * Separate entries for pedestrian and cars | The proposal includes a main pedestrian entry and lobby. This entry does not have a clear presence and is not easily distinguishable from the rest of the development.  Council has recommended a condition of consent requiring the vertical cladding element on either side of the main pedestrian entrance on Nelson Short Street be extended to the ground floor. This would frame the entry point and provided the distinction and identification sought by the guidelines. | ✓ |  |  |
| B4.3 | Facade Design + Materials   * Building material to complement surrounding landscape * Non reflective materials * High quality material | The proposed building is to be constructed with colourbond roofing, cladding, block and concrete walls. | ✓ |  |  |
| B4.4 | Sustainable Development   * Orientation, internal layout and design of the building should minmise energy consumption. Aspects to considered passive solar access, natural light to internal area, natural cross ventilation, landscaping. | The proposal provides for a number of view corridors that allow light penetration and natural ventilation of the proposed complex | ✓ |  |  |
| B4.6 | Site Landscaping + Layout | The proposal seeks to retain the existing mature landscaping. | ✓ |  |  |
| B4.7 | People Places   * Open space area for employees and visitors within or adjacent to landscaping * Horizontal facade elements to unit buildings * Passive recreation areas are to be incorporated with the building design with outlooks to reservoirs and the city skyline | The proposal now incorporates three employee breakout spaces. These spaces are co-located with the front landscaped setback and the northern side setback.  The upper-level space is considered to provide an outlook to the historical reservoirs and potential city outlooks as requested by the design guidelines. | ✓ |  |  |
| B4.8 | Water Management | While limited water recycling measures are noted, the stormwater runoff is collected in on site detention basins and gravity fed via an existing drainage system. | ✓ |  |  |
| B4.9 | Individual Site Entries and Signage | No external signage is proposed. |  |  | ✓ |
| B4.10 | Fences   * Fencing should be erected within the landscape setback. * All fence shall be made to durable and weather resistant material. | New 1.8m high palisade fence is proposed to be erected along the southern and eastern boundary. | ✓ |  |  |
| B4.11 | Safety & Security   * Natural surveillance from pathway and open space setbacks areas * Building entrances to be visible * Appropriate lighting | The proposal provides for view corridors and offices facing the road. This provides for a high level of natural surveillance from these internal spaces and from the employee’s amenities. | ✓ |  |  |
| B4.12 | Lighting   * Accent illumination can be provided at key location such as building entrances and driveways. * External lighting should be integrated into building form and designed to accentuate architectural form and features. * External lighting fixture design shall be compatible with the design and the use of the principal structure on the site. * All exterior light fittings shall be energy efficient types. | The applicant has not provided details of the lighting proposed. A condition is sought to be imposed to ensure any futurelighting installed does not interfere with the adjoining residences. | ✓ |  |  |
| B4.13 | Waste Management & Recycling   * Adequate garbage and recycling areas must be provided on every buildings. * Storage areas for rubbish bins are to be located away from the front of the development and are to be screened. | Each unit is of a sufficient size to accommodate individual bins. A communal bin storage room has also been allocated on the ground floor to ensure all bin storage is contained within the development and not visible from public view. | ✓ |  |  |

As seen in the tables above, the proposed development complies with the objectives and development controls of the Bankstown Development Control Plan 2015 and the Potts Hill Reservoir Concept Plan: Business Park Design Guidelines.

**Canterbury-Bankstown Local Infrastructure Contributions Plan 2022**

This Contributions Plan has been considered with recommended conditions of consent imposed in **Attachment A.**

1. **Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

1. **Section 4.15(1)(a)(iv) - Provisions of Regulations**

The proposed development is consistent with the relevant provisions contained in the Environmental Planning and Assessment Regulation 2021.

* 1. **Section 4.15(1)(b) - Likely Impacts of Development**

The consent authority must consider the likely impacts of the proposed development, including environmental impacts (both on the natural and built environments), social impacts and economic impacts on the locality.

Any potential impacts related to the proposal have been considered in the framework of the Environmental Planning Instruments and Council’s DCP controls as outlined in this report and are summarised below.

*Environmental impacts on the natural environment*

* Environmental studies / reports accompanying the application including a review of the ‘Review of previous site audit statement confirm that the site is suitable for commercial / industrial use subject to an updated Environmental Management Plan and subsequent monitoring. Conditions of consent in **‘Attachment A’***.*
* The detailed landscape plan provides for extensive plantings around the site and retention of trees where possible.

*Environmental impacts on the built environment*

* The subject site is unique in its zoning, topography, size, and location. Subsequently, the proposal is distinct in presentation. The development has been generally designed to ensure it appropriately responds to the site’s unique nature and the proposal is not considered to have a negative impact on the adjoining built environment subject to the draft conditions of consent (as per ‘**Attachment A**). Council has recommended specific conditions, that require minor amendments to the extension of the cladded façade treatment to the ground level along the Brunker Road façade and to frame the main entryway along Nelson Short Street. The conditions ensure the bulk and scale of the building is well presented in the context of the subject site and its locality.

*Social impacts on the locality*

* The proposed development is not considered to result in any adverse social impacts on the broader locality.
* The proposed development would provide significant employment opportunities during the construction and operational stages of the development.

*Economic impacts on the locality*

* The proposed development would provide significant employment opportunities during the construction and operation stages of the development.

It is considered that the proposal will not result in any adverse impacts in the locality as outlined above.

* 1. **Section 4.15(1)(c) - Suitability of the site**

The subject site has been earmarked for business park development. This proposal responds directly to the planning framework set by BLEP 2015, BDCP 2015 and the Potts Hill Business Park Design Guide. While the proposal does have a presence above the adjoining residential land due to the topography of the site and the proposed built form, significant efforts have been made by the applicant to design and treat the building to reduce the visual bulk. The final proposal in conjunction with the minor design amendments set out in the recommended conditions of consent (**Attachment A**) is considered to be of a bulk, scale, density and character that is compatible with the surrounding locality. As such, based on the above assessment, the site is suitable for the proposed development.

* 1. **Section 4.15(1)(d) - Public Submissions**

The proposal was notified in accordance with the Council’s Community Participation Plan from 12 October 2022 until 2 November 2022. No submissions were received in response.

* 1. **Section 4.15(1)(e) - Public interest**

The proposed development would not contravene the public’s interest or the interest of any parties or bodies representing the public. As demonstrated throughout this report, the proposal is consistent with the provisions contained with the relevant Environmental Planning Instruments and Council’s Development Control Plans.

1. **REFERRALS AND SUBMISSIONS**
   1. **Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 8.

**Table 8**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Agency** | **Concurrence/**  **referral trigger** | **Comments**  **(Issue, resolution, conditions)** | **Resolved** | |
| **Y** | **N** |
| Referral/Consultation Agencies | | | | |
| Transport for NSW | Division 17 Roads and traffic  Subdivision 2 Division 17 Roads and traffic  Subdivision 2 Development in or adjacent to road corridor and road reservations  2.122 Traffic-generating development  Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2 | The proposal has been assessed by Transport NSW and no objections were raised to the development. | ✓ |  |

* 1. **Council Officer Referrals**

The development application has been referred to various Council officers for technical review as outlined **Table**

**Table 9**

|  |  |  |  |
| --- | --- | --- | --- |
| **Agency** | **Comments** | **Resolved** | |
| **Y** | **N** |
| Engineering | Council’s Development Engineer has reviewed the proposal and their recommended conditions have been attached as draft conditions of consent. | ✓ |  |
| Traffic | Council’s Traffic Engineering Officer reviewed the proposal at various revisions. No concerns. | ✓ |  |
| Building Surveyor | Council’s Building Surveyor reviewed the proposal and had no objections to the proposal, subject to conditions of consent. | ✓ |  |
| Environmental Health | Council’s Environmental Health Officer has reviewed the submitted documentation and no objection is raised, subject to conditions of consent. | ✓ |  |
| Tree Management | Council’s Tree Management Officers have reviewed the proposal and submitted arborist report. No objections were raised, subject to their recommended conditions of consent. | ✓ |  |

* 1. **Community Consultation**

The proposal was notified in accordance with the Council’s Community Participation Plan from 12 October 2022 until 2 November 2022.

The notification included the following:

* Notification letters sent to adjoining and adjacent property owners and occupiers (98 letters in total); and
* Notification on the Council’s website.

The Council received no submissions in relation to the proposed development.

1. **CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and environmental factors identified in this report, it is considered that the application can be supported subject to the draft conditions contained with **Attachment A** of this report.

It is considered that the key matters (as outlined throughout the relevant sections of this report) have generally been resolved to Council’s satisfaction and the remaining matters in relation to the vertical continuation of the cladded projection are addressed by the recommended draft conditions at **Attachment A**.

1. **RECOMMENDATION**

That the Development Application No DA-698/2022 (PPSSSH-121) for the construction of a two-storey, 66-unit industrial business park, with associated parking and landscaping at 10 Nelson Short Street Potts Hill be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A.**

The following attachments are provided:

* Attachment A: Draft Conditions of consent
* Attachment B: Architectural Plans