

## REASONS FOR RECOMMENDATION

**Application No.:** PPSSH-182- DA-1182/2024

Having regard to the assessment of the Application, Development Application No. DA1182/2024 should be refused for the following reasons:

1. The proposed development has failed to demonstrate that the site can be suitably remediated and made suitable for the proposed development as required under section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience and Hazards SEPP') and therefore development consent cannot be granted.
2. The application to vary the maximum building height development standard in clause 6.16(3)(a) of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP), submitted under clause 4.6 of the CBLEP fails to identify all components of the development exceeding the height development, and demonstrate the matters in clause 4.6(3) of the CBLEP. The consent authority cannot be satisfied of the matters in clause 4.6(3) of the CBLEP.
3. The proposed development exceeds the maximum floor space ratio (FSR) development standard in clause 6.16(3)(b) of the CBLEP. An application to vary the FSR development standard clause 6.16(3)(b) of the CBLEP is not included in the application. The consent authority cannot be satisfied of the matters in clause 4.6(3) of the CBLEP.
4. The site contains flood prone land and an inadequate assessment in relation to the compatibility of the development with the flood function and behaviour of the land and the associated flood impacts and has been provided. Therefore, the consent authority could not be satisfied of the matters in clause 5.21(2) of the CBLEP 2012.
5. The Preliminary Site Investigation (PSI) accompanying the application identifies that a Detailed Site Investigation (DSI) involving additional intrusive contamination testing soils and expanded groundwater investigation is required to render the site suitable pursuant to section 4.6 of the Resilience and Hazards SEPP. A DSI has not been provided. Therefore, insufficient information is provided for the consent authority to properly consider the matters in clause 6.2(3)(b), (6.2)(3)(d), 6.2(3)(g) and 6.2(3)(h) of the CBLEP.
6. The application fails to demonstrate avoidance of significant adverse stormwater runoff impacts. Furthermore, insufficient information is provided to properly assess and determine the location and details of the proposed on-site detention system (OSD) system. Therefore, the consent authority could not be satisfied of the matters in clause 6.3(3) of the CBLEP.
7. The development involves the construction of buildings that will intrude within a prescribed airspace and requires a controlled activity approval pursuant to section 182 of the *Airports Act 1996*. A controlled activity approval under section 182 of the *Airports Act 1996* has not been obtained by the Applicant and therefore development consent could not be granted pursuant to clause 6.8 of the CBLEP.
8. Insufficient information is provided to determine whether adequate arrangements for on-site detention (OSD) have been made and therefore the consent authority could not be satisfied of the matters in clause 6.9(d) of the CBLEP.

9. Insufficient information is provided to determine whether adequate arrangements for vehicular access have been made and therefore the consent authority could not be satisfied of the matters in clauses 6.9(f) of the CBLEP
10. The development does not exhibit design excellence pursuant to clause 6.16(ii), 6.16(v) and 6.16(viii) of the CBLEP in that suitable vehicular access, sufficient deep soil areas and modulation for adequate solar access and natural ventilation of the proposed residential apartments in accordance with the Apartment Design Guide (ADG) has not been achieved.
11. Inadequate information is provided to properly assess and determine the likely impacts of the proposed development in relation to flooding, stormwater drainage, traffic generation and the management of site contamination and construction works pursuant to section 4.5(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
12. The site is unsuitable for the proposal pursuant to section 4.15(c) of the EP&A Act, as the site contamination cannot be appropriately remediated and the development is incompatible with the flood function and behaviour of the land.
13. The proposal is not in the public interest pursuant to section 4.15(e) of the EP&A Act as the proposal does not result in the orderly development of the land.