

10 November 2025

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Via email: amanda.moylan@planning.nsw.gov.au

CC: Tracey Gillett (Planning Panels Team)

Dear Ms Moylan,

**DA-1182/2024 – Request for Deferral of Sydney South Planning Panel Determination
Compass Centre – 83-99 North Terrace, Bankstown**

This letter has been prepared by Colliers Urban Planning on behalf of Barings Real Estate Australia (Barings) to request a **deferral** of the Sydney South Planning Panel's (Panel) determination relating to the development application (DA) (DA-1182/2024) at 83-99 North Terrace, Bankstown (Compass Centre site).

The subject development seeks consent for the redevelopment of the Compass Centre site including the demolition of all existing structures, tree removal, site preparation and early works, bulk excavation, remediation works, and construction of a mixed-use development comprising a two level basement and a five storey mixed use podium with substantial non-residential floor space and ground level activated through-site link connections, 3 towers above, including a 19-storey hotel tower and two 24-storey residential towers comprising 336 new well-located homes.

The project underwent review by Council's Design Review Panel (DRP) and the design was strongly endorsed, noting that it achieves '*a potential development that could set a high standard for the nature of new developments in the centre of Bankstown*' and that '*the Panel does not feel the need to fully review the project again*'. While the DRP is advisory, this is a clear indication of an impartial professional review as commissioned by Council which should be taken into consideration in the Panel's decision.

Canterbury Bankstown Council has recommended that the application be refused. The purpose of this letter is to address the recommended reasons for refusal, demonstrating that some issues have been resolved, while others are readily resolvable with a deferral of the determination.

As detailed in **Section 3.0**, we request deferral for a January 2026 Planning Panel Briefing and Determination, providing adequate time to finalise all outstanding technical matters and to allow for a separate meeting to be held between the project team, SJB Planning and Council to discuss the outstanding items raised in the assessment report to allow for these to be appropriately resolved. Barings met with Council's Chief Executive Officer (CEO) and Director of Planning on Thursday 6 November to express frustrations with the process and outcomes of the assessment report. Council was in agreement that these issues could all be resolved through further consultation with Council's technical team and were supportive of a deferral to allow this consultation to take place.

Many of the outstanding issues identified in the assessment report differ from the original request for information (RFI) matters or include completely unique issues. The RFI submitted on 1 July 2025 did not introduce new elements to the design and therefore it would have been reasonable, for SJB to have assessed and raised many of

the concerns as part of the original RFI to allow for these to be addressed. Importantly, all these technical matters are resolvable, and the Applicant would have been more than willing to work with Council and SJB Planning to resolve the issues if provided the opportunity as part of a RFI.

1.0 Housing Supply

The NSW State Government has agreed to a National Housing Accord with other states and territories, local government, institutional investors and the construction sector. The Accord includes an initial aspirational target agreed by all parties to build 1.2 million new well-located homes over 5 years from mid-2024. NSW has a target to deliver 377,000 new homes over five years by July 2029 under the National Housing Accord, with Canterbury-Bankstown Council (Council) contributing with a target of 14,500 new completed homes by 2029.

Furthermore, the NSW Minister for Planning and Public Spaces (Minister), Paul Scully specifically wrote to all Planning Panel Chairs in 2023 stressing that Planning Panels play a critical role in addressing the housing crisis and that the delivery of housing should be prioritised when assessing and determining applications.

This project provides significant housing supply with 336 new well-located homes delivering on local housing targets, and broader State and National Housing Accord targets. Additionally, the proposal provides 15,677m² of non-residential floor space, with ground floor retail activation and through-site links providing direct connections to and from Bankstown railway station (and future metro station) WSU Bankstown Campus, Paul Keating Park, and Bankstown Central Shopping Centre. A refusal of the DA will jeopardise the project's ability to progress in the future and may result in this significant site in the Bankstown City Centre being underutilised for many years to come, maintaining its ageing retail arcade and failing to act on the local and State strategic vision to revitalise and activate the Bankstown City Centre, as well as deliver much-needed well located housing adjacent to public transport.

We acknowledge that the Planning Panel operate within target timeframes, and whilst we recognise that a deferral would extend the process beyond these timeframes, we respectfully submit that the priority should be on ensuring a thorough and informed outcome, rather than adherence to a target timeline. Planning decisions of this scale and significance, particularly in relation to delivery of housing and significant public benefit, warrant collaboration and careful consideration above all else.

2.0 Development Assessment Process

To this end, the Applicant is concerned that since the lodgement of the DA on 22 October 2024, there has been one (1) request for information (RFI) from SJB Planning, the independent assessor for the DA on behalf of Council, which was issued on 18 February 2025 and listed 33 items to be addressed. In response, the project team prepared a comprehensive RFI response which was submitted to SJB Planning and Council on 1 July 2025. Following lodgement of this RFI response, there was no update from SJB Planning or Council on the status of any of the technical matters raised in the RFI, with these issues only being identified as outstanding for the first time in the assessment report which was issued on 3 November 2025 with accompanying recommended reasons for refusal.

There have been consistent efforts from the project team to receive updates from SJB Planning and Council on the status of the assessment and on any outstanding issues following the RFI Response that was submitted on 1 July 2025. As part of this correspondence, there has been no input from SJB Planning who have not responded to phone calls, nor responded to emails, and Council has consistently noted that they cannot advise on the status of issues, as they are conflicted due to probity concerns given its landownership of the adjoining site at 62 The Mall.

Given this is the case, the Applicant has been left unaware that there were outstanding issues to be resolved, with these first made apparent when the assessment report was uploaded to the Portal on 3 November 2025. All these outstanding issues are technical matters that are resolvable, and the Applicant would have been more than willing to resolve these if they were made aware of these by SJB Planning and Council.

Below is a summary of our emails, phone conversations and meetings with SJB Planning and Council in relation to the status of assessment matters, following the RFI response on 1 July 2025 until the receipt of the assessment report:

- **2 July 2025:** Phone call to Council Assessing Officer to follow up and discuss the next steps following the issue of the RFI Response, followed by a response noting that Council sought instruction from the Panel as to whether they accept the minor amendments included in the RFI response.
- **7 July 2025:** Follow up email to Council to request confirmation as to whether the response was accepted by the Panel. This email received an autoreply noting that the Assessing Officer was on leave until 18 August 2025.
- **9 July 2025:** Email to Council Planning Coordinator requesting a briefing meeting with SJB Planning for the Applicant to be able to discuss the scope and extent of the RFI response. Council responded requesting clarification as to whether the public benefit offer was included in the scope of the DA and did not provide an opportunity for a meeting to take place with SJB Planning to discuss the RFI response.
- **10 July 2025:** Email to Council confirming the public benefit offer was to be included in the scope. Noting that this was subsequently not supported by Council at the 26 August 2025 Ordinary Council meeting, removing it from the scope of the DA.
- **15 August 2025:** Record of Decision issued by the Panel confirming that the RFI response and minor amendments to the DA received on 1 July 2025 were accepted by the Panel pursuant to section 37 of the Environmental Planning and Assessment Regulation 2021, following a letter that was issued by SJB Planning to the Panel on 6 August 2025.
- **1 September 2025:** A Panel meeting was held on 1 September 2025 to discuss the status of the assessment and any outstanding information or unresolved assessment issues. Despite the agenda of this meeting being to provide an update on '*the status of assessment and any outstanding information or unresolved assessment issues*', there were no further comments made by SJB Planning in relation to the status of any assessment matter that may have required further information to be resolved. As summarised in the Panel's Record of Briefing for this meeting, there were '*no further comments on the merits of the application, beyond those provided in Council's RFI*'. SJB Planning did not raise any outstanding issues apart from agency referrals, including from Water NSW (which had already been resolved on 4 July 2025 as noted in the below point) and Transport for NSW (who raised no issues).
- **1 September 2025:** Email issued by Colliers Urban Planning to Water NSW on 1 September 2025 following the Panel Meeting to follow up the status of the Water NSW referral, to which Water NSW responded on the same day confirming that the General Terms of Approval were issued to Council on the Portal and via email on 4 July 2025, with this not being communicated to the Applicant or SJB Planning.
- **1 September 2025:** Email issued by Colliers Urban Planning to Council and SJB Planning requesting clarification on exhibition and referral timeframes following the RFI Response.
- **5 September 2025:** Email to Council and SJB Planning confirming that the minor amendment to the DA to increase the setback to Phil Engisch Reserve was submitted on the Planning Portal following the Panel's instruction in the record of briefing.
- **8 September 2025:** Phone call to SJB Planning reception leaving a message for a return call from the assessing officer, being informed that a message will be left for a return call, and no return call was received.

- **9 September 2025:** Email to Council with SJB Planning copied in requesting clarification on Council's position on re-exhibition and re-referral as soon as possible. Council responded on 10 September noting that Council cannot make decisions on renomination and that these matters are for SJB to advise on.
- **10 September 2025:** Phone call to SJB Planning reception leaving a message for a return call from the assessing officer, being informed that a message will be left for a return call, and no return call was received.
- **10 September 2025:** Phone call to another staff member of SJB Planning leaving a message for a return call, with no return call received.
- **11 September 2025:** Email to Council with SJB Planning copied in following up the outcome of SJB's decision to refer and re-exhibit the minor amendment to the DA.
- **12 September 2025:** Council email response noting that a seven (7) day renomination take place and that internal referrals be made again to allow for consideration of the RFI responses.
- **23 September 2025:** Email to Council with SJB Planning copied in requesting clarification as to whether internal and external referrals have been resolved and any comments/issues that may have been raised. Council responded and did not indicate whether there were outstanding assessment issues.
- **30 September 2025:** Email to Council with SJB Planning copied in requesting clarification as to whether internal and external referrals have been resolved and any comments/issues that may have been raised. Council responded and did not indicate whether there were outstanding assessment issues, only noting that it will be for SJB Planning to determine how any issues raised in the referrals are to be managed.
- **1 October 2025:** Phone call from Council assessment officer in which we requested an update on the assessment report outcome, status and recommendation, with Council noting that it was premature for a timing and direction on the recommendation of the assessment report to be provided.
- **9 October 2025:** Email to Council with SJB Planning copied in following up the status of the referrals and when the assessment report and draft conditions could be issued for review ahead of the Panel meeting.
- **10 October 2025:** Council email response noting that Council would have to advise separately on when an assessment report and conditions would be made available, with it being premature at this stage but that Council will inform us when they know. This correspondence indicated that there were no outstanding issues.
- **16 October 2025:** Email to Council with SJB Planning copied in following up the status of the referrals, which Council responded to confirming there was one outstanding referral.
- **16 October 2025:** Further email to Council with SJB Planning copied in, requesting confirmation on the recommendation of SJB's assessment report.
- **17 October 2025:** Email from Council noting that Council will not know the recommendation in SJB's assessment report until the report is provided to the Panel.
- **27 October 2025:** Email to Council with SJB Planning copied in, following up to confirm the assessment report would be issued by the end of the week commencing 27 October.
- **28 October 2025:** Phone call from the Applicant to SJB Planning, which is the first phone conversation with SJB Planning, likely as this came from the Applicant's unknown phone number. The Applicant requested confirmation of the recommendation included in the assessment report and SJB Planning advised this could not be provided. This was followed by a phone call from Council to the Applicant advising that they should not be contacting SJB Planning and that contact is only to be directly with Council.

As demonstrated through the above summary of consultation with Council and SJB Planning from lodgement of the RFI Response on 1 July 2025 through to the receipt of the assessment report, there has been no indication provided as to whether any issues remained outstanding. Given this is the case, due process has not been provided to the applicant to respond to the outstanding issues, the vast majority of which differ from the original RFI matter or include completely unique issues. The RFI submitted on 1 July 2025 did not introduce new elements

to the design and therefore it would have been reasonable, for SJB to have assessed and raised many of these matters as part of the original RFI. Importantly, all these technical matters are resolvable, and the Applicant would have been more than willing to work with Council and SJB Planning to resolve the issues if provided the opportunity as part of a further RFI.

It is also noted that correspondence from Council indicated that a recommendation for approval was to be issued, as Council noted they would advise separately on when draft conditions were to be issued as outlined in Council's email on 10 October 2025. This email also referred to it being 'premature' to advise on the status of the assessment report and draft conditions, indicating that time constraints led to an expedited recommendation from SJB Planning as there was inadequate time to resolve outstanding matters through an additional RFI. Evidently, careful consideration of all issues has not been provided as a result of the applicable time constraints which is critical to allow for the appropriate outcome for a planning decision of this scale and significance.

3.0 Technical Responses and Deferral Request

A detailed response to the recommended reasons for refusal is included at **Attachment A**. We acknowledge that given that the Applicant was only made aware of the outstanding issues on 3 November 2025 upon receipt of the assessment report and recommended reasons for refusal, there remain some final detailed outstanding matters, relating to contamination, stormwater, flooding, and prescribed airspace (which is pending approval), to be fully resolved. The project team is currently working to resolve these matters, with detailed responses provided in **Attachment A** and the other supporting documents including:

- Updated Clause 4.6 Variation Request prepared by Colliers Urban Planning (**Attachment B**).
- Architectural Response Pack prepared by PTW (**Attachment C**).
- Wind Tunnel Report prepared by CPP Engineering Consultants (**Attachment D**).
- Updated Civil Engineering Drawings prepared by Robert Bird Group (**Attachment E**).
- Civil Engineering Statement prepared by Robert Bird Group (**Attachment F**).
- Traffic Statement prepared by PTC (**Attachment G**).
- Cross Ventilation Statement prepared by CPP Engineering Consultants (**Attachment H**)
- Updated Noise and Vibration Impact Assessment prepared by E-LAB (**Attachment I**).
- Details of Linear Bin Track System prepared by Elephants Foot Recycling Solutions (**Attachment J**).

On this basis, it is requested that the Panel provides a deferral that is commensurate with the time required to undertake the required technical studies for the outstanding matters, as detailed in **Attachment A**. To assist in the request for deferral, please find below a timeline for when the information to resolve the aforementioned matters is anticipated to be provided to SJB and Council (which is also summarised in **Table 1**):

- **Detailed Site Investigation:** Friday 12 December 2025
- **Remediation Action Plan:** Friday 12 December 2025
- **Site Audit Statement:** Friday 12 December 2025
- **Updated Flooding Assessment including remodelling and Flood Emergency Response Plan:** Friday 12 December 2025.
- **Controlled Activity Approval from Bankstown Airport:** Subject to timing of approval, which is expected in three weeks' time following 10 October 2025 (approx. 1 December 2025).
- **Preliminary Construction Traffic Management Plan:** Prior to Monday 17 November Panel Briefing Meeting.

- **Minor updates to Architectural Drawings and Landscape Plans as detailed in Attachment A:** Prior to Monday 17 November Panel Briefing Meeting.

Additionally, given that the Applicant has not been able to directly contact SJB Planning or receive any indication from Council with regard to the status of assessment matters, many of which relate to internal Council teams, it is requested that the Panel please provide a direction for SJB Planning and Council to meet with the Applicant to discuss the response to the outstanding matters as detailed in this letter and the response in **Attachment A**. This will allow for the careful consideration and resolution of these matters, as is required for planning decisions of such significance and scale.

In line with the Minister's directive for Panel Chairs, this will prioritise a project with significant housing delivery, in line with local housing targets, the State and Commonwealth Housing Accord Targets, and kickstart the rejuvenation of Bankstown City Centre in this key location adjacent to Bankstown railway station (and future metro station), Paul Keating Park, Western Sydney University Bankstown Campus, and Bankstown Central Shopping Centre, in accordance with local strategic plans and the TOD rezoning of Bankstown. We note that to date Barings has invested \$4,500,000 on this DA and is committed to achieving the intended revitalisation of this key site to galvanise the renewal of the Bankstown City Centre in line with government strategic plans.

Council's DRP has also strongly endorsed the design of the DA, stating that it is '*a potential development that could set a high standard for the nature of new developments in the centre of Bankstown*', which is an impartial professional review commissioned by Council that should be taken into consideration in the Panel's decision.

Table 1 Status of addressing recommended reasons for refusal

Recommended reason for refusal	Status	Timeframe to resolve
1, 5, 11, 12 and 13	Contamination and remediation	Currently being resolved
2	Building height	Resolved
3	FSR	Resolved
4, 11, 12 and 13	Flooding	Currently being resolved
6, 8, 11 and 13	Stormwater / OSD	Resolved
7	Controlled activity approval (airspace)	Currently being resolved
9, 11 and 13	Vehicular access and traffic	Resolved
10	Design excellence	Resolved

Following from these timeframes, we request deferral for a **January 2026** Planning Panel Briefing and Determination, providing adequate time to finalise all outstanding technical matters and to allow for a separate meeting to be held between the project team, SJB Planning and Council to discuss the outstanding items raised in the assessment report to allow for these to be appropriately resolved. Barings met with Council's CEO and Director of Planning on Thursday 6 November to express frustrations with the process and outcomes of the assessment report. Council was in agreement that these issues could all be resolved through further consultation with Council's technical team and were supportive of a deferral to allow this consultation to take place.

We urge the Panel to consider the broader benefits this proposal will bring to the community of Bankstown, and the Canterbury-Bankstown local government area more broadly and defer the determination accordingly.

Should you have any additional queries or require any further information on this matter, please do not hesitate to contact the undersigned.

Yours sincerely,



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Attachment A – Response to Reasons for Refusal

Table 2 Response to Reasons for Refusal

Reason	Response
Reasons 1 and 5 – Contamination	
<p>1. <i>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.</i></p> <p>5. <i>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.</i></p> <p><i>These reasons include the following further commentary as set out in the assessment report.</i></p> <ul style="list-style-type: none"><i>The additional information provided as part of the response to Council's request for information (RFI) including a Remediation Action Plan (RAP) and a Memorandum in Relation to Contamination Investigations is considered inadequate for the following reasons:</i><ul style="list-style-type: none"><i>A RAP cannot be developed when the nature and extent of contamination is unknown. A DSI is required to determine this.</i><i>It would be inappropriate and premature to accept and impose conditions regarding a RAP that is subject to future change without further review from Council. If the RAP can be altered depending on future circumstances, it is effectively unenforceable.</i><i>The proposed development includes sensitive receivers (childcare centre and residential) and the site has a history of high-risk activities such as a service station</i>	<p>The details relating to this reason as set out in the assessment report and reproduced in this table were never raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.</p>
<p>In response to this comment, Douglas Partners is preparing a Stage 2 'Limited' DSI and an Updated RAP to reflect the DSI. An EPA accredited site auditor has also been appointed to prepare an Interim Site Audit Statement, with the objective of demonstrating that the site is or can be made suitable for the proposed development in accordance with Section 4.6(1) of the Resilience and Hazards SEPP. These items are in the process of being prepared and will include a timeframe to be prepared of four (4) weeks from 10 November. Accordingly, it is requested that the deferral timing allows for these documents to be received prior to determination.</p> <p>It is noted that the Stage 2 DSI investigation will be 'limited' due to the existing building and occupancy of areas by tenants where drilling is not possible and would require destructive demolition works to allow for further investigations to take place. Additionally, there are existing tenants on the premises that under Section 44 of the <i>Retail Leases Act 1994</i> require at</p>	

and dry cleaners. For these reasons, expert oversight is considered both reasonable and necessary.

The Council's EHO Officer's assessment concludes that an NSW Environment Protection Authority (EPA) accredited site auditor must be appointed to audit reports compiled as part of the contaminated land assessment, remediation, and validation process due to the lack of documentation and investigations undertaken.

Accordingly, the application in its current form does not demonstrate that the land is suitable or will be made suitable for the proposed land use pursuant to section 4.6 of the Resilience and Hazards SEPP and development consent could not be granted in this circumstance.

least six (6) months' notice prior to being evicted from the site, which has not been given to the operating tenants. This is because the expectation has been that notice would be given to these existing tenants following approval, prior to construction certificate, when there is certainty that the existing tenants will not be required. The destructive works for further drilling will result in tenancies that are left vacant until a time that there is an approval on the site which would result in a vacant site in the Bankstown City Centre until a time that an approval is granted for redevelopment of the site. It is not in the public interest to have a dilapidated building sit vacant for a prolonged period.

Reason 2 – Height of Building Clause 4.6

6. ***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.***

This reason includes the following further commentary as set out in the assessment report.

- The proposed maximum building height is unclear. Inconsistent information regarding the proposed building has been provided as follows:***
 - The RFI response letter, prepared by Ethos Urban, dated 1 July 2025, identifies a maximum height of 86.18 metres (RL 107.95).***
 - Section 1.0 and Table 2 of the written request identify a maximum height of 85.85 metres (RL107.95).***
- The "South Elevation" extracts included at Figure 2 of the written request are inconsistent with the southern elevations included in the set of architectural plans. The extracts in Figure 2 appear to reflect the eastern elevations of each building.***

The details relating to this reason as set out in the assessment report and reproduced in this table were never raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

It is clarified that the maximum building height is 85.85m (RL107.95) as detailed in the Clause 4.6. It is also clarified that this is the same height as the original proposal lodged with the DA on 22 October 2025.

An Updated Clause 4.6 Variation Request has been prepared by Colliers Urban Planning and is included at **Attachment B**. This includes an update to this figure to correctly reference that this figure shows the eastern elevation of each building.

- The written request argues that the components that exceed the height limit exclude habitable space which appears to be inconsistent with the elevation drawing extracts provided in the document. Figure 2 of the written request includes elevations which***

There are no window openings or balcony areas exceeding the height limit. The proposal includes a solid and glass parapet which presents consistently with the lower levels of the respective buildings for design continuity and consistency, and which is already considered as

identify window openings and balcony areas exceeding the height limit. For this reason, the external façade design of the uppermost level of Building B and Building C (i.e., rooftop/Level 24) requires clarification. Extracts of the elevations presented in the written request are included in Figure 21 below.

- The architectural plans and landscape plans demonstrate an awning surrounding the lift core and stairs at the rooftop level (i.e., Level 24) of Building B and Building C, elevations of which have not been provided. These awnings will exceed the maximum height limit and have not been included in the written request.
- The Qualitative Wind Assessment, prepared by CPP Wind Engineering Consultants, dated 30 May 2025 (Page 16) recommends a range of wind mitigation measures for the rooftop levels of Building B and Building C. Such measures include the installation of a 1.8-metre-high balustrades and the construction of vertical enclosures by “joining the rooftop awning/canopy to the balustrade or wall”. In the event that the additional wind mitigation measures are incorporated into the development, these structures will exceed the building height limit and are not included in the written request.

With regards to the unreasonable and unnecessary test in clause 4.6(3)(a):

- The arguments provided in response to Method 1 of the ‘Wehbe Test’ require specific examples of how the objectives of the relevant development standard is achieved and must relate to the proposed building height exceedances.
- The objective of clause 6.16 of the CBLEP refers to the achievement of design excellence that contributes to the visual and built character of Bankstown. A design excellence assessment is provided in Table 3 of the written request. This relies on separate documents as grounds for justification and does not provide specific details or explanation. For example, the arguments advanced under clause 6.16(4) broadly refers to the Design Report but fails to provide specific examples and evidence to demonstrate that a high standard of architectural design, materials and detailing will be achieved and how the bulk, massing and modulation of each building has been addressed.

part of the Clause 4.6 Variation Request that was submitted on 1 July 2025. This is clarified in the Architectural Response Pack prepared by PTW included at **Attachment C** which shows this parapet in greater detail. Consistent with the Clause 4.6 Variation Request, no habitable elements exceed the maximum building height. This could have been easily clarified during the RFI process when the clause 4.6 was issued on 1 July 2025.

The awning around the lift core and stairs is not required on the rooftop, as confirmed in the Wind Tunnel Report prepared by CPP Wind Engineering Consultants dated May 2024 which superseded the Qualitative Wind Assessment, and which is included at **Attachment D**. This confirms that an awning is not required for the purposes of wind mitigation and that wind mitigation is effectively achieved through the parapet included in the design and which is already considered in the Clause 4.6 Variation Request that was submitted on 1 July 2025. The Architectural Drawings and Landscape Plans will be updated to remove the awning from the rooftop ahead of the Panel Briefing meeting.

The Wind Tunnel Report prepared by CPP Wind Engineering Consultants dated May 2024 which superseded the Qualitative Wind Assessment confirms that an awning is not required for the purposes of wind mitigation on the rooftop and that wind mitigation is effectively achieved through the balustrade/parapet included in the design, which subject to the Wind Tunnel Report requires a height of approximately 2.1m. The Updated Clause 4.6 Variation Request at **Attachment B** clarifies that this parapet which exceeds the building height (as shown in the original Clause 4.6 Variation Request) also provides required wind mitigation, while being designed in alignment with the materials and finishes of the below levels to achieve design continuity and consistency, as detailed in Table 3 of the Report.

An Updated Clause 4.6 Variation Request has been prepared by Colliers Urban Planning and is included at **Attachment B** which provides specific examples within the report with regard to how the proposed components that exceed the maximum building height achieve a high standard of architectural design, materials and detailing, and how the bulk and massing of these elements have been effectively modulated. This is summarised below.

Achievement of a high standard of architectural design, materials and detailing appropriate to the building type and location

A high standard of architectural design and materials have been used in the development, and this is continued for the elements exceeding the building height by using materials and detailing that are appropriate to the aspects of the residential towers that they form part of, including the plant, lift overrun, lift lobbies and parapet. The façade materiality system continues through to the parapet to ensure a high standard of architectural design is achieved. This is illustrated in

the proposed materials and finishes schedule included in Table 3 of the Updated Clause 4.6 Variation Request (**Attachment B**) in which where it is clearly shown that the materiality of the rooftop element that exceeds the maximum building height is a continuation of the materiality used in the lower levels. In this regard, the parapet involves a solid and glass balustrade that presents consistently with the lower level materials including a combination of finishes with clear glass, combined with painted Dulux 'Bedbox' for design continuity and consistency. The rooftop plant, lift overrun, and lift lobby include a combination of painted finishes, concrete and glass, all of which are finishes adopted for the lower levels and therefore allows for design continuity in presentation. This is illustrated in Table 3 of the Updated Clause 4.6 Variation Request at **Attachment B**. This materiality is vastly consistent with the approaches taken on the Flinders Centre and Spring Square developments.

Furthermore, with respect to materiality and detailing, the Design Review Panel (DRP) did not raise any comments regarding the materiality and detailing of the proposal following the final meeting that took place where it strongly endorsed the design, noting that it achieves 'a potential development that could set a high standard for the nature of new developments in the centre of Bankstown' and that 'the Panel does not feel the need to fully review the project again'. It is reiterated that while the DRP is advisory, this is a clear indication of an impartial professional review as commissioned by Council which should be taken into consideration in the independent preparation of the assessment report having regard to the design excellence achieved by the materiality of the development.

Bulk, massing and modulation of buildings

The proposed development's massing has been guided by the floor space provisions of the Canterbury-Bankstown LEP 2023, the envisaged height in the Bankstown City Centre Master Plan, and the Apartment Design Guide design criteria relating to building separation. The proposal delivers a built form outcome consistent with that envisaged in the Bankstown City Centre Master Plan. The additional building height is confined to rooftop elements including plant, lift overrun, lift lobby and the parapet, all of which have been carefully modulated so as to not be substantially noticeable, nor cause any significant visual impact compared to a compliant scheme, as is detailed in Section 4.2.1 of the Updated Clause 4.6 Variation Request with regard to the subheading addressing 'good design' and detailed in the following row of this table. Also, as detailed in Section 4.2.1 of the Clause 4.6 Variation Request, the additional building height has been carefully modulated to result in negligible additional adverse overshadowing impacts, with the minor additional shadow only being cast over the railway station, streets and commercial uses to the south of the railway line, with no additional overshadowing caused to residential uses or public open space by this additional height.

With regards to the environmental planning grounds as required under clause 4.6(3)(b):

- Specific examples and clear demonstration of each of the environmental planning ground relied upon to justify the proposed building height exceedance is not documented in the written request. For example:

- The argument advanced in the written request identifies that the development exhibits good design and states that the proposal has been carefully designed to ensure that the components exceeding the height limit "seamlessly integrate with the design of the development to exhibit design excellence" and that the plant elements have been "located centrally within the site and are not visually dominant features that are noticeable from the public domain". However, specific examples and evidence (such as diagrams of these components within the surrounding context) to demonstrate these arguments are not provided.
- Avoidance of visual impact in addition to other additional environmental impacts is also mentioned, however the specific impacts which are avoided and how this is achieved is not evaluated or demonstrated in the written request.

The details relating to this reason as set out in the assessment report and reproduced in this table were never raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

The Updated Clause 4.6 Variation Request at **Attachment B** includes photomontages from key public domain viewpoints which clearly demonstrate the negligible visual impact caused by the proposed variation to the building height control. These photomontages demonstrate that the plant elements which include the tallest proposed heights, being a variation of 2.85m (3.4% variation), are centrally located and are therefore not visually dominant features that are noticeable from the public domain. The wording has been updated to remove reference to 'other additional environmental impacts' to remove any confusion as the relevant environmental impact considerations are specifically referenced and addressed in the report.

It is also noted that as submitted in the original Clause 4.6 Variation Request, a portion of the parapet of Buildings B and C exceeds the building height development standard. This variation ranges between 0.12m (0.1%) and 0.84m (1%). These elements have been carefully integrated into the design of the development to provide a seamless transition between portions of the building that comply with the building height control and the parapet which marginally exceeds the building height control. The parapet only exceeds the building height control by up to 0.84m (1%), predominantly at the eastern edge of the site where it interfaces with the future development in the Bankstown Central Town Centre Precinct, which is mapped with a maximum building height of 86m.

Given the greater height mapped for the future Bankstown Central development in the Town Centre Precinct, the increased height of the parapet in this location allows for a positive built form outcome, that responds to the greater height of the adjacent Town Centre Precinct of Bankstown Central. It also accentuates the importance of 'The Avenue' by positioning a slightly taller element in this location that corresponds with a future even greater height to be delivered along the eastern edge in Bankstown Central's Town Centre Precinct. This will importantly allow these towers to act as visual and directional markers to guide visitors through 'The Avenue' which is the key north-south pedestrianised spine of the Bankstown City Centre connecting from Bankstown Sports Club through the future metro plaza to the ground plane retail at The Appian Way and to the civic precinct including Paul Keating Park and WSU Bankstown Campus. Further detail is provided in the Updated Clause 4.6 Variation Request at **Attachment B**.

Reason 3 – Floor Space Ratio

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.***

This reason includes the following further commentary as set out in the assessment report.

Clause 6.16(3)(b) of the CBLEP permits the erection of a building to which the clause applies resulting in a maximum FSR of 5:1 provided that the development exhibits design excellence.

The original application did not include GFA diagrams for the basement levels, ground level and Levels 1 to 15 to enable a proper assessment of the GFA and determine the proposed FSR. In response to the RFI, GFA diagrams for each level of the development was provided.

The amended application identifies that the development has a total GFA of 40,837m² and FSR of 5:1.

Assessment of the GFA diagrams demonstrates that the Applicant's calculation of gross floor area (GFA) is inconsistent with the definition of GFA in the Dictionary to the CBLEP.

The assessment report sets out that 'the GFA diagrams demonstrate that the following areas are incorrectly excluded from the calculation of GFA' and lists a number of areas on page 73 of the assessment report.

The areas identified in Figures A to K above constitute GFA in accordance with the GFA definition and occupy a combined total area of 170m².

The allowable GFA applying to the site, based on a site area of 8,175m² and a maximum permitted FSR of 5:1, is 40,875m².

When including the above areas in the calculation of GFA as per the GFA definition, the total GFA equates to 41,032m² and the proposal exceeds the maximum FSR of 5:1 in clause 6.16(3)(b) of the CBLEP by 157m².

A written request to vary the maximum FSR development standard in 6.16(3)(b) of the CBLEP is not included in the application and therefore development consent could not be granted on this basis pursuant to clause 4.6(3) of the CBLEP.

The details relating to this reason as set out in the assessment report and reproduced in this table were never raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

A review has been undertaken of all the areas SJB Planning has suggested should be included as GFA in accordance with the *Canterbury-Bankstown Local Environmental Plan 2023*, with this addressed in the Architectural Response Pack prepared by PTW at **Attachment C**.

PTW have found that the proposal includes an additional GFA of 8.2m² as the areas shown in Figure E (6.7m²) and Figure G (4.4m²) of the assessment report are to be included in the GFA, and the area shown in Figure F is already partly included in the GFA Diagram and is proposed to be reduced in size amounting to a 2.9m² reduction in GFA. The other areas identified are all to be excluded from GFA. This 8.2m² increase in GFA results in a total GFA of 40,845.2m² (5:1 FSR), which complies with the maximum GFA of 40,875m² (5:1) that applies to the site. It is noted that the Architectural Drawings are also being updated accordingly to reflect this and any other changes ahead of the Panel Briefing Meeting on 17 November.

As a summary, in relation to each item raised by SJB Planning in the assessment report:

- Figure A – The fire control room on the ground level (FCR) is a plant room used to accommodate essential equipment such as fire alarms, pumps, annunciators and control systems. Accordingly, this area has been excluded from the total GFA, in accordance with the definition.
- Figure B – The retail storage area on level 1 is intended to be converted to a plant room and therefore will also be excluded from GFA. This will be shown in the Updated Architectural Drawings provided ahead of the Panel Briefing Meeting on 17 November.
- Figure C – Hotel Lobby A2 in Building A is a void from the level below and therefore is not GFA. This was not made clear on the Architectural Drawings, however will be amended to clearly annotate that this is the case.
- Figure D – The corridor immediately east of Lobby A2 in Building A is a void from the level below and will be updated to reflect this on the Architectural Drawings. Therefore, this is to be excluded from GFA.

- Figure E – The room adjacent to Lobby B1 in Building B is to be included in the GFA and amounts to 6.7m² additional residential GFA.
- Figure F – With regard to the Lobby A2 area on Level 3 of Building A, the submitted GFA diagrams indicate that 19.6m² of this space has already been included in the GFA calculation. The plans will be updated to reduce this area to 16.7m² to allow for additional plant space, resulting in a 2.9m² reduction in hotel GFA.
- Figure G – The room adjacent Lobby C1 in Building C will be included in the GFA and amounts to 4.4m² of additional residential GFA.
- Figure H – The corridor immediately east of Building A Lobby A2 on Level 4 is to be excluded from GFA. Its only purpose is to provide access to the fire stairs, which are excluded from GFA. In *Landmark Group Australia Pty Ltd v Sutherland Shire Council* [2016] NSWLEC 1577 (*Landmark*), the Court held that the floor area of landings to fire stairs required by a person to travel along to get from one level to the next are an integral and essential element of the common vertical circulation area and are to be excluded from the calculation of GFA (at [63]). In *Geeves v Inner West Council* [2018] NSWLEC 1601 (*Geeves*), the Court held, consistent with the decision and reasoning in *Landmark*, that the floor area of landings in fire stairs were essential elements of the common vertical circulation area and were to be excluded from the calculation of GFA (at [20]-[33]). Accordingly, this area which is the landing to fire stairs is an essential element of the common vertical circulation and is excluded from GFA.
- Figure I – The part of the corridor immediately west of the furniture store in Building A is to be amended on the Architectural Drawings and the GFA Diagrams to reflect the extension of the fire corridor landing area (which is excluded from GFA as held in *Landmark* and *Geeves*) to align with the GFA for this area as shown on the GFA diagram.
- Figure J – The corridor space immediately west of reception in Building B on Level 5 is already included in GFA as per the GFA Diagrams that have previously been submitted to SJB Planning and Council. As such, this does not change any calculation to GFA.
- Figure K – The entire horizontal corridor access to the stair landing on Levels 6-18 of Building A is to be excluded from GFA. In accordance with *Landmark* and *Geeves*, the floor area of landings to fire stairs required by a person to travel along to get from one level to the next are an integral and essential element of the common vertical circulation area and are to be excluded from the calculation of GFA.

Accordingly, on the basis of the above, the proposal includes an additional GFA of 8.2m² as the areas shown in Figure E (6.7m²) and Figure G (4.4m²) of the assessment report are to be included in the GFA, and the area shown in Figure F is already partly included in the GFA

Diagram and is proposed to be reduced in size amounting to a 2.9m² reduction in GFA. This 8.2m² increase in GFA results in a total GFA of 40,845.2m² (5:1 FSR), which complies with the maximum GFA of 40,875m² (5:1) that applies to the site. As such, a clause 4.6 as stated by SJB Planning is not required.

Reason 4 – Flooding

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.***

This reason includes the following further commentary as set out in the assessment report.

Assessment of the amended application by Council's Asset Engineer has identified that inadequate information has been provided to enable a proper assessment of the compatibility of the development with the flood function and behaviour on the land, the potential impacts to flood affectation of adjoining properties and, whether the development provides for the safe occupation and efficient evacuation of people in the event of a flood. Specifically, the following deficiencies have been identified:

- The flood impact of the proposed development shall be assessed separately from the drainage upgrade works along Appian Way. This can be undertaken by including the Appian Way drainage upgrade works (recently completed in September 2025) in both baseline and post-development conditions to fully assess the impacts solely from this proposed development.*
- The rainfall falling within the model extent between the upstream and downstream boundaries shall be accounted for (in addition to the 1.62ha catchment already included) as the local runoff (not accounted for in the hydrographs provided by Council) can contribute to flooding in the study area.*
- The Flooding Engineering Statement does not provide details of flood mitigation measures that will be implemented to manage flood impacts associated with the obstruction and diversion of the overland flow path traversing the site. The connectivity of the existing overland flow path from Featherstone Street to Appian Way via the present day car park (which generally follows the alignment of the existing easements) will be lost once the easements are extinguished and the retail and loading car park*

The details relating to this reason as set out in the assessment report and reproduced in this table were never raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

It is also noted that the Applicant is willing to work with Council's internal technical team to resolve these outstanding technical matters during the deferral period.

This was not raised in the previous RFI or since the RFI response on 1 July 2025. The project team's flood engineer, Xavier Knight, is working on completing this assessment, however will require four (4) weeks to run comparisons, check and address any inconsistencies and prepare figures to address Council's comments.

The flood mitigation measures are described in Figure 18 of the Flood Impact and Risk Assessment originally lodged at Appendix D of the DA on 22 October 2024. These are all incorporated on the Architectural Drawings, as is illustrated in Figure 18 of the Flood Impact and Risk Assessment.

entry ramp are constructed. Despite mention of flood mitigation measures to be proposed as part of the development - including on-site flood storage and stormwater upgrades, no details have been provided either in the reports or plans to demonstrate that these measures will be introduced.

- Any off-site flood impacts up to the 1% AEP event including any localised increase in flood level on the former Council library will need to be addressed. The flood impacts indicated below in Figure 19 are a result of blockage of the existing overland flow path by the retail and loading car park entry ramp as discussed in Point 3 above.*

Xavier Knight has advised that this discrepancy is due to the level of accuracy of the model which works from a 1.0m grid. Since the area is minor and isolated in nature the potential impact to the neighbouring former library site is considered negligible.

- The inflow hydrographs for the Sydney Water culverts on Appian Way should be incorporated to account for sub-surface flows in addition to the overland flows provided by Council.*

This was not raised in the previous RFI or since the RFI response on 1 July 2025 and should have been raised in the initial RFI process. Notwithstanding this, Xavier Knight is working on completing this assessment, however will require four (4) weeks to run comparisons, check and address any inconsistencies and prepare figures to address Council's comments.

- The proposed threshold level of the development shown below does not meet Council's DCP requirements:*

This was not raised in the previous RFI or since the RFI response on 1 July 2025 and should have been raised in the initial RFI process. Notwithstanding this, the project team's flood engineer, Xavier Knight, is working on completing this assessment, however will require four (4) weeks to run comparisons, check and address any inconsistencies and prepare figures to address Council's comments.

- The crest level of the access to the retail and loading car park indicated on the amended architectural plans is RL 23.7 (i.e., RL 23.55 + 0.15 metres) which has not been identified on the engineering drawings.*

This crest level has been updated on the Civil Engineering Drawings included at **Attachment E** to reflect the crest level shown on the Architectural Drawings.

- In terms of the flood modelling boundary conditions, the inflow hydrographs for the Sydney Water culverts on The Appian Way have not been incorporated to account for sub-surface flows in addition to the overland flows provided by Council.*

This was not raised in the previous RFI or since the RFI response on 1 July 2025 and should have been raised in the initial RFI process. Notwithstanding this, Xavier Knight is working on completing this assessment, however will require four (4) weeks to run comparisons, check and address any inconsistencies and prepare figures to address Council's comments.

- In terms of the flood modelling local catchment, the rainfall falling within the model extent between the upstream and downstream boundaries (in addition to the 1.62 hectare catchment already included) as the local runoff not accounted for in the hydrographs provided by Council, can contribute to flooding in the study area.*

This was not raised in the previous RFI or since the RFI response on 1 July 2025 and should have been raised in the initial RFI process. Notwithstanding this, Xavier Knight is working on completing this assessment, however will require four (4) weeks to run comparisons, check and address any inconsistencies and prepare figures to address Council's comments.

- In terms of the flood planning level (FPL) the proposed threshold level identified below does not meet the requirements of the CBDPC.*

This was not raised in the previous RFI or since the RFI response on 1 July 2025 and should have been raised in the initial RFI process. Notwithstanding this, Xavier Knight is working on

- A Flood Emergency Response Plan for the whole site including the hotel, residential, commercial and retail components detailing the proposed flood response strategy (i.e., shelter in place or evacuation) in the event of a flood including information regarding the proposed flood gates and how evacuation can be facilitated in the event that the flood gates are raised, with reference to the Flood Risk Management Guideline EM01 - Support for Emergency Management Planning and Department of Planning Housing and Infrastructure's Shelter-in-place Guideline for Flash Flooding, has not been provided.

completing this assessment, however will require four (4) weeks to run comparisons, check and address any inconsistencies and prepare figures to address Council's comments.

The Flood Impact Assessment lodged with the DA on 22 October 2024 included a Site Flood Emergency Response Plan. The previous RFI did not raise a request to prepare a Flood Emergency Response Plan in relation to these guidelines. As part of the Updated Flood Assessment being prepared by Xavier Knight, a Flood Emergency Response Plan will be prepared in accordance with these guidelines.

Reasons 6 and 8 – Stormwater and On-site Detention

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.*
8. *Insufficient information is provided to determine whether adequate arrangements for onsite 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.*

Refer to response to the matter raised in relation to this reason in the following row.

These reasons include the following further commentary as set out in the assessment report.

- The application does not clearly specify the proposed location of the required OSD, nor has it been demonstrated that the OSD achieves compliance with clause 7.10.1 of Australian Standard 5300.3. Therefore, the application does not demonstrate that adequate arrangements for stormwater drainage have been made and the consent authority could not be satisfied pursuant to clause 6.9(d) of the CBLEP. Development consent cannot be granted on this basis.

The proposed location of the OSD is shown on the Basement Level 1 Plan as part of the latest set of Architectural Drawings that were previously issued to SJB Planning and Council. This is clearly indicated on the plan and is located in the south-west corner of this level as part of the mezzanine of this level. This is illustrated in item 2 on the Basement Level 1 Plan where the mezzanine component is shown separately, with the corresponding cut out shown on the left side of this plan (south-west corner of the site), indicating that this is the location of the OSD.

As advised by Robert Bird Group in the Civil Engineering Statement (**Attachment F**), the previous memorandum prepared in relation to the OSD location denotes the reasons why the tank is not proposed at the low point of the site and addresses the Australian Standard comments raised. In summary, Robert Bird Group concludes that the proposed south-western location of the OSD has been driven to date by:

- Connections from roof drainage.
- Select podium areas drainage ability to the tank.
- Select downstream regions in the site to bypass (with this fully factored into the OSD modelling).
- Potential for significantly greater storage heights and volumes in the high corner of the site, which allowed for OSD to be designed, with bypass in a more efficient manner than a downstream tank with tailwater/flood level considerations that would result in a shallow tank system.
- The current location is also outside the identified flood extent, reducing the risk of floodwater entering the system from Phil Engisch Reserve and other external catchments.

In relation to AS 3500.3 7.10.1(a):

- RBG has noted provision for an overflow pipe to be provided in the event of blockage or greater than 1% AEP storm event.
- A discharge control pit will be provided adjacent or leading to North Terrace will be provided for the provision of surface surcharge in the event of downstream system blockages.
- There is contingency in the tank in the current design and the actual water level in the peak 1% AEP event is just below 22.9m RL (leading to the model outcomes noted of no surcharge from the podium pits.)

In relation to AS 3500.3 7.10.1(b):

- The overflow pipe system and discharge control pit will be designed to ensure that any overflow/surcharge from the system will occur at a level 150mm below the retail spaces. Details plans, a report and a DRAINS model will be provided to meet this criteria.
- It is not possible to provide localised drainage in all locations 150mm below the retail FFL's however, the design will meet the general requirement of this item by provision of the overflow pipe system, discharge control pit, and a non-return valve from the tank to the podium area.

Additionally, Robert Bird Group has advised in **Attachment F**, that overland flow is restricted from flowing through the site with localised crests and that internal surface water flows and drainage will be minor and managed in accordance with AS3500.3 and council standards.

Reason 7 – Prescribed Airspace

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.*

The Applicant has liaised with Bankstown Airport to resolve all the matters relating to the controlled activity approval. All the required information is currently with Airservices for review and approval, and it is expected that this approval will take at least three (3) weeks to be received from Monday 10 November. Accordingly, it is requested that the deferral timing allows for this approval to be received prior to determination.

Reason 9 – Vehicular Access

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.*

This reason includes the following further commentary as set out in the assessment report.

Furthermore, development consent must not be granted unless the consent authority is satisfied that suitable vehicular access is available to the site, or that adequate arrangements for suitable site access have been made, pursuant to sub-clause 6.9(f).

Councils Traffic Engineer identified the following issues regarding the proposed site access arrangements and associated traffic safety impacts which were raised in the RFI:

- The surrounding road network is subject to future changes as part of Council's proposed 'Complete Streets' masterplan in the 'Bankstown Complete Streets CBD Transport and Place Plan' (refer to Figure 20 below). Fetherstone Street is to become a two-way shared zone with access provided via The Mall (due to the conversion of the southern end of Fetherstone Street to pedestrian only). Due to the location and configuration of the proposed site access driveways Fetherstone Street, concern is raised regarding the potential traffic impacts associated with the significant increase in vehicle volumes within the shared zone, as well as impacts to pedestrian safety, in a shared zone environment where pedestrians have priority over vehicles.*

Refer to response to the matters raised in relation to this reason in the following rows. The Applicant is willing to work with Council's internal technical team to resolve these outstanding technical matters during the deferral period.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, under the Complete Streets future scenario, Fetherstone Street is the only available road frontage to serve the development site. Council and DRP have noted and previously advised that of the site's three street frontages, Appian Way and North Terrace are not suitable location for vehicle access driveways. Furthermore, the driveway access location onto Fetherstone Street has been endorsed by DRP, complementing the Complete Streets design. As detailed in the previous RFI response, the existing buildings on the site have two driveways located in the same location on Fetherstone Street as existing, and therefore the proposal is not increasing the number of driveways.

It should be highlighted that the proposed driveway configuration has been designed to ensure minimal vehicle intrusion into the future Fetherstone Street Complete Streets environment, seeking to minimise driveway widths and ensuring that pedestrian crossing distances across driveways are reduced as far as possible. The proposal has been prepared on the basis of ensuring Fetherstone Street is not a vehicle dominated environment, whereby the residential driveway has been located forwards the future pedestrian only zone and the loading dock / retail parking further north. It is the position of PTC that this design principle is in line with the

Complete Streets environment where Fetherstone Street will become a shared zone and pedestrian only zone to the south of the development site, as duly highlighted by Council.

- Further consideration of the potential traffic efficiency and pedestrian safety impacts of the proposed site access arrangements is required. Swept path analysis reflecting the street's future configuration should also be provided.*

As noted by PTC in the Traffic Statement at **Attachment G**, swept path analysis has been provided within the submitted Traffic Impact Assessment (TIA) that demonstrated vehicles entering and exiting from the north as per the Complete Streets configuration, noting that Fetherstone Street is currently one-way northbound. For completeness, swept path analysis for the largest vehicle requiring access to the site (HRV – Council Waste Collection) for both the existing and future Complete Streets configuration of Fetherstone Street is contained at Annex A of the Traffic Statement at **Attachment G**.

- The proposed access driveway locations on Fetherstone Street and configuration provide for an awkward arrangement whereby the loading (truck) access is situated between the retail entry and exit ramps. This arrangement is likely to cause confusion for drivers and impact traffic safety and efficiency within the future shared zone of Fetherstone Street. Furthermore, the swept paths for the retail and loading dock access ramps overlap and are considered unacceptable. It is recommended that the access ramps are separated by vehicle size.*

The Traffic Statement prepared by PTC at **Attachment G** sets out that as previously advised to Council, PTC disagree that the proposed arrangement is 'awkward' and have provided an example to demonstrate where a similar arrangement is currently operating. The proposed arrangement seeks to minimise vehicle intrusion and vehicle dominance on Fetherstone Street, in line with Complete Streets, the creation of additional or separate car and truck accesses would be contrary to the Complete Streets vision.

HRV access is required for Council waste collection only which would occur a few times a week in the early morning outside of typical operating hours for non-residential users accessing the car park. HRV access will be managed through the adopted Loading Dock Management Plan that will be adopted.

It should also be noted that there is no overlap between MRV and HRV swept path analysis.

To confirm, a management strategy to reduce the occurrence of light vehicle and heavy vehicle (MRV & HRV) interactions, through a Safety Management Plan and a Loading Dock Management Plan as noted above. The Safety Management Plan will include a Boom Gate that will be installed and will be in operation to prevent light vehicles from moving through the shared driveway onto Fetherstone Street. As noted above, HRV access will be restricted during the development operation hours as will be detailed in the Loading Dock Management plan, notwithstanding this, the Safety Management Plan will allow for an abundance of caution and safety.

Fetherstone Street is set to become a no through route under Council's Complete Street strategy, this will result in Fetherstone Street becoming a low traffic and low speed shared zone and this will further improve the vehicle safety and access strategy.

The inherent constraints of the site make it impossible to separate the building access ramps via vehicle size due to the existing library and residential apartments restricting the width and

In response to the matters raised above, the Applicant submitted additional information including a Traffic Statement prepared by PTC and further swept path diagrams. The Traffic Statement provides further justification of the proposed site access arrangements, including a reference to a similar access arrangement at the Royal Randwick Shopping Centre and the following additional traffic safety measures:

- *a flashing light system or rotating beacon to provide priority to trucks accessing the loading dock; and*
- *signage to indicate accesses for both cars and trucks.*
- *The proposed driveway location and configuration on Fetherstone Street remains unchanged and Council's Traffic Engineer has confirmed that the concerns regarding the proposed site access remain outstanding.*

Specifically:

- *Based on the number of spaces accessed via the Hotel/Residential Car Park and Retail Car Park, both driveway accesses need to be a Category 3 access driveway as per AS2890.1 Table 3.1. This comprises of a 6m entry and 4-6m exit with 1-3m separation. The plans need to be amended to show this. The Traffic Statement states that the "creation of Category 3 access driveways would be contrary to the Complete Streets Vision". This is false, Bankstown Complete Streets does not recommend for the Australian Standards to be disregarded.*

location of an access driveway, Council's request will result in a worse outcome for pedestrians and public amenity.

The details relating to this reason as set out in the assessment report and reproduced in this table were never raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

The Applicant is willing to work with Council's relevant internal technical team to resolve these outstanding technical matters during the deferral period.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, PTC are not requesting that Council disregard the Australian Standards, but are requesting that Council employ a holistic view of what measures and design will create a pedestrian focused, inclusive environment as per the Complete Streets vision. It is the view of PTC that with rigid application of Australian Standards, Council will not achieve the Complete Streets vision and therefore a more considered and forward-thinking approach is needed to create the desired outcomes. This approach is adopted by many Councils where the strict application of AS2890 conflicts with priority design outcomes. AS2890.2 requires generous driveway widths for commercial vehicles that are not desirable, or often not feasible, within town centre and CBD environments.

Whilst PTC acknowledge Council's requirement for a Category 3 access driveway, PTC would draw Council's attention to clause 3.2.3 (b) (iv) of AS2890.1 which states the following:

'Driveway Categories 3 and 4 shall not be located -

(iv) where there is heavy and constant pedestrian movement along the footpath unless this can be adequately catered for by some form of positive control e.g. traffic signals'.

AS2890.1 confirms that Category 3 driveways are not the preferred option in areas where pedestrian footfall is expected to be high as pedestrian safety is compromised and is only permissible with a traffic signal or similar arrangement. Whilst the use of traffic signals is highlighted, it must be considered that given pedestrian behaviour and (for example) extensive

and widespread use of mobile devices since AS2890.1 was approved in 2004 whether potentially compromising pedestrian amenity from the outset is appropriate.

PTC would question whether designing for a category 3 driveway given the Complete Streets vision and future configuration of Fetherstone Street to be a shared zone and pedestrian only south of the site is entirely appropriate given expected significant pedestrian footfall connecting to the Metro and the wider Bankstown City Centre.

PTC would request again that Council employ a holistic view of the desired outcomes and ensure that a considered approach is undertaken and a full appreciation of Australian Standards.

- *As the largest vehicle accessing the loading dock is a HRV (Heavy Rigid Vehicle) the access driveway needs to be at least 12.5m wide as per Figure 3.1 of AS2890.2. The plans need to be amended to reflect this.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), to create a driveway to a width of 12.5m would be to the detriment of pedestrian amenity and safety on Fetherstone Street and contrary to the principles of Complete Streets. PTC would request that Council are consistent with their approach to requirements to coordinate with a future Complete Streets scenario. HRV access is for Council waste collection only. This movement will only occur a few times a week and in the early morning outside of the operating hours of other uses, as will also be confirmed in the Loading Dock Management Plan for the development.

- *The direction of the swept paths do not reflect the current direction of traffic which is one way northbound.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), the swept path analysis has been completed based on the future scenario whereby cars and trucks would enter and exit the site from the North. Annex A of the Traffic Statement presents both scenarios for ease.

- *Royal Randwick Shopping Centre opened in 1990, while this has been historically approved, it should not set a precedence for a non-compliant future access arrangement. This outdated, unsafe and non-compliant arrangement should not be used as a basis for new development. Creating narrower and non-compliant driveways where there is conflict with heavy and light vehicles as well as pedestrians further compromises safety for all road users.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), PTC has advised that Royal Randwick Shopping Centre was presented as an example, working within a constrained location, which Council acknowledges has been open and operating since 1990. PTC would request justification from Council that this arrangement is 'unsafe' given its operation for circa 35 years. It should also be noted that Royal Randwick Shopping Centre is accessed directly from Avoca Street, which has much higher traffic flows than the future lightly trafficked arrangement for Fetherstone Street.

- *Flashing lights are an inadequate solution for addressing the non-compliant design.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), PTC has advised that it is proposed to provide boom gates at the top of the car ramp for the retail and loading dock access as part of a Safety Management Plan and Loading Dock Management Plan. The boom gate will always be down and only raise when a truck (HRV or MRV) is not detected (by breaking a height-controlled laser) departing from the loading dock. This proposal will prevent cars driving down the ramp and potentially conflicting with a truck departing the loading dock. A schematic of this arrangement is presented below.

It should be noted that HRV access to the loading dock is required for Council waste (residential) collection only, a weekly out of hours collection, before retail units are open and therefore attracting customers, on this basis the likelihood of any conflict between exiting HRVs and retail customers in their cars is extremely limited, notwithstanding this a Boom Gate will be provided as detailed above. A Loading Dock Management Plan (LDMP) will be prepared in due course which will set out a comprehensive strategy to cater for service vehicles accessing the loading dock.

Further detail in this regard is provided in **Attachment G**.

- A shared driveway for retail entry and exit with the loading access in between will be confusing for drivers. This also raises safety concerns if drivers enter the wrong access ramp. Furthermore, the NSW Child Care Planning Guidelines state that for mixed use developments the driveway access for the facility is to be separate to parking and manoeuvring areas used by trucks. The driveways for light and heavy vehicles are to be separated.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), PTC has advised that a shared driveway is not confusing, as Council are aware there are examples (as PTC have presented) of where this arrangement currently operates.

The proposed childcare parking is on the podium level; any truck manoeuvring will occur in the loading dock within the basement. There are no instances where trucks interact with children exiting or entering vehicles.

- The Traffic Statement assumes that a car and truck will not be at the same location on the driveway. The worst-case scenario needs to be accounted for where trucks and vehicles are entering and exiting at the same time. The previous concerns remain, whereby vehicles exiting the retail parking will need to swerve in front of the loading dock access conflicting with heavy vehicles entering/exiting the loading dock.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), PTC has advised that boom gates are proposed on the retail access ramp to prevent cars and trucks meeting before entering Fetherstone Street. The Loading Dock Management Plan (LDMP) will provide a comprehensive strategy to manage vehicle access, movements and numbers to ensure the highest efficiency and safety standards are maintained.

On entry, PTC would question how a car and truck can conflict, given all traffic will enter the retail / loading dock access from the north, and given this is one lane, a truck could only follow a car into the driveway (or vice versa) – any other scenario could not occur.

- The location of the proposed taxi and coach drop-off and pick-up zone conflicts with on-street traffic, the existing taxi stand located on the northern side of North Terrace and the bus zone on the southern side of North Terrace, respectively. This will give rise to unreasonable traffic safety and efficiency impacts.*

As detailed in the Traffic Statement prepared by PTC (**Attachment G**), PTC has advised that the location of the proposed taxi and coach drop-off is as per the existing arrangement and as per the Complete Streets future strategy. It is unclear how the use of a dedicated area, by the vehicles that are permitted to use the area, can cause a traffic safety issue. It should be noted that there are two pedestrian crossings that allow people to cross to the north side of North Terrace safely and conveniently. For the avoidance of doubt, due to the one-way nature of North Terrace, a right-hand drive bus or coach (with the passenger door on the left of the vehicle) can only allow passengers to alight on the left-hand side of the road, otherwise passengers will alight into a live traffic lane, PTC nor Council would accept this is a viable arrangement.

Reason 10 – Design Excellence

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.

This reason includes the following further commentary as set out in the assessment report.

The details relating to this reason as set out in the assessment report and reproduced in this table, apart from the deep soil matter, were not raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. The RFI Response submitted on 1 July 2025 did not introduce new elements to the design and therefore it would have been reasonable for SJB to have assessed and raised this concern as part of the original RFI. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

The proposal exhibits design excellence in that the:

- facade design incorporates a diverse range of finishes, materials and colours, informed by Connecting with Country input and includes:
 - brickwork which extends from the podium to the towers, framing the pedestrian entries into the site;
 - lighter and more subdued material palette of the towers which deliberately contrast with the more textured podium levels below; and
 - a combination of glass and solid balustrades across the residential towers.
- proposed massing, form and scale is generally reflective of the current planning controls applying to the site.
- incorporation of tower forms along the North Terrace (Building A and Building B) will provide legibility and permeability at a major transport node within an Accelerated TOD Precinct.
- the form and expression of the residential towers fronting the Appian Way (Building B and Building C) is intentionally understated and juxtaposed by the vibrancy of the active podium.
- residential tower forms (Building B and Building C) as viewed from the Appian Way will contribute to the activation of this thoroughfare as the “Activity spine” of the CBD as identified in the Bankstown Complete Streets Transport and Place Plan.
- hotel building (Building A) is lower in height to achieve transition in scale from the existing urban fabric located to the southwest of the site as well as create a different landmark within the site.

- *the massing of these towers responds to the context and together with the reduced scale of Building A makes for an interesting and positive contribution to the skyline.*
- *heights of the proposed towers are in keeping with the envelopes anticipated for 62 The Mall immediately adjoining the site to the north and the Bankstown site adjoining the site to east.*
- *street wall heights provide for continuous street edges, and which generally align with the requirements of the CBDCP.*
- *proposal provides for an increased, consistent setback (of 4 metres) along the northern boundary shared with Phil Engisch Reserve and future development scenarios for 62 The Mall, in line with the envelopes anticipated for the adjoining site under the current planning framework, have been considered.*
- *interfaces with 3-7 Fethesstone have been appropriately treated to ensure that the visual and acoustic privacy of the neighbouring residential apartments is maintained. This has included the incorporation of setbacks and dense landscaping along the site boundaries as well as updated façade treatment (such as colour-backed glass) to prevent overlooking.*
- *the retail tenancies at the ground plane provide for continuous active street edges. Glazed shopfronts are also incorporated to maximise visual connection and street engagement.*
- *awnings which vary between 6 and 11 metres in height are positioned along the retail frontages.*
- *development is consistent with the solar access and overshadowing provisions set out in the ADG and that the overshadowing impacts are considered acceptable within the surrounding CBD context.*
- *provision of new through-site links will provide for significant improvements to the public domain and connectivity of the future Bankstown Metro Station to the south of the site and surrounding public open spaces, as well as other key developments such as the Western Sydney University campus and Bankstown library to the north.*
- *podium includes a void through the centre above the through-site links which are treated with transparent materiality that maximises natural light at the ground level as well as provide for weather protection.*

- proposal provides a range indoor and outdoor recreational and communal spaces including open grassed areas, dining areas, co-working rooms a swimming pool and a gymnasium.
- proposal achieves a high level of sustainability as demonstrated in the submitted ESD Report and updated Architectural Design Report.

Furthermore, the proposal has been reviewed by the DRP, and the advice provided identifies that the development exhibits a fine grain relationship with the public domain and commends the overall massing, composition and architectural expression of the development. A copy of the latest DRP advice is provided at Attachment G.

Despite this, the application does not achieve the following:

- suitable vehicular access;
- sufficient deep soil areas;
- adequate building modulation to achieve solar access and natural ventilation in accordance with the ADG;

On this basis, the development does not exhibit design excellence pursuant to clause 6.16(ii), 6.16(v) and 6.16(viii) of the CBLEP.

An assessment against the design principles in Schedule 9 and the relevant provisions of the ADG is provided at Attachment H. The assessment concludes that the proposal is generally consistent with the relevant ADG provisions, with the exception of the design criteria and objectives relating to:

- deep soil;
- visual privacy;
- solar access;
- natural ventilation; and
- common circulation and spaces.

For this reason, the application does not satisfy the Design Principles in Schedule 9. These matters are further considered below.

Objective 3E-1 Deep soil zones

The development provides deep soil areas which are equal to 1.6% of the site area and therefore does not satisfy the minimum 7% requirement set out in Design Criteria 1 under Objective 3E of the ADG. The proposed deep soil areas are provided in three separate

The assessment undertaken by SJB in Attachment H of the assessment report in relation to visual privacy concludes that while strict adherence is not achieved with respect to the northern setback of Building A to 3-7 Fetherstone and the northern setback of Building C to 62 The Mall, the proposal is acceptable in its current form.

Refer to response to deep soil, solar access, natural ventilation and common circulation and spaces in the following rows.

As detailed in the RFI response submitted on 1 July 2025, the ADG design guidance relating to this design criteria specifically sets out that achieving the design criteria may not be possible on some sites including where:

zones. The Architectural Design Report and Landscape Design Report describes these as interface areas, located at the three main access points to the site, including:

- *Interface 1 – Southern Entry: North Terrace Plaza*
- *Interface 2 – Eastern Entry: Along The Appian Way*
- *Interface 3 – Northern Entry: Through-Site Link to the Civic Centre*

The lack of deep soil was raised in an RFI and in response, an updated Landscape Design Report and supporting landscape plans were submitted demonstrating the extent of on-structure planting to supplement the deep soil areas at ground level. The updated Landscape Design Report also identifies that the Design Guidance associated with Objective 3E-1 acknowledges that achievement of the required deep soil area may not be possible for sites within urban settings including central business districts.

The total on-structure landscape area and the proposed ground floor deep soil zones are identified in Figure 11.

The updated Landscape Design Report identifies a range of measures that are proposed to be implemented to ensure the viability of the on-structure planting.

- Contiguous soil trenches where possible (reduce the amount of walls that breakup soil volumes);
- Ensure maintenance access is available;
- Ensure plant selection is appropriate for aspect (for example, shade tolerant species to southern facade);
- Ensure all garden beds are irrigated. Rainwater reuse to be integrated into irrigation design; and
- Ensure soils are appropriate for site conditions.

The landscape plans also demonstrate that a maximum soil depth of 1 metre is provided for all landscaping located above the ground floor.

While requiring strict adherence with the 7% deep soil design criteria may be unreasonable given the site context, it is considered that there is scope to increase the deep soil above the proposed 1.6% to improve satisfaction of Objective 3E-1 which states:

"Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality."

- *'the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*

- *there is 100% site coverage or non-residential uses at ground floor level.'*

The site is within the Bankstown City Centre, a high density area, that is directly adjacent to Bankstown railway station and future metro station and there are non-residential uses at the ground level. As such, the site directly aligns with the design guidance for sites where achieving the design criteria may not be possible. Notwithstanding that the site is not expected to provide deep soil based on the ADG design criteria, the proposal maximises the provision of deep soil by providing 1.6% deep soil which is achieved through the reconfiguration of car parking layouts to allow for the provision of deep soil planting at the through site link entrances in the north, south and east of the proposal.

The placement of deep soil areas is the result of a collaborative design process involving Urban Designers Hatch, PTW Architects, Site Image Landscape Architects, and informed by feedback from the Council's Design Review Panel (DRP). Deep soil zones have been carefully positioned at three critical interface areas, corresponding to the site's key pedestrian entry points. These locations enhance landscape character, mark primary entrances, support tree canopy growth, and contribute to urban legibility and placemaking.

This design move has also been supported by the DRP, expressing in its feedback from the latest meeting where it provided in-principle support of the design, that *'the incorporation of deep planting zones at major access and entry points to the development is a strong improvement to the public domain landscape solution, allowing major trees to become established at these key areas.'*

Details relating to each of the proposed deep soil interface areas are as follows:

- **Interface 1 – Southern Entry: North Terrace Plaza** – Deep soil has been integrated into the proposed public urban space at the North Terrace Plaza. While initial DRP feedback suggested considering the southeast corner fronting the station entrance, this would have conflicted with the urban design strategy of activating prominent civic corners. The selected location better supports the broader urban design vision.
- **Interface 2 – Eastern Entry: Along The Appian Way** – Deep soil at this location supports a key pedestrian corridor and through-site link fronting the future Bankstown Central development. This responds directly to DRP 1 feedback recommending provision of deep soil 'along The Appian Way'.

This could be achieved with enlarged or additional deep soil plantings/nodes along edges of the site, particularly along The Appian Way and/or Fetherstone Street frontage to maximise plantings, specifically canopy trees. Additional plantings at the ground plane may also contribute to the enhancement of the public domain, in line with the Bankstown Complete Streets Transport and Place Plan, under which the southern end of Fetherstone Street is to be converted to a pedestrian-only thoroughfare, and the northern end is to become a shared zone. The Plan also identifies the conversion of The Appian Way into a shared zone and the main “activity spine” of the Bankstown City Centre.

- **Interface 3 – North Entry: Through-Site Link to the Civic Centre** – This area supports the northern pedestrian link facing Phil Engisch Reserve and the Civic Centre, aligning with DRP 1 comments encouraging connections ‘facing north to the Reserve and the Civic Centre’.

While the site qualifies as a site where the provision of the ADG design criteria is not possible, and the proposal maximises deep soil provision in optimal locations, notwithstanding this being the case, the relevant ADG design guidance also sets out that: *‘Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure’.*

The proposal provides an abundance of planting on structure to ensure a well landscaped environment is achieved in line with this design guidance. Specifically, it includes mass planting of the ‘urban forest’ and other elements on structure equating to 29.2% of the site area. This includes landscaped valleys which define access to pedestrian laneways, forming part of a green spine that visually and physically connects Paul Keating Park, Phil Engisch Reserve and Swane Reserve. These corridors extend vertically into the building forms, creating green pockets between towers and elevating the site’s environmental and visual quality. This is conveyed in greater detail with respect to the corresponding item in the RFI Design Response Pack included in Section 14 of the Updated Design Report prepared by PTW at Attachment C to the RFI Response Letter submitted on 1 July 2025. When viewed holistically, the Compass Centre is envisioned as a green landmark, with vegetation cascading from rooftop gardens down into the public domain—reinforcing the identity of the site as a vibrant, sustainable, and integrated urban environment.

To ensure this mass planting is viable, a number of design measures have been adopted, as detailed on page 7 of the Updated Landscape Design Report prepared by Site Image at Attachment E to the RFI Response Letter submitted on 1 July 2025. The proposal will also include acceptable stormwater management in line with the related design guidance. This is detailed further on pages 132 and 133 of the Updated Design Report prepared by PTW (Attachment C to the RFI Response Letter submitted on 1 July 2025), with respect to DRP item 1.17.

For further detail regarding this response including associated imagery, refer to the RFI Design Response Pack included in Section 14 of the Updated Design Report prepared by PTW at Attachment C to the RFI Response Letter submitted on 1 July 2025.

Objective 4A-1 Solar access

As detailed by PTW in the Architectural Response Pack (**Attachment C**), the eastern façade of Building B is visible from the sun-eye view diagrams at 11am, demonstrating its capacity to capture direct morning sunlight in accordance with the ADG. Notwithstanding this, to further

The architectural plans do not demonstrate that the living rooms and private open spaces of at least 70% of the proposed apartments receive a minimum of 2 hours of sunlight between 9am and 3pm in accordance with Design Criteria 1 in Objective 4A-1. For example:

- The solar access diagrams for Level 6 to 23 included in the architectural plans (Drawing Q110060) indicate that all east facing 1, 2 and 3-bedroom apartments in Building B and Building C receive more than 2 hours of direct sunlight. This is contrary to the sun-eye view diagrams which demonstrate that these apartments receive direct sunlight between 9am and 10am only (Drawing Q110030-31). The diagrams do not demonstrate that solar access is provided to the living rooms of these apartments after 10am. Extracts of the solar access diagram and sun eye-view diagrams at 9am, 10am and 11am are included at Figures 12a to 14 below. The east facing apartments are marked in red.*
- Solar access to the private open space areas of apartments is not identified on the solar access diagrams (Drawing Q110060) or the ADG Compliance Assessment in Section 10 of the updated Architectural Design Report.*

On this basis, the development is inconsistent with objective 4A-1 which states:

"To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space"

Objective 4B-3 Natural Ventilation

The submitted architectural plans do not demonstrate that at least 60% of apartments are naturally ventilated in the first nine storeys of Building B and Building C in accordance with the Design Criteria in Objective 4B-3. The ventilation diagrams (Drawing Q110061) identify that 18 apartments in Building B and 15 apartments in Building C across levels 6, 7 and 8 are cross ventilated.

An extract of the ventilation diagram for Levels 6 to 8 is included in Figure 15 below. The diagram identifies that Units B608 B609, B708, B709, B808, B809, B908 and B909 in Building B, as well as unit C601, 701, 801 and C901 in Building C are ventilated. The locations of these apartments are circled yellow in Figure 15.

However, these units are not cross ventilated as they include outlet windows which are significantly smaller in area than the respective inlet openings, as illustrated in the respective typical unit layout (Drawing B1TYP12) in Figure 16 below (outlet window circled yellow). Furthermore, the actual size and details of the windows have not been provided (i.e., relevant sections and elevations).

optimise solar access, the slab projections on the eastern façades of Buildings B and C have been removed and this will be documented in the Updated Architectural Drawings that are being prepared by PTW ahead of the Panel Briefing Meeting on 17 November 2025.

Additionally, apartment B-1904 has been mirrored to improve its internal layout and maximise sunlight penetration, enhancing residential amenity and occupancy comfort. This is illustrated in further detail in **Attachment C**.

As illustrated in the Architectural Response Pack prepared by PTW at **Attachment C**, the private open space areas for the apartments all receive the required solar access, apart from the south-eastern apartment in Building B. This has resulted in a reduction in the compliant apartments from 262 (78%) to 243 (72%), which achieves compliance with the ADG solar access requirement.

As detailed in the Architectural Response Pack prepared by PTW at **Attachment C**, typical unit B-09 has been amended with the wall adjacent to the side window removed to accommodate a larger window (1.2 m [W] x 1.45 m [H], positioned 1.5 m above FFL), enhancing cross ventilation throughout the apartment. This is mirrored for the relevant apartments in Building C. This will be documented in the Updated Architectural Drawings that are being prepared by PTW ahead of the Panel Briefing Meeting on 17 November 2025. The Cross Ventilation Statement prepared by CPP Wind Engineering Consultants at **Attachment H** confirms that this allows for cross ventilation to be achieved. Accordingly, this results in cross ventilation compliance of 66% being maintained.

Given that the inlet and outlet window openings relied on for these apartments are not comparable in area, they will not facilitate effective ventilation and are inconsistent with the design guidance in Objective 4B-3.

On this basis, the development is inconsistent with Objective 4B-3 which states:

"The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents"

Objective 4F-1 Common circulation and spaces

The development includes nine (9) apartments on each level of the residential towers (Building B and Building C). This is inconsistent with the design criteria 1 in Objective 4F-1 which restricts the maximum number of apartments off a single circulation core on each level to eight (8). Furthermore, the number of apartments sharing a single lift is 55 based on a minimum of 165 apartments sharing three (3) lifts. This is inconsistent with design criteria 2 which restricts the maximum number of apartments sharing a single to 40.

The Applicant has submitted a Vertical Transport Assessment indicating that a total of three (3) lift cores will be provided for each building, all of which will incur a maximum wait time of 60 seconds. Notwithstanding this, it is considered that the proposed exceedance of the design criteria is unacceptable noting that the development is inconsistent with the associated design guidance under Objective 4F-1. The common circulation spaces are greater than 12 metres in length and are not articulated, nor are they provided with daylight, natural ventilation, and windows.

On this basis, the development is inconsistent with Objective 4F-1 which states:

"Common circulation spaces achieve good amenity and properly service the number of apartments"

The proposed development includes nine (9) apartments at the typical levels of Buildings B and C. The relevant design guidance notes that:

'Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level'.

Accordingly, the proposed inclusion of nine (9) apartments is consistent with this design guidance which allows a maximum of 12 apartments.

Additionally, the relevant design guidance also notes that:

'Daylight and natural ventilation should be provided to all common circulation spaces that are above ground' and that 'windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the end of corridors'.

The proposed common circulation spaces in Buildings B and C include window openings at the end of the corridor, which provides daylight and natural ventilation in accordance with this design guidance, as illustrated in the Architectural Response Pack prepared by PTW at

Attachment C and the Architectural Drawings previously submitted as part of the RFI response.

The common circulation spaces in both building have also been designed with a centrally located corridor with a width of 2m, providing a generous and comfortable circulation zone.

Additionally, the Vertical Transport Statement originally lodged at Appendix Z with the DA confirms that the three lifts servicing each of the residential buildings will adequately service the apartments in these buildings.

On the basis of the above points, the common circulation areas are consistent with Objective 4F-1 as they achieve good amenity and properly service the number of apartments.

Reason 11 – Likely impacts

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

The following matters are addressed above as follows:

- Flooding – addressed as part of the response to reason 4.
- Stormwater drainage – addressed as part of the response to reasons 6 and 8.

construction works pursuant to section 4.5(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This reason includes the following further commentary as set out in the assessment report.

Traffic generation

Assessment of the application by Council's Traffic Engineer identifies that the traffic generation assessment undertaken by the Applicant is inadequate for the following reasons:

- *The calculation of traffic generation rates associated with the proposed retail tenancies and medical suites is not in accordance with the Roads and Traffic Authority (RTA) Guide to Traffic Generating Developments, dated October 2002.*
-
- *The submitted Traffic Impact Assessment prepared by PTC assumes that Evidence to support the assumptions has not been provided.*

Accordingly, it is considered that the traffic assessment does not adequately calculate the traffic generated by the development and insufficient information is provided to properly assess and determine the associated traffic impacts of the proposal.

On-site manoeuvring

Assessment of the original application by Council's Development Engineer identified a range of issues regarding on-site manoeuvring including driveway ramp widths, intersection and car park design and associated compliance with the relevant Australian Standards (AS2890.1).

In response, the Applicant a Traffic Statement, to further justify the proposed ramp, intersection and car park design, however, the internal access arrangement was not amended. On this basis, Council's development Engineer has identified that the following issues remain outstanding:

Ramp and intersection design

- *While the submitted Traffic Statement confirms that the ramp design is for two cars to pass safely (i.e. two-way roadway), assessment of those ramps concludes that*

- Contamination – addressed as part of the response to reasons 1 and 5.

All other likely impacts raised are addressed in the following rows.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, PTC has advised that Chapter 6 of the submitted TIA, presents a comprehensive analysis and assessment of the potential traffic generation of the site, including a net impact assessment, with all trip rates derived from Guide to Traffic Generating Developments. It is unclear what concern Council have regarding this methodology and why this concern was not raised during earlier RFIs.

As Council are aware, specific rates for medical suites are not provided within Guide to Traffic Generating Developments and therefore, entirely reasonably, a first principles assessment has been completed.

Traffic generation associated with Retail uses has been completed based on the permitted or proposed retail floor space, an entirely reasonable approach and in line with Guide to Traffic Generating Developments.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, PTC has advised that they would dispute this position and would encourage Council to present a specific point to clarify how the assessment completed by PTC is considered inadequate.

The details relating to this reason as set out in the assessment report and reproduced in this table, were not raised following the RFI response provided to SJB Planning and Council on 1 July 2025, and therefore no opportunity was provided to respond to these matters which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, PTC has requested that Council review their position on this item. PTC has also advised that Clause 2.5.2 Figure 2.8 (b) of AS2890.1 refers to two 'Parallel Roadways' requiring the 600mm separator –

compliance with minimum cross-sections design requirement in accordance with Clause 2.5.2 Figure 2.8 (b) is not achieved. Therefore, proposed ramp leading into basement 01 from hotel/residential car park entry off Fetherstone Street, as well as all internal ramps connecting the three podium levels must be designed in accordance with Clause 2.5.2 Figure 2.8 (b) where a minimum 600mm separator is to be designed with a height between 125mm and 150mm.

- In relation to intersection areas, Clause 2.5.2 (c) where two cars are expected to pass each other, the design is required to accommodate B99 & B85 single swept path manoeuvre with the correct clearances, especially for design B99 vehicle. In this regard, 600mm clearances along the outside curvature of the swept path are required in accordance with B3.1 (a) of AS2890.1.*
- In addition to the above, if the boundary of the intersection area is an obstruction such as a wall, barrier or kerb higher than 150mm, AS2890.1 requires further clearances of 300mm where the swept path approaches the obstruction.*

Car park design

- The submitted Traffic Statement identifies that the "example of Uses" in Table 1.1 of AS2890.1 are not exhaustive however, other user scenarios, such as child care centres should be considered.*
- The car parking area comprising the child care centre car spaces located on Level 3 is required to be designed to user classification 3A due to the duration of stay (i.e., less than 10 minutes for parent drop-off and pickup) and the associated high turnover of vehicles accessing the car park. This will require the proposed aisle widths throughout the child centre car park to be increased.*
- It is considered that the 3A user class provides the most appropriate design outcome for traffic and pedestrian safety, visibility, functionality as well as satisfy AS2890.1 Table 1.1 in terms of ease of access in and out of parent drop-off and pick up car spaces.*

Construction impacts

The likely construction related impacts in terms of noise and traffic are not addressed in the application. Therefore, the application in its current form does not adequately demonstrate that the associated construction impacts can be appropriately managed and minimised.

Waste

Parallel Roadways assume that two traffic lanes are going in the same direction (side by side). There is nowhere within the development proposal that proposes such an arrangement and therefore it is unclear why a 600mm separator would be required. Parramatta Square has a two-way basement car park that is provided without a median, (extract included in **Attachment G**) and this is not an uncommon occurrence in Sydney.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, PTC has advised that AS2890.1 requires 300mm of clearance from the vehicle (car) body on either side, which has been presented within the submitted TIA swept path analysis. PTC completed a conservative assessment demonstrating the manoeuvring requirements with two B99 vehicles passing each other, an unlikely scenario and therefore should be reviewed as such with design modifications completed where possible, acknowledging the development constraints.

As detailed in the Traffic Statement prepared by PTC included at **Attachment G**, PTC has advised that whilst it is noted Council's preference for user classification 3A parking for the childcare centre, PTC would reiterate there is no absolute requirement for this provision and there is no evidence to suggest that user class 3 parking would lead to an unsafe or undesirable outcome.

Notwithstanding this, it is also noted that this DA does not seek detailed consent for the use and fit out of the childcare centre, with this to be addressed as part of a future DA.

An Updated Noise and Vibration Impact Assessment has been prepared by E-LAB and is included at **Attachment I**. This demonstrates that construction impacts will be appropriately managed and mitigated. A Preliminary Construction Traffic Management Plan is also being prepared by PTC and will be issued ahead of the Panel meeting, which will demonstrate the appropriate management and mitigation of construction traffic impacts.

The details relating to this reason as set out in the assessment report and reproduced in this table were not raised following the RFI response provided to SJB Planning and Council on 1 July

Council's Resource Recovery Officer has reviewed the application and identified that insufficient information has been provided to enable a proper assessment of the proposed waste management. Specifically, the following details have not been provided:

- *system to rotate bins in the basement chute rooms at the base of the chute (i.e., a linear track system or a carousel system);*

2025, and therefore no opportunity was provided to respond to this issue which would have otherwise been resolved. Notwithstanding this, please refer to the response to the matters raised in relation to this reason in the following rows.

- *provision of waste and recycling infrastructure for Level 3 residents;*

In response to this matter, the project waste consultant, Waste Audit, has advised that a linear track system for bin rotation be included in the chute storage rooms. As detailed in the Architectural Response Pack prepared by PTW at **Attachment C**, these are to be included in the design and will be included in the Updated Architectural Drawings that are being prepared by PTW ahead of the Panel Briefing Meeting Scheduled for 17 November 2025. Details of the linear track bin system are included at **Attachment J**.

As detailed by PTW in the Architectural Response Pack at **Attachment C**, two bins are provided within levels 2 and 3 for residents, for garbage and recycling purposes. This will be documented in the Updated Architectural Drawings that are being prepared by PTW ahead of the Panel Briefing Meeting Scheduled for 17 November 2025. Waste Audit has advised that this will appropriately service these levels as there are only three residential apartment units on these levels. As part of the waste management strategy, cleaners will transfer the waste from these bins to the bin room located on the basement level.

- *provision of a HRV path of travel to the waste loading dock with a 4.5m clearance floor to ceiling in accordance with Australian Standard 2890.2.*

The Traffic Statement prepared by PTC, included at **Attachment G** includes a swept path demonstrating the HRV path of travel to the waste loading dock, which can enter and exit the site in a forward motion. It also confirms that a 4.5m clearance floor to ceiling is achieved in accordance with Australian Standard 2890.2.

Reason 12 – Site Suitability

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.*

Refer to responses to reasons 1, 4 and 5 above relating to contamination and flooding.

Reason 13 – Public Interest

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.*

Refer to above responses addressing likely impacts in relation to reason 11.

Also refer to above responses to reasons 1 and 5 relating to contamination, reason 4 relating to flooding, and reason 7 relating to prescribed airspace.