

COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

SYDNEY SOUTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSSH-182 – DA-1182/2024
PROPOSAL	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 2-level basement and a 5-storey mixed-use podium with 3 towers above, including a 19-storey hotel tower and 2 x 24-storey residential towers.
ADDRESS	Lot 19 and 20, DP 5541 Lot 18B, DP 412699 Lot 15, 16, 17, 21, 22, 23, 24, and 27, DP 5541 Lot 1, DP 507818 Lot 1, DP 207810 83, 85 and 99 North Terrace, Bankstown
APPLICANT	Altis Bulky Retail Pty Limited
OWNER	The Trust Company (Australia) Limited
DA LODGEMENT DATE	22 October 2024
APPLICATION TYPE	Integrated Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 6 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the proposal is for development that has an estimated development cost of more than \$30 million.
CIV	\$327,084,740 (excluding GST)
CLAUSE 4.6 REQUESTS	Clause 6.16 Design excellence at certain land in Bankstown (see clause 6.16(3)(a) maximum building height)
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021

	<ul style="list-style-type: none"> • Canterbury-Bankstown Local Environmental Plan 2023 • Canterbury-Bankstown Development Control Plan 2023
TOTAL SUBMISSIONS	UNIQUE Eight (8)
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Wind Tunnel Report (May 2024) • Architectural Response Pack • Preliminary Construction Traffic Management Plan (14 Nov 2025) • Traffic Statement (10 Nov 2025) • Civil Engineering Statement (10 Nov 2025) • Ventilation Statement (28 Nov 2025) • PTW Planning Response (27 Nov 2025) • Landscape Response to Planning Comments • Final Submission in accordance with Record of Deferral and agreed update to Panel (12 Dec 2025) • Updated Architectural Drawings (Latest Rev E) • Updated Landscape Drawings (Latest Rev F) • Updated Civil Engineering Drawings (Rev A01) • Stage 2 Limited Detailed Site Investigation (12 Dec 2025) • Updated Remedial Action Plan (12 Dec 2025) • Interim Audit Advice Letter (12 Dec 2025) • Updated Clause 4.6 Variation Request (11 Dec 2025) • Updated Flood Impact Assessment (12 Dec 2025) • Updated Traffic Impact Assessment (12 Dec 2025)
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	<ul style="list-style-type: none"> • Amenity impacts to adjoining residences including overshadowing, privacy and view loss impacts • Overshadowing impacts to future potential development on adjoining sites • Potential implications of future development anticipated on adjoining sites in line with the current planning framework • Impacts to the structural integrity of buildings caused by excavation and construction • Acoustic, vibration and traffic impacts caused by construction works
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	9 February 2026
PREPARED BY	Independent Assessor, SJB Planning
DATE OF REPORT	2 February 2026

EXECUTIVE SUMMARY

The development application No. DA-1182/2024 ("the application") seeks consent for the redevelopment of the site, including:

- Demolition works,
- Tree removal,
- Site preparation and early works, including bulk excavation, remediation works, and
- Construction of a mixed-use development comprising a two (2) level basement and a five (5) storey mixed-use podium consisting of retail floor space, medical suites, a gymnasium and a child care centre, with three (3) towers, including:
 - One (1) x 19-storey hotel tower comprising 169 rooms, and
 - Two (2) x 24-storey residential comprising a combined total of 336 residential apartments.

The subject site is known as 83, 85 and 99 North Terrace, comprising 13 lots and three (3) street frontages, with Fetherstone Street to the west, North Terrace to the south and The Appian Way to the east. The site is centrally located within the strategic centre of Bankstown, as identified in the Canterbury-Bankstown Development Control Plan 2023 (CBDCP). The site is flood prone and contains several easements and infrastructure for stormwater drainage. An overland flow path and Sydney Water sewer main also traverses the site.

The site is zoned B4 Mixed Use under the Canterbury-Bankstown Local Environmental Plan 2023, as in force 2 August 2024 to 26 November 2024 (CBLEP). The proposed mixed-use development comprising retail premises, a centre-based child care facility, medical suites, gymnasium, hotel and shop-top housing, is permitted with consent in the B4 Mixed Use zone pursuant to the Land Use table in CBLEP.

The application is referred to the Sydney South Planning Panel ('the Panel') under Schedule 6 – Regionally Significant Development of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is for a general development with an estimated development cost of more than \$30 million.

A detailed assessment of the proposal and determination report recommending refusal was provided at the determination meeting on 17 November 2025. The Panel agreed to defer the determination of the application to allow for additional information to be submitted and assessed. This was to include ongoing communications between the Applicant, relevant Council technical staff and Independent Assessor, regarding the reasons for refusal attached to the original assessment report, and summarised in the Panel's Record of Deferral dated 19 November 2025, as follows:

- Reasons 1 and 5 – Contamination
- Reasons 2 – Height and 3 – FSR
- Reason 4 – Flooding
- Reason 6, 8, 11 and 13 – Stormwater and On-site detention (OSD)
- Reason 7 – Prescribed Airspace
- Reasons 9 and 11 – Vehicular Access and Reason 13 – Traffic and On-site Manoeuvring
- Reason 10 – Design Excellence

This supplementary report provides an assessment of the additional information including amended plans provided by the Applicant, which demonstrates that the refusal matters have

been satisfactorily addressed and resolved, subject to recommended conditions of consent. A copy of the recommended conditions of consent is provided at **Attachment A**.

The application in its amended form satisfies the jurisdictional prerequisites to the granting of consent imposed by the relevant statutory instruments applying to the development. The additional information and how each issue has been resolved is detailed in Section 2 of this Report.

Following consideration of the matters under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the provisions of the relevant State Environmental Planning Policies and the CBLEP, the proposal as amended is considered suitable for the subject site.

Pursuant to Section 4.16(1)(b) of the EP&A Act, DA DA-1182/2024 is recommended for approval subject to the recommended conditions contained at **Attachment A** of this Report.

1. THE PROPOSAL AND BACKGROUND

1.1 Background

The application was recommended for refusal at a determination meeting on 17 November 2025 due to insufficient information and failure to satisfy the relevant statutory requirements applying to the development relating to:

- site contamination and remediation,
- flooding
- traffic and site access
- stormwater drainage
- building height
- floor space ratio (FSR); and
- design excellence due to inconsistencies with the Apartment Design Guide (ADG) provisions for deep soil, solar access, ventilation and circulation spaces.

The Panel agreed to defer the determination of the matter as identified in the Record of Deferral dated 19 November 2025.

The Record of Deferral states:

“Given the significance of the development, its contribution to housing supply and that the reasons for refusal are capable of resolution, the Panel agreed to defer the determination to allow for information to be submitted and assessed, discussions and a timetable to enable a supplementary assessment report to be prepared with an aim to determine the application in late January/early February 2026.”

The Record of Deferral also set out several actions directed by the Panel as follows:

ACTIONS

To allow the progression of the Development Application to determination, the Panel directed that:

1. *Council provide further flooding data to the applicant by 21 November to facilitate the finalisation of flood modelling.*

2. *Council and the independent planner to review further information provided by the applicant to date (as set out in BACKGROUND above) and provide comments and feedback to the applicant by 21 November 2025.*
3. *Council, the applicant and the independent planner are to meet no later than 28 November 2025 to discuss, provide feedback on and resolve, where possible, any outstanding information required to address reasons for refusal.*
4. *Any further information, including contamination and flood modelling, to be provided by 12 December 2025.*

Council and the applicant are to provide an agreed update to the Panel by 1 December 2025 advising of the outcomes of the above discussions, estimated time frames and details of any unresolved issues.

The Applicant is to upload a final package of information to the planning portal by 12 December 2025. This should include any outstanding approval, such as prescribed air space approval.”

All actions required by the Panel have been completed and the reasons for refusal have been satisfactorily addressed and resolved via amended plans and additional documentation submitted by the Applicant. The additional information and how each issue has been resolved is detailed in Section 2 of this Report.

1.2 Proposal

The development application No. DA-1182/2024 (“the application”) seeks consent for the redevelopment of the site, including:

- Demolition works,
- Tree removal,
- Site preparation and early works, including bulk excavation, remediation works, and
- Construction of a mixed-use development comprising a two (2) level basement and a five (5) storey mixed-use podium consisting of retail floor space, medical suites, a gymnasium and a child care centre, with three (3) towers, including:
 - One (1) x 19-storey hotel tower comprising 169 rooms, and
 - Two (2) x 24-storey residential comprising a combined total of 336 residential apartments.

The proposed changes identified in the amended plans and additional information do not significantly alter the development as originally proposed. The proposed tower form, building envelope, building height, floor to floor heights, apartment mix and number of apartments remain unchanged.

The amended documentation and associated changes are detailed in Section 2 of this Report.

Table 1: Development Data

Control	Proposal
Site area	8175m ²
GFA/FSR	<p>The proposed GFA and FSR as identified in the application is:</p> <ul style="list-style-type: none"> GFA: 40,845.2m² FSR: 5:1 <p>(Refer to GFA diagrams included in the set of architectural plans on Drawing Q310020)</p> <p>Note: Assessment of the of updated architectural plans and accompanying GFA diagrams indicates a greater FSR than that specified in the application.</p> <p>Refer to discussion of FSR under clause 6.16(3)(b) of the CBLEP in Section 4.1(g) of this Report.</p>
Building height	86.18 metres (RL 107.95)
No. of apartments	336
Dwelling mix	<ul style="list-style-type: none"> Studio: 54 (16%) 1 bed: 130 (39%) 2 bed: 131 (39%) 3 bed: 21 (6%)
Deep soil area	1.6% (139.44m ²) of site area
Communal open space	<p>2076.4m² (or 25.4% of the site)</p> <p>Located on Level 2, 5 and rooftop level of Building B and Building C.</p>
Car Parking spaces	<p>494 spaces distributed as follows:</p> <ul style="list-style-type: none"> Residential: 239 (including 34 accessible spaces) Retail and gym: 124 (including 3 accessible spaces) Hotel: 78 (including 2 accessible spaces) Medical suites: 28 (including 1 accessible space) Child care centre: 25 (including 1 accessible space)
Bicycle spaces	185
Motorcycle spaces	24
Setbacks	<p>Podium setbacks:</p> <p>The podium is built to all site boundaries and street frontages with ranging setbacks incorporated at various locations including:</p>

	<ul style="list-style-type: none"> • The corner of North Terrace and Fetherstone Street where a 3-metre podium setback is provided, • Along the northern site boundary adjoining 62 The Mall where a 4-metre setback is provided at ground level. The remainder of the podium levels above are setback between 1 metre to 4.4metres from this boundary; and • Along the northern boundary adjacent to the mixed-use commercial/residential building at 3-7 Fetherstone Street at Level 4 and Level 5 (i.e., the interface between the Hotel function room, gym and ballroom and the adjoining residential apartments). <p>Tower setbacks:</p> <p>Building A, B and C are setback 3 metres from all street frontages.</p> <p>Increased (Building C) tower setbacks ranging between 3.1 metres and 5.4 metres are provided to the northern boundary shared with 62 The Mall/Phil Engisch Reserve and a 17 metre setback to the western boundary shared with 62 The Mall/former library building.</p> <p>The proposed building setbacks are illustrated in Figure 10.</p>
Building Separation	<p>Within the site:</p> <p>A minimum separation distance of 21.5 metres is provided between the proposed buildings within the site (i.e., between the two residential towers, Building B and C).</p> <p>To adjoining development:</p> <p>The following minimum separation distances to adjoining development are proposed:</p> <ul style="list-style-type: none"> • 3-7 Fetherstone Street: 16.2 metres • 62 The Mall (former library): 13.1 metres <p>The above minimum distances are measured from the podium level. Increased distances are provided at the upper tower levels.</p> <p>The proposed building separation distances are illustrated in Figure 10.</p>

Loading Facilities	<p>Two separate loading areas/docks located on Basement Level 1, accessed via Fetherstone Street, for:</p> <ul style="list-style-type: none"> • Hotel and Residential uses comprising two small rigid vehicle (SRV) loading spaces (within the Hotel/Residential car park); and • Retail and other non-residential uses comprising one Medium Rigid Vehicle (MRV) and two Heavy Rigid Vehicle (HRV) loading spaces (within the Retail/loading car park).
---------------------------	--

An extract of the proposed site plan (as amended) is included in Figure 1.

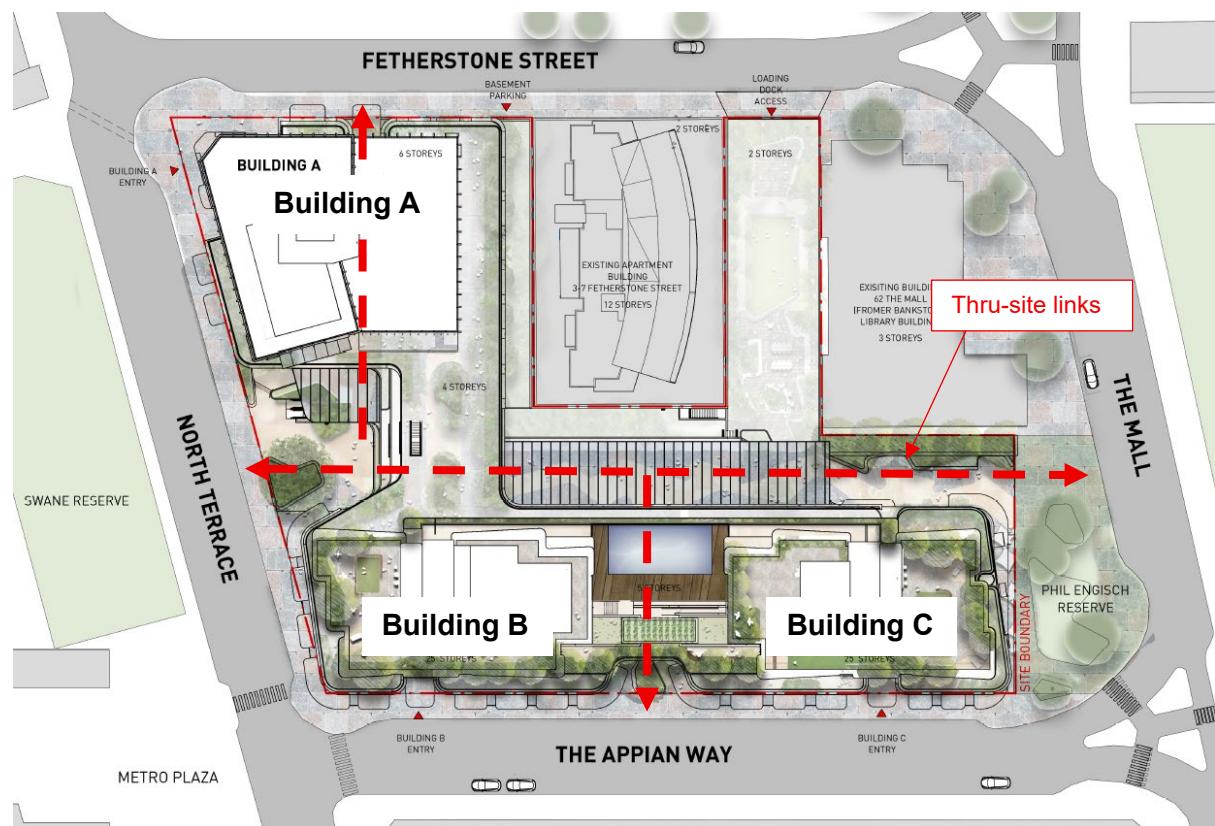


Figure 1: Site Plan (Source: PTW Architects and SJB Planning)

2. KEY ISSUES

The key issues raised in the reasons for refusal are addressed below.

For the purpose of this Report, the “original assessment/report/application” means the application, the subject of the Assessment Report referred to the Panel at its meeting on 17 November 2025.

2.1 Refusal Reasons 1 and 5 – Contamination

The original application provided several documents addressing site contamination, including a Preliminary Site Investigation (PSI) and a memorandum identifying previous site investigations undertaken. A Remedial Action Plan (RAP) was also provided along with advice outlining further contaminations investigations to be undertaken.

Assessment of the original application by Council’s Environmental Health Officer concluded that the information provided was inadequate for the following reasons:

- A RAP cannot be developed when the nature and extent of contamination is unknown. A Detailed Site Investigation (DSI) is required to determine this.
- 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.
- 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 and dry cleaners. For these reasons, expert oversight is considered both reasonable and necessary.
- A Stage 2 Detailed Site Investigation (DSI) was requested and was not provided.

In response, the Applicant has provided the following additional documentation:

- Report on Limited Detailed Site Investigation, prepared by Douglas Partners;
- Updated Remedial Action Plan prepared by Douglas Partners; and
- Interim Audit Advice, prepared by Ramboll.

The additional information has been assessed by Council’s Environmental Health Officer, and no further objections are raised, subject to conditions. A copy of the recommended conditions is provided at **Attachment A**.

Based on the additional material provided, it is considered that the application adequately demonstrates 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
- matters in clause 6.2(3)(b), (6.2)(3)(d), 6.2(3)(g) and 6.2(3)(h) of the CBLEP relating to earthworks are satisfactorily addressed.

Development consent could be granted in these circumstances.

Outcome: Additional documentation, including a DSI as requested by Council’s Environmental Health Officer, has been provided and assessed, and it is considered that the matters raised in Reasons 1 and 5 – Contamination are resolved.

2.2 Refusal Reason 2 – Height

Following the lodgement of the DA, the CBLEP was amended on 27 November 2024 to include updated controls for the development of land within the Bankstown City Centre, under which a building height development standard of 83 metres remains, and an increased maximum FSR of 5.8:1 (from 5:1) applies to the site. Pursuant to the savings provisions in Clause 1.8A of the CBLEP, the amended CBLEP currently in force does not apply. Therefore, clause 6.16 of the CBLEP (Version 2 August 2024 to 26 November 2024) still applies to the application.

A maximum building height limit of 83 metres applies to the site provided that the development exhibits design excellence, pursuant to clause 6.16(3)(a) of the CBLEP. The application proposes a maximum height of 85.85 metres (RL 107.95) which equates to an exceedance of 2.85 metres (or 3.4%).

The issues identified in the original assessment relating to the height variation are summarised as follows:

- The components exceeding the building height development standard were not clearly identified in the submitted clause 4.6 Variation Request, including the rooftop awnings; and
- Insufficient detail, such as examples specific to the height variation, were provided to demonstrate:
 - consistency with the objective of clause 6.16 of the CBLEP; and
 - that there are sufficient environmental planning grounds to justify the contravention.

Following a meeting and further correspondence between the Applicant and the Independent Assessor, additional documentation has been provided by the Applicant.

In terms of the components exceeding the building height limit applying to the site under clause 6.16(3)(a) of the CBLEP, updated Architectural Plans prepared by PTW and Landscape Plans prepared by Site Image, have been submitted which demonstrate that the awnings located on the rooftop level of Building B and Building C have been removed.

An updated clause 4.6 Variation Request prepared by Colliers has also been submitted. The relevant provisions of clause 4.6 of the CBLEP with reference to the arguments advanced by the Applicant are considered below.

The Development Standard to be varied and extent of the variation

Clause 6.16(3)(a) of the CBLEP permits the erection of a building to which the clause applies resulting in a maximum building height of 83 metres provided that the development exhibits design excellence.

The updated clause 4.6 Written Request identifies that the application proposes a maximum building height of 85.85 metres (RL 107.95) which equates to an exceedance of 2.85 metres (or 3.4%).

Preconditions to be satisfied

Clause 4.6(3) of the CBLEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.

The two preconditions are addressed below with reference to the updated clause 4.6 Written Request.

Clause 4.6(3)(a) – that compliance with the development standard is unreasonable or unnecessary in the circumstances

The updated written request relies on the first test described in *Wehbe v Pittwater Council (2007) NSW LEC 827*, that the objectives of the standard are met notwithstanding the proposed variation.

Clause 6.16 of the CBLEP contains one objective which states as follows:

“(1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the visual and built character values of Bankstown.”

Given the reference to design excellence in the objective, consideration of the design excellence provisions in clause 6.15 of the CBLEP is relevant in that they provide an indication of the intended design excellence outcomes.

The matters for considerations set out in clause 6.15(4) are as follows:

“(4) In deciding whether the development exhibits design excellence, the consent authority must consider the following—

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) whether the development detrimentally impacts on view corridors,*
- (d) how the development addresses the following matters—*
 - (i) heritage issues,*
 - (ii) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (iii) bulk, massing and modulation of buildings,*
 - (iv) street frontage heights,*
 - (v) environmental impacts, including sustainable design, overshadowing, wind and reflectivity,*
 - (vi) the achievement of the principles of ecologically sustainable development,*
 - (vii) pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (viii) the impact on, and any proposed improvements to, the public domain,*
 - (ix) the integration of utilities, building services and waste management infrastructure in the site layout and building design,*
- (e) whether the development integrates high quality landscape design in the site layout and building design.”*

The updated written request addresses both the objective of clause 6.16 of the CBLEP as well as the design excellence provisions set out in clause 6.15(4) of the CBLEP.

The reasoning provided to justify consistency with the objective of clause 6.16(3)(a) of the CBLEP is considered as follows:

- The development contributes to the visual and built character values of Bankstown in that the proposed residential buildings (Building A and Building B) will provide for a

consistent tower form along The Appian Way, which has been identified as the “activity spine” through the Bankstown Central Business District (CBD) in the Bankstown Complete Streets Transport and Place Plan.

- Notwithstanding the height exceedance, the proposed height is consistent with that of the future planned towers located on the eastern side of The Appian Way at No. 1 and 1A North Terrace (Bankstown Central).
- The proposed ground floor retail tenancies together with the awnings will contribute to the activation of The Appian Way.
- The proposal exhibits design excellence in that the:
 - facade design incorporates a diverse range of finishes, materials and colours, , including 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.
 - 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 Transit Oriented Development (TOD) Precinct.
 - 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 Central site adjoining the site to east.
 - development provides appropriate setbacks to all site boundaries and to neighbouring development.
 - 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.
 - landscape strategy and ground floor deep soil provision, including additional canopy tree plantings will enhance the site interfaces and provide for adequate residential amenity.
 - 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.

Comment: In consideration of the relationship of the development with other existing and proposed development pursuant to the design excellence provisions in clause 6.15 of the CBLEP, it is also acknowledged that the 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, and
- interfaces with 3-7 Fethesone 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.

It is agreed that the arguments provided in the updated clause 4.6 Variation Request establish that the development exhibits design excellence and contributes to the visual and built

character of Bankstown, notwithstanding the breach. The development is consistent with the objective of clause 6.16 of the CBLEP.

Clause 4.6(3)(b) – there are sufficient environmental planning grounds to justify contravening the development standard.

The justification provided for the contravention of the building height development standard is based on two grounds, which is considered below (note these grounds have been summarised and grouped to assist in legibility of the assessment).

1. Contextual fit

It is argued that the development is of an appropriate scale and design, consistent with the character anticipated by the relevant planning controls because:

- the majority of the development, including the quantum of gross floor area (GFA), sits within the maximum height limit of 83 metres, permitted by clause 6.16(3)(a) of the CBLEP.
- the materials and finishes of the components exceeding the building height development standard are consistent and integrate with the remainder of the built form which sits within the height limit. The materials are a continuation of those used in the lower levels.
- the visual massing of the components of the development exceeding the building height development standard do not materially change the existing visual catchment of the surrounding streetscape nor the desired built character of the Bankstown CBD.
- the 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.
- the proposed residential buildings, Building A and Building B will assist in distinguishing the main activity spine of the Bankstown CBD as anticipated in the CBDCP and Bankstown Complete Streets Transport and Place Plan.
- the building setbacks and separation distances predominantly exceed the requirements of the CBDCP and the ADG.

Comment: It is considered that the updated clause 4.6 Variation Request demonstrates that the development achieves an appropriate scale and built form transition through the provision of adequate setbacks and separation distances to adjoining development. The proposed built form is compatible with the character of the surrounding development and generally reflective of the envelope anticipated by the CBLEP.

2. Avoidance of adverse impact

The updated clause 4.6 Variation Request contends that the development avoids adverse amenity impacts given:

- The visibility of the components exceeding the building height development standard, namely the stair and lift overruns and plant elements, will be limited. These components are set back a minimum distance of 9.75 metres from the surrounding street frontages, which, combined with their location on the roof, minimises the visibility from the public domain.
- Due to the limited visibility, the additional height will be of negligible visual impact within the surrounding CBD context.
- Shadow diagrams are provided, indicating that the height exceedance will not result in any additional adverse overshadowing impacts.

- The proposed height exceedance will not result in overlooking or associated privacy impacts.
- There are no elevated locations within the surrounding locality that afford significant or protected views to or across the site.

Comment: The reasons provided establish that adverse amenity impact associated with the breach in terms of visual impact, view loss, visual privacy and solar access are appropriately avoided through the proposed tower form, building orientation and appropriate setbacks. It is also considered that the visual massing of the components exceeding the building height development standard will not significantly impact or materially change the visual catchment of the surrounding CBD streetscape. Accordingly, the lack of adverse impacts is sufficient to justify the contravention of the building height development standard.

Having regard to the above, it is considered that the written request adequately demonstrates the matters in clause 4.6(3) of the CBLEP.

Outcome: Additional documentation, including amended plans and an updated clause 4.6 Variation Request, has been provided and assessed, and it is considered that the matters raised in Reason 2 – Height are resolved.

2.3 Refusal Reason 3 – FSR

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 assessment of the application indicated that the following areas were incorrectly excluded from the calculation of GFA:

Figure (refer Original Assessment Report)	Level	Area/location	GFA (m ²) (scaled from Architectural Plans Rev C, dated 4/9/25)
A	Ground	“FCR” room located to the south of Building C ground floor lobby <i>Note:</i> Use of this area also requires clarification to verify exclusion of GFA/FSR calculation	30
B	Level 01	Retail storage adjoining retail car spaces in Building C	20
C	Level 01	Hotel Lobby A2 in Building A	26
D	Level 01	Corridor immediately east of Lobby A2 in Building A	10
E	Level 02	Room adjacent Lobby B1 in Building B	6
F	Level 03	Entire Lobby A2 in Building A	7

G	Level 03	Room adjacent Lobby C1 in Building C	6
H	Level 04	Corridor immediately east of Building A Lobby A2, Stairs, Manager Room and bathrooms	17
I	Level 05	Section of corridor immediately west of Furniture Store in Building A	3.5
J	Level 05	Corridor space immediately west of Reception in Building B	5.5
K	Level 06-18	Entire horizontal corridor access to the stair landing in Building A	(3 x 13 levels) =39
			Total: 170m²

The locations of the above areas within the development are identified in Figures A to K of the original assessment report.

Following a meeting and further correspondence between the Applicant and the Independent Assessor, additional documentation, including amended plans have been submitted, which resolves the areas identified in Figures A to K as follows:

- **Figure A:** The additional material confirms that the “FCR” is a Fire Control Room to accommodate essential equipment such as fire alarm, pumps, control system etc. and is therefore excluded from GFA.
- **Figure B:** The retail storage area has been converted to a plant room and is therefore excluded from GFA.
- **Figure C:** Hotel Lobby A2 in Building A has been removed.
- **Figure D:** Corridor immediately east of Lobby A2 in Building A has been removed.
- **Figure E:** Room adjacent Lobby B1 in Building B has been included in the GFA calculation.
- **Figure F:** Lobby A2 in Building A has been reduced in size (to 16.7m²) and included in the GFA calculation.
- **Figure G:** Room adjacent Lobby C1 in Building C has been included in the GFA calculation.
- **Figure H:** This corridor will be used for fire egress and is therefore excluded from GFA calculation.
- **Figure I:** Section of corridor immediately west of Furniture Store in Building A has been included in the GFA calculation.
- **Figure J:** Corridor space immediately west of Reception in Building B has been included in the GFA calculation.
- **Figure K:** This will be used for fire egress and is therefore excluded from GFA calculation.

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.

The total GFA as reflected in the updated plans equates to 40,845.2m² and the proposal complies with the maximum FSR of 5:1 in clause 6.16(3)(b) of the CBLEP.

Outcome: Additional documentation, including amended floor plans, has been provided and assessed and it is considered that the matters raised in Reason 3 – FSR are resolved.

2.4 Refusal Reason 4 – Flooding

Assessment of the original application by Council's Asset Engineer and Development Engineer concluded that inadequate information was provided to enable a proper assessment of the flooding impacts of the development. Key deficiencies identified are summarised as follows:

- inadequate flood modelling provided in the Flood Impact Assessment;
- inadequate assessment of off-site flood impacts on the property located to the north of the site (62 The Mall);
- insufficient detail of flood mitigation measures to be implemented to manage flood impacts associated with the obstruction and diversion of the overland flow path traversing the site from Fetherstone Street to The Appian Way; and
- inconsistencies with the threshold level and 1%AEP Peak Flood Level requirements set out in the Canterbury Bankstown Development Control Plan 2023 (CBDPC).

Following two meetings and additional correspondence between the Council's Engineers and Applicant, an updated Flood Impact Assessment prepared by Xavier Knight and updated Civil Engineering Plans prepared by Robert Bird Group were submitted. The documentation has been assessed by Council's Engineers, and no further objections are raised, subject to conditions.

The recommended conditions include a requirement to provide adequate inlet capacity and additional flood storage upstream of the site to capture and store overland flow displaced by the development. The location and design of the required inlet and flood storage will be subject to further approval by Council prior to the issue of a Construction Certificate.

A copy of the recommended conditions is provided at **Attachment A**.

Based on the additional material provided, it is considered that the:

- application demonstrates that the flood planning related matters in clause 5.21(2)(a), 5.21(2)(b) and 5.21(2)(c) of the CBLEP are adequately addressed; and
- The development will not give rise to adverse flooding impacts pursuant to Section 4.15(1)(c) of the EP&A Act.

Outcome: Additional documentation, including an updated Flood Impact Assessment, has been provided and assessed and it is considered that the matters raised in Reason 4 – Flooding are resolved.

2.5 Refusal Reasons 6, 8, 11 and 13 – Stormwater and On-site detention (OSD)

Assessment of the original application by Council's Asset Engineer and Development Engineer identified the following deficiencies in relation to stormwater drainage design and OSD:

- inadequate detail regarding the management of the existing overland flow path from Fetherstone Street to The Appian Way has been provided; and
- the application does not clearly specify the proposed location of the required on-site detention (OSD) nor has it been demonstrated that the OSD achieves compliance with clause 7.10.1 of Australian Standard 5300.3

In response, the Applicant has provided additional documentation including an updated Flood Impact Assessment and Civil Engineering Plans, including revised DRAINS modelling, which demonstrate the flood mitigation measures proposed to manage the existing overland flow path. The details and location of the proposed OSD, including compliance with the relevant Australian Standards has also been demonstrated in the additional material provided.

The additional documentation has been assessed by Council's Engineers, and no further objections are raised, subject to conditions. A copy of the recommended conditions is provided at **Attachment A**.

Based on the additional documentation provided, the application adequately demonstrates that:

- significant adverse impacts of stormwater runoff will be avoided, pursuant to clause 6.3(3)(c) of the CBLEP;
- adequate arrangements for stormwater drainage have been made pursuant to clause 6.9(d) of the CBLEP; and
- The development will not give rise to adverse stormwater runoff impacts pursuant to Section 4.15(1)(c) of the EP&A Act.

Outcome: Additional documentation, including updated Civil Engineering Plans, has been provided and assessed and it is considered that the matters raised in Reasons 6, 8, 11 and 13 – Stormwater and On-site Detention are resolved.

2.6 Refusal Reason 7 – Prescribed Airspace

The development involves the construction of buildings that intrude within a prescribed air space and requires a 'Controlled Activity Approval' (CAA) pursuant to section 182 of the *Airports Act 1996*.

On 24 November 2025, the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts issued a CAA under section 182 of the *Airports Act 1996* in relation to the proposed works, subject to conditions. A copy of the CAA is included at **Attachment B**.

Outcome: The CAA pursuant to section 182 of *Airports Act 1996* has been obtained by the Applicant and therefore the matter raised in Reason 7 – Prescribed Airspace is resolved.

2.7 Refusal Reasons 9 and 11 – Vehicular Access

Assessment of the original application by Council's Traffic Engineer has identified a range of traffic safety and compliance issues with the proposed site access arrangements via Fetherstone Street. Concern was also raised with the location of the taxi and coach drop-off/pick-up spaces on the North Terrace. Specifically:

- the location, configuration and co-location of the retail and loading dock driveways whereby the loading (truck) access is situated between the separated retail entry and exit driveway;
- sight lines demonstrating compliance with Australian Standard 2890.1:2004 are not shown on the submitted plans; and
- 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 adjoining the Metro Station. This will give rise to unreasonable traffic safety and efficiency impacts.

Following a meeting and additional correspondence between the Council's Traffic Engineer and the Applicant, additional documentation was submitted including written advice dated 10 November 2025 and an updated Traffic Impact Assessment prepared by PTC, and updated Architectural Plans.

The additional documentation identifies the following amendments to the proposed site access arrangements:

- Installation of a boom gate system to manage conflict between cars and trucks accessing the site at the same time;
- provision of sightlines at the driveway locations as shown on the updated Architectural Plans); and
- removal of the coach and taxi drop-off zones on North Terrace on the basis that:
 - the anticipated demand for coach activity is low due to the scale of the proposed Hotel, with approximately two (2) coach drop-off events expected per week; and
 - the existing on-street taxi-locations on the North Terrace are sufficient to accommodate the proposed Hotel operations.

The updated site access arrangements have been assessed by Council's Traffic Engineer and no further objections are raised, subject to conditions which are included at **Attachment A**.

Based on the additional material provided, it is considered that the application demonstrates that adequate arrangements for suitable site access pursuant to clause 6.9(f) of the CBLEP are provided.

Outcome: Additional documentation, including an updated Traffic Impact Assessment and plans, has been provided and assessed and it is considered that the matters raised in Reasons 9 and 11 – Vehicular Access are resolved.

2.8 Refusal Reason 13 – Traffic and On-site Manoeuvring

Traffic generation

Assessment of the original application by Council's Traffic Engineer identified that the calculation of traffic generation set out in the Traffic Impact Assessment is inadequate for the following reasons:

- medical suite traffic generation rates are not consistent with the Roads and Traffic Authority Guide to Traffic Generating Developments; and

- evidence to support the assumed traffic generation rates has not been provided.

In response, a revised Traffic Impact Assessment (TIA) has been prepared by PTC, including updated SIDRA modelling along with increased traffic generation rates for the medical suites. As a result, the net traffic generation has increased by an additional one (1) trip per minute. The TIA concludes that the associated impact on the surrounding road network will be negligible in these circumstances.

The updated TIA has been assessed by Council's Traffic Engineer, and no further issues are raised, subject to conditions which are included at **Attachment A**.

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 provided additional information including written advice prepared by PTC to further justify the proposed ramp, intersection and car park design. Additional 'Car Park Impact Plans' were also submitted by the Applicant to demonstrate the implications of incorporating the amendments required to resolve the matters raised by Council's Development Engineer.

The additional information has been assessed by Council's Development Engineer, and the on-site manoeuvring arrangements, including the proposed internal ramp widths, are acceptable, subject to conditions included at **Attachment A**.

Based on the additional material provided, it is considered that the application adequately demonstrated that:

- adequate vehicular access is provided pursuant to clause 6.9(f) of the CBLEP; and
- the development will not give rise to adverse traffic safety and efficiency impacts in the surrounding road network pursuant to section 4.15(1)(c) of the EP&A Act.

Outcome: Additional documentation, including amended plans and an updated TIA, has been provided and assessed and it is considered that the matters raised in Reason 13 – Traffic and On-site Manoeuvring are resolved.

2.9 Refusal Reason 10 – Design Excellence

The original assessment of the application concluded that design excellence is not achieved due to inconsistencies with the deep soil, solar access, natural ventilation and common circulation provisions of the Apartment Design Guide (ADG).

Deep soil

As outlined in the original assessment of the application, the deep soil areas proposed 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.

Requiring strict adherence with the 7% deep soil design criteria may be unreasonable given the site context within a business centre adjacent to a metro station and the desire to maximise retail uses and activation of the ground plane. However, 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."

As identified in the original assessment report, increased deep soil areas 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.

In response, the Applicant has provided amended landscape plans, prepared by Site Image, demonstrating the following improvements to the proposed landscaping at the ground level:

- Increased planting density and canopy zone within the existing northern and eastern deep soil zones. An additional three (3) Water Gum trees (*Tristaniopsis laurina*) have been included in the northern deep soil zone and three (3) cabbage tree palm trees (*Livistona australis*), have been replaced with two (2) Water Gum trees within the eastern deep soil zone (marked in red in Figure 2 below); and
- Additional planter along the southern North Terrace frontage (marked in blue in Figure 2) with additional tree and shrub plantings including two (2) Water Gum trees.

Additional tree plantings are also proposed on upper levels which has increased the total canopy coverage on site from 39.9% to 42.7%.

Accordingly, it is considered that the development as amended is consistent with Objective 3E-1 of the ADG and is acceptable on this basis.

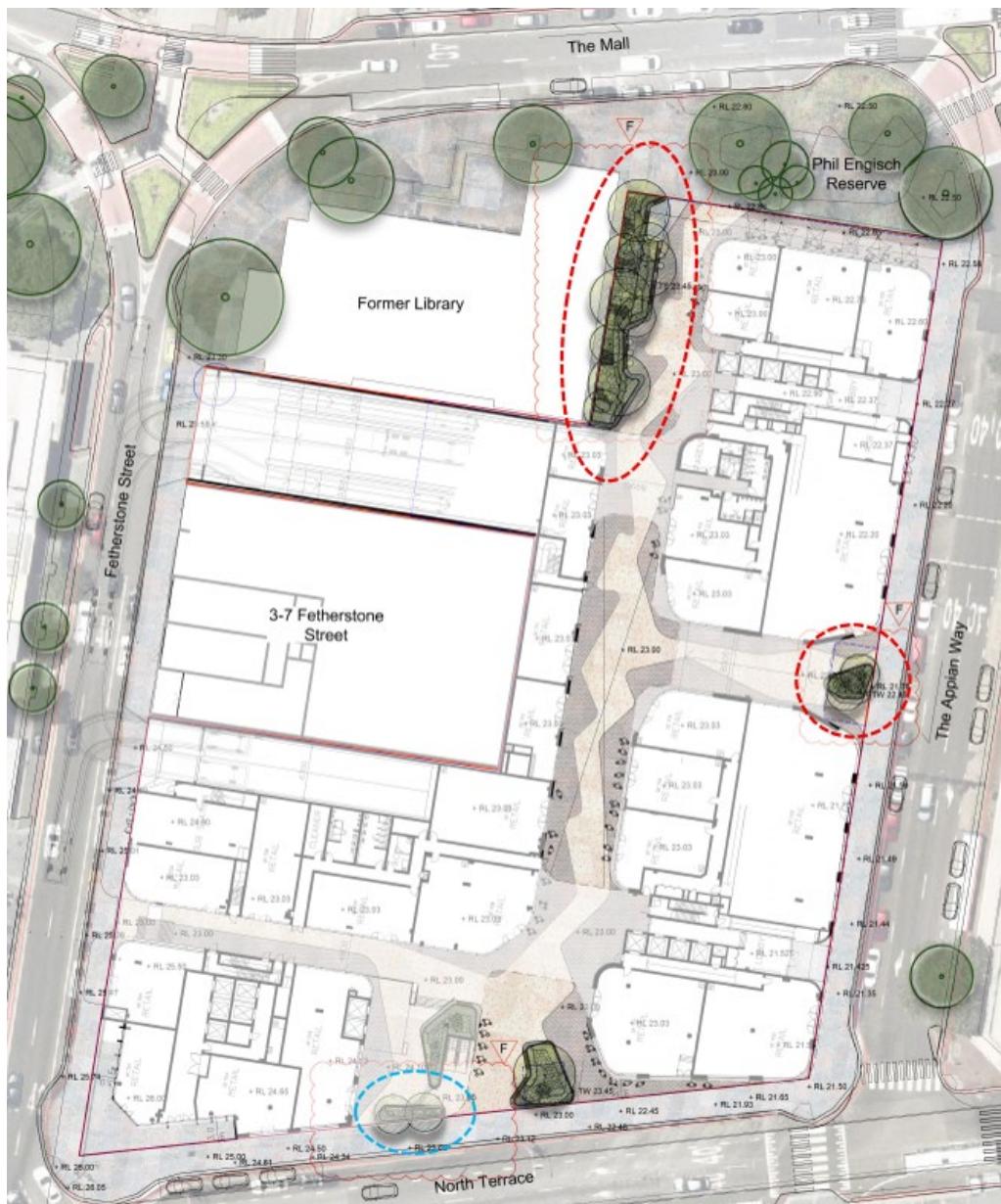


Figure 2: Landscape Masterplan (Source: Site Image)

Solar access

The original assessment concluded that the sun-eye view diagrams did not demonstrate that all east facing 1, 2 and 3-bedroom apartments in Building B and Building C (Units B604, B605, B606, C604 and C605) receive a minimum of 2 hours of sunlight (between 9am and 11am) in accordance with Design Criteria 1 in Objective 4A-1 of the ADG.

In response, the Applicant has provided the following additional material:

- updated floor plans incorporating amended slab projections and apartment configuration in Building B;
- updated solar access diagrams (in plan form);
- updated sun-eye view diagrams;
- additional sun-eye view diagrams at 15-minute intervals, and at higher resolution between 9am and 11am to confirm compliance of east facing apartments (specifically Units B604, B605, B606, C604 and C605); and

- additional solar penetration diagram to demonstrate that the following design guidance of the ADG is achieved for Units B604, B605, B606, C604 and C605:

"To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level is achieved for at least 15 minutes"

The original proposal and the amended apartment configuration and reduced slab projections of the east facing apartments are illustrated in Figure 3 (marked in blue).

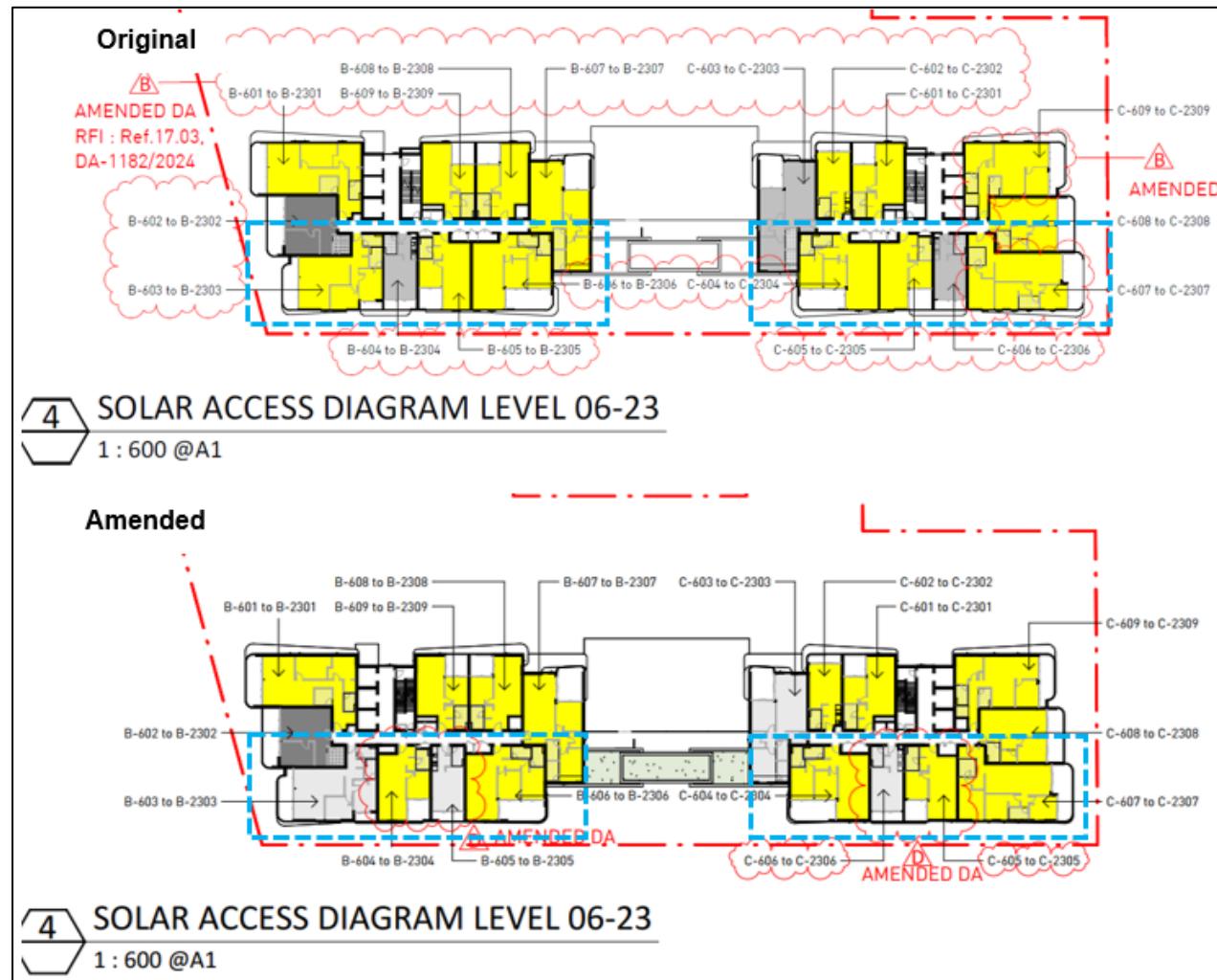


Figure 3: Original (top) and proposed amended (bottom) solar access diagram (Source: PTW Architects)

The sun-eye view diagrams, at higher resolution, are included at Figures 4 and 5.



Figure 4: Sun-eye view diagram at higher resolution for east facing units in Building B (Source: PTW Architects)



Figure 5: Sun-eye view diagram at higher resolution for east facing units in Building C (Source: PTW Architects)

The additional solar penetration diagrams are shown in Figures 6 to 9.

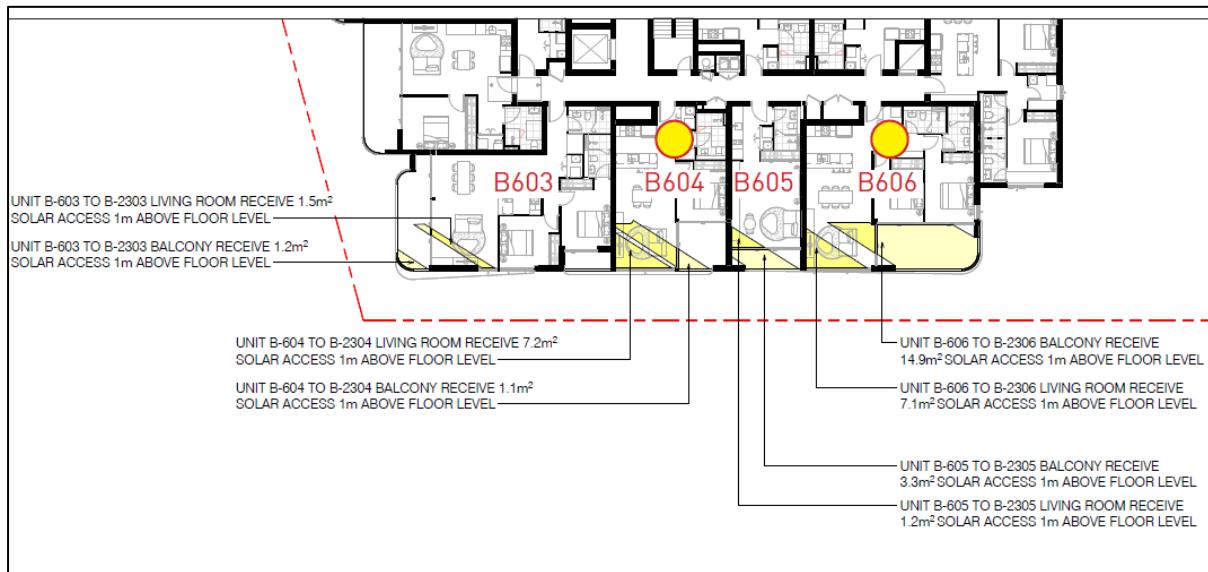


Figure 6: Solar penetration diagram; Building B at 9am 21st June (Source: PTW Architects)

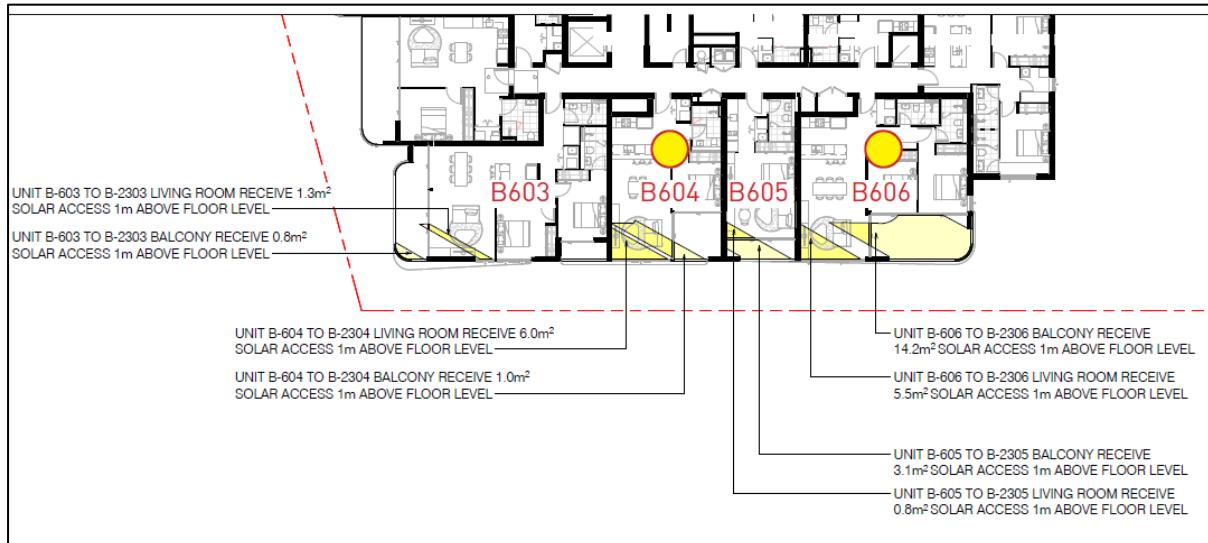


Figure 7: Solar penetration diagram; Building B at 9:15am 21st June (Source: PTW Architects)

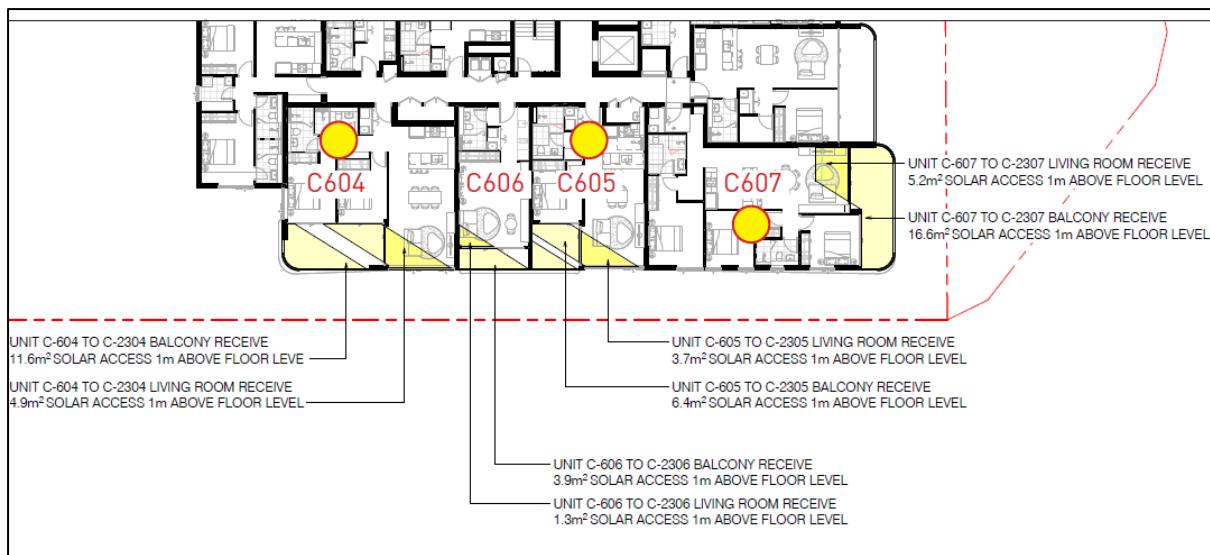


Figure 8: Solar penetration diagram; Building C at 9am 21st June (Source: PTW Architects)

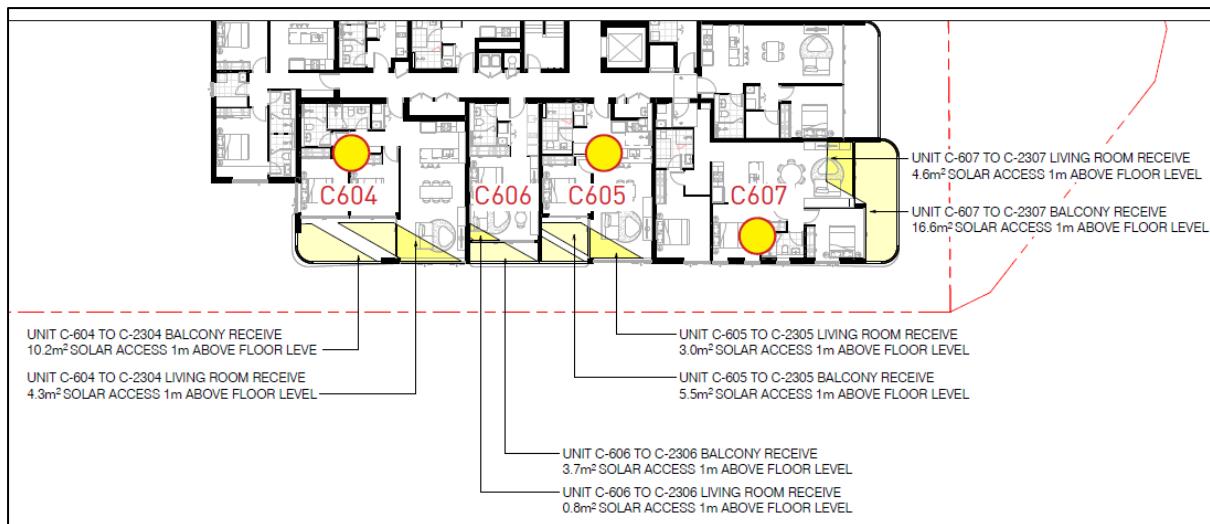


Figure 9: Solar penetration diagram; Building C at 9:15am 21st June (Source: PTW Architects)

Based on the additional material provided, it is considered that Units B604, B605, B606, C604 and C605 will receive a minimum of 2 hours of sunlight (between 9am and 11am) as required under Design Criteria 1 in Objective 4A-1 of the ADG.

Accordingly, the development is consistent with objective 4A-1 which states:

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

Natural ventilation

Assessment of the original application concluded that natural ventilation 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 did not achieve natural ventilation in accordance with the design guidance in Objective 4B-3 of the ADG. This was attributed by the inclusion of outlet windows which were significantly smaller in area than the respective inlet openings. Furthermore, the actual size and details of the windows were not specified.

In response, the Applicant has provided amended plans which demonstrate increased outlet windows for Units B609, B709, B809, B909, C601, 701, 801 and C901. This has been achieved by removing and relocating the stair pressurisation enclosure and thereby increasing the size of the window on this elevation.

The original proposal and the amended windows are illustrated in Figure 10.

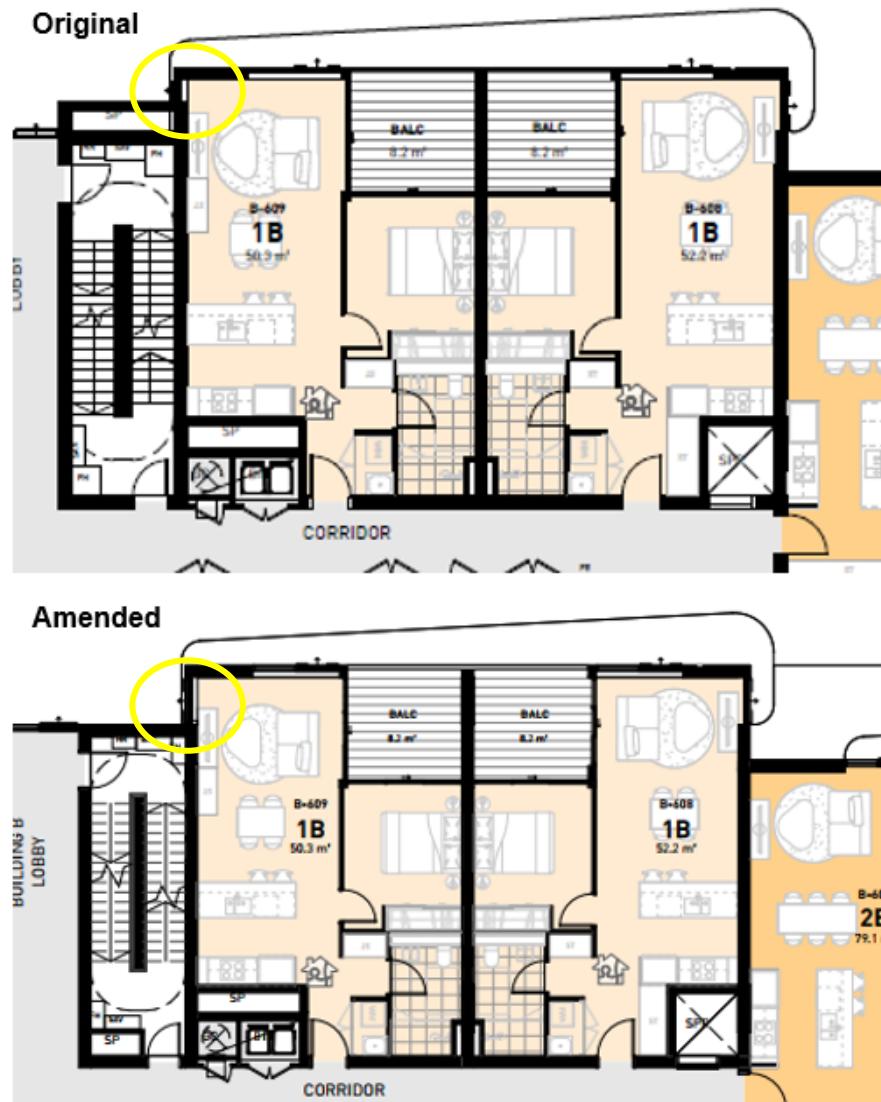


Figure 10: Original (top) and proposed amended (bottom) typical Units B-08/09, Building B (Source: PTW Architects)

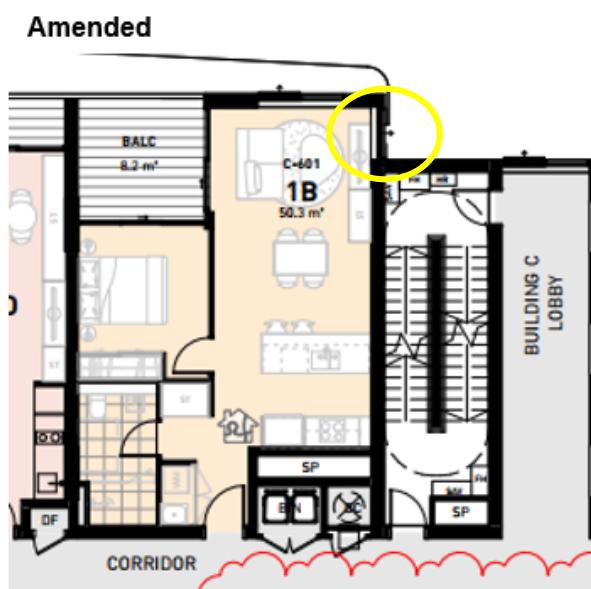
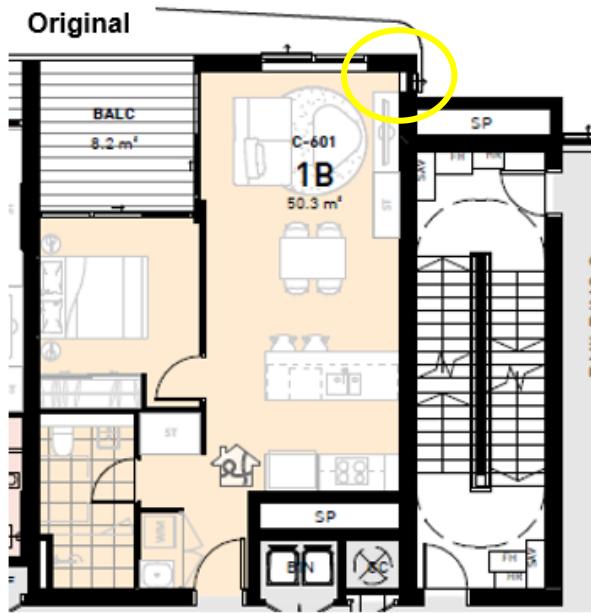
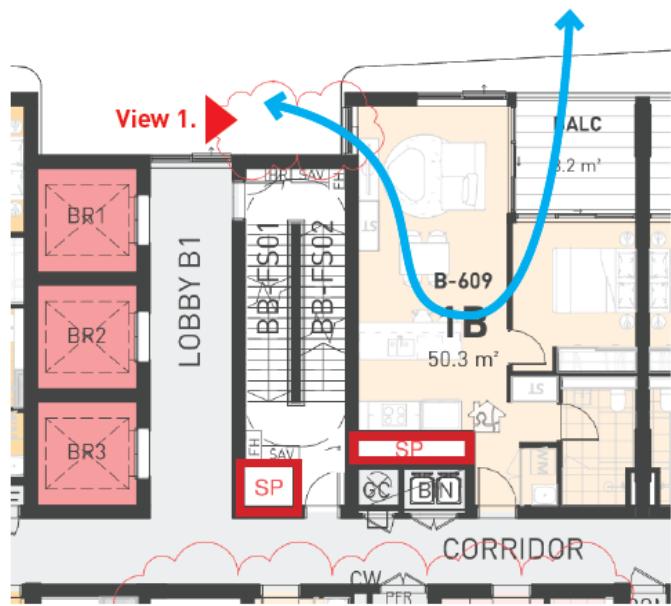


Figure 11: Original (top) and proposed amended (bottom) typical Unit C-01, Building C (Source: PTW Architects)

Additional details, including elevations, have also been provided confirming that the outlet openings for Units B608 B609, B708, B709, B808, B809, B908 and B909 in Building B, as well as unit C601, 701, 801 and C901 are awning windows, with floor to ceiling glazing (refer to Figure 11 and 12).



Building B Lift lobby - Typical Floor
[Mirrored arrangement for Building C]

Figure 12: Cross ventilation diagram for Typical Unit B-09/C-01 (Source: PTW Architects)

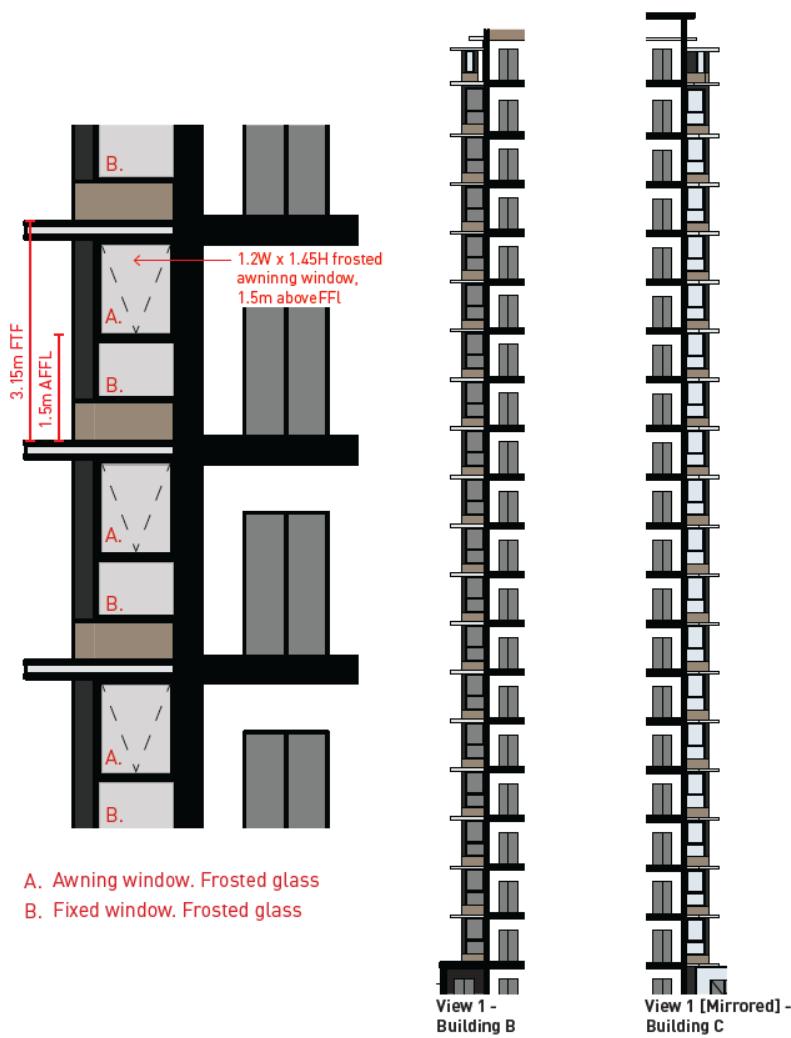


Figure 13: Cross ventilation diagram for Typical Unit B-09/C-01 (Source: PTW Architects)

Furthermore, written advice prepared by CPP Wind Engineering Consultants has been submitted which concludes that the proposed operable awning windows are sufficient outlet windows to achieve natural ventilation in line with the ADG.

Based on the additional information, it is considered that at least 60% of apartments are natural ventilated in the first nine storeys of Building B and Building C in accordance with the Design Criteria in Objective 4B-3.

Accordingly, the development is consistent with objective 4A-1 which states:

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

Common circulation

Assessment of the original application identified that the development includes nine (9) apartments on each level of the residential towers (Building B and Building C) which is inconsistent the design criteria 1 in Objective 4F-1 of the ADG, requiring a maximum of eight (8) apartments off a single circulation core on each level. This exceedance was considered unacceptable noting that inconsistencies with the associated design guidance relating to internal amenity of the circulation spaces under Objective 4F-1 were also identified.

In response, the Applicant has provided additional information to further justify the proposed common circulation arrangements and demonstrate that the common circulation space would be adequately ventilated through the provision of 2-metre-wide window openings.

Based on the additional material provided, it is considered that the development is consistent with Objective 4F-1 which states:

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

In conclusion, it is considered that the application as amended satisfies the deep soil, solar access, natural ventilation and common circulation provisions contained in Objective 3E-1, 4A-1, 4B-3 and 4F-1 of the ADG.

Outcome: Additional documentation, including amended plans, has been provided and assessed, and it is considered that the matters raised in Reason 10 – Design Excellence relating to deep soil, solar access, natural ventilation and common circulation are resolved.

The amended application was also reviewed by Council's Urban Design Team and no further objections are raised, subject to conditions including several design amendments which were raised in the original assessment report, and include:

- extension of the private open space areas for Units C201, C202, C301, C302 and C303;
- provision of improved acoustic insulation to Units C201 and C301 due to their location adjacent the podium car parking spaces;
- provision of breakthrough panels within the basement car park to allow future vehicle access to 62 The Mall (noting that the Applicant identified there is potential to investigate such access subject to understanding Councils design and access requirements and reaching an agreed approach between the landowners); and
- submission of an updated schedule of materials detailing the use of an alternative material on all glass balustrades in order to protect the and enhance the visual privacy of the future occupants and balance between solids and glazing elements.

3. STATUTORY CONSIDERATIONS

The matters for consideration in section 4.15 of the EP&A Act relevant to the resolution of the reasons for refusal are addressed below.

3.1 Section 4.15(1)(b) Likely Impacts

As demonstrated earlier in this Report, the additional documentation submitted by the Applicant is considered adequate 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 pursuant to section 4.15(b) of the EP&A Act.

In terms of construction noise and traffic impacts, an updated Noise and Vibration Impact assessment prepared by E-Lab Consulting and a Preliminary Construction Traffic Management Plan prepared by PTC, has been provided by the Applicant. It is considered that the additional documentation adequately considers the potential construction related impacts of the development and sets out appropriate mitigation measures to ensure that these impacts are appropriately managed. A condition of consent requiring the submission of a Final Construction Traffic Management Plan has been included in the recommended conditions provided at **Attachment A**.

3.2 Section 4.15(1)(c) Suitability of the site

Having regard to the locality, the context and character of the Bankstown City Centre location and the proposed mixed-use development, comprising a total of 336 residential apartments, a series of commercial and retail uses, a child care centre and medical suites, the site is suitable from an overall design perspective.

Furthermore, the additional documentation provided by the applicant adequately demonstrates that the site is suitable for the proposed development in that:

- the proposed development will achieve an appropriate response to the environmental conditions of the site, noting that the site is the subject of contamination.
- the amended application adequately demonstrates that the site can be made suitable for the development pursuant to section 4.6 of the Resilience and Hazards SEPP; and
- the proposed development is compatible with the flood function and behaviour of the land that the proposal will not result in adverse flooding impacts pursuant to clause 5.21 of the CBLEP.

3.3 Section 4.15(1)(d) Public Submissions

Following the determination meeting held on 17 November 2025, Council and the Panel received an additional submission, dated 28 November 2025. This submission was prepared by an adjoining landowner that also made submissions to the original application.

The comments provided in the additional submission are noted and not considered as requiring any further amendments to the development.

3.4 Section 4.15(1)(e) Public Interest

Based on the additional documentation provided by the Applicant, it is considered that the proposal will not give rise to adverse impacts in relation to flooding, stormwater drainage, site access, traffic and the management of site contamination and construction works.

Further, the application as amended demonstrates the matters set out in the relevant environmental planning instruments applying to the development regarding the remediation of land, flooding, stormwater management and site access are adequately addressed.

The development involves the construction of buildings that 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 been obtained by the Applicant.

Accordingly, the application is in the public interest as it would result in the orderly development of the land. Development consent could be granted on this basis.

4. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

The amended application demonstrates that:

- the proposal will not result in adverse environmental impacts;
- the proposal will facilitate the orderly development of the subject land;
- the site is suitable to accommodate the proposed development; and
- the proposed development is in the public interest.

It is considered that the key issues raised in the reasons for refusal have been resolved satisfactorily via amended plans and additional documentation and in the recommended draft conditions at **Attachment A**.

5. RECOMMENDATION

That the Development Application DA No 1182/2024 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 2-level basement and a 5-storey mixed-use podium with 3 towers above, including a 19-storey hotel tower and 2 x 24-storey residential towers, at 83, 85 and 99 North Terrace, Bankstown be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent contained at **Attachment A**.

The following attachments are provided:

- **Attachment A:** Draft Conditions of consent
- **Attachment B:** Controlled Activity Approval