

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Bankstown City Council** on **Wednesday 17 December 2014 at 11.00 am**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Cr Ian Stromborg and Cr Allan Winterbottom

**Apologies:** Stuart McDonald

**Declarations of Interest:** None

## Determination and Statement of Reasons

2014SYW003 – Bankstown - DA-1119/2013, Demolition of existing structures and site works to facilitate construction of a new 14-storey mixed use building consisting of 146 residential units, 196m<sup>2</sup> of commercial floor area, basement car park, landscaping, drainage works and new vehicular access from Cross Street, 196 Stacey Street, Bankstown.

**Date of determination:** 17 December 2014

### Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

### Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings (including the applicant's legal advice) and the matters observed at site inspections listed at item 8 in Schedule 1.

### Standard Variation

Having considered the applicants request to vary the development standard Clause 30(2) Floor Space Ratio contained in of the Bankstown LEP 2001 and the Panel considers that compliance with the standard is unnecessary in the circumstances of this proposal as the variation sought is minor and is a reasonable response to the irregular configuration of the site. There are as described in the Panels statement of reasons for approval sufficient environmental planning grounds to justify the requested variation and as the proposed development is consistent with the objectives of the standard and the objectives of the BA Local Centre Zone.

### Reasons for the panel decision:

1. The proposed development will add to the supply and choice of housing in the West Central Metropolitan Subregion and the City of Bankstown in a location accessible to the services, amenity and transport facilities offered by Bankstown CBD.
2. The proposed development adequately complies with the provisions of the relevant State Environmental Planning Policies including SEPP 65 Design Quality Residential Flat Buildings and associated Residential Flat Design Code, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
3. Given that the Panel has agreed to vary the development standards contained in Cl 30(2) of Bankstown LEP 2001 the proposal is considered to adequately satisfy the provisions of the LEP.
4. The proposed development is considered to be a suitable use of this significantly constrained site given it's highly urbanised context and it's location within Bankstown CBD.
5. The proposed development will not have significant adverse impact on the natural or built environment including the adjacent church, school and child care centre, nearby residential development and the operation on the local road network.
6. In consideration of conclusions 1-5 above the Panel considers the proposal is to be in the public interest.

**Conditions:** The development application was approved subject to the conditions in the Council Assessment Report with amendments to Conditions 21, 66 and an additional Conditions 2(a), 81.

Condition 21 to read as follows –

- The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall either be located within the building, or screened from the street by dense landscaping.

Condition 66 to read as follows –

- Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in

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respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65.

### Additional Conditions –




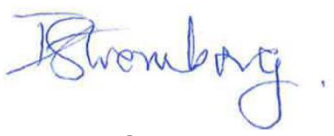
#### Condition 2(a)

- A 1.2 metre high palisade type fence is to be provided in the location marked in red on the approved plan to separate the recreation areas from trafficable areas. A second pedestrian access across the easement shall be provided, to link the separate parts of the recreation areas, subject to the approval of Sydney Water.

#### Condition 81

- The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.

### Panel members:

 <b>Mary-Lynne Taylor (Chair)</b>	 <b>Bruce McDonald</b>	 <b>Allan Winterbottom</b>
 <b>Ian Stromborg</b>		

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## SCHEDULE 1

1	<b>JRPP Reference – 2014SYW003, LGA – Bankstown City Council, DA/1119/2013</b>
2	<b>Proposed development:</b> 2014SYW003 – Bankstown - DA-1119/2013, Demolition of existing structures and site works to facilitate construction of a new 14-storey mixed use building consisting of 146 residential units, 196m2 of commercial floor area, basement car park, landscaping, drainage works and new vehicular access from Cross Street.
3	<b>Street address:</b> 196 Stacey Street, Bankstown.
4	<b>Applicant/Owner: Applicant – Merhis Pty Ltd, Owner – Kalbek Investment Pty Limited.</b>
5	<b>Type of Regional development:</b> Capital Investment Value > \$20M
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and the Residential Flat Design Code (RFDC)</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Greater Metropolitan Regional Environment Plan No. 2 – Georges River Catchment (Deemed SEPP)</li> <li>○ Bankstown Local Environmental Plan 2001</li> </ul> </li> <li>• Draft environmental planning instruments: Draft Bankstown Local Environmental Plan 2014</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Part D4 of the Bankstown Development Control Plan 2005 – Commercial Centres</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council assessment report with conditions of consent, Notification plan, Site plan, Level 1 overview, Basement level 1 and level 2, Level 1 ground floor plan, Level 2 podium floor plan, Level 3-7 floor plan, Level 8-14 floor plan, Roof plan, North and east elevations, South and west elevations, Sections, Detail section – privacy screening, Shadow diagrams and studies and Communal open space area and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>• Mr Anthony Whealy (Gadens Lawyers), Mr Stewart Dean (Marchese Partners Architects), Mr Ben Haynes (Town Planner) on behalf of the applicant.</li> </ul>
8	<b>Meetings and site inspections by the panel:</b> 6 March 2014 - Briefing Meeting, 17 December 2014 - Site Inspection and Final Briefing meeting.
9	<b>Council recommendation:</b> Approval
10	<b>Conditions:</b> Attached to council assessment report