

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Bankstown City Council** on **Thursday 20 November 2014 at 4.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, Cr Ian Stromborg and Cr Khal Asfour

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2014SYW050 – Bankstown - DA-224/2014, A staged development under section 83B of the Environmental Planning and Assessment Act 1979 with Stage 1 comprising alterations and additions to the existing Deepwater Motor Boat Club building accommodating a first floor function centre, new restaurant, landscaping, car parking, emergency flood evacuation route through Webster Street and infrastructure services with Stage 2 comprising the construction of a new boatshed. The staged development is "Integrated Development" as defined in Section 91 of the Environmental Planning and Assessment Act 1979 requiring concurrence from the NSW Rural Fire Service and the NSW Office of Water under the Rural Fires Act 1997 and the Water Management Act 2000 respectively, 30 and 31 Webster Street and 2 Maxwell Avenue, Milperra – Lot A in Deposited Plan (DP) 405225, Lot D in DP 391154, Lots B and C in DP 405225, Lots 1, 2, 25 and 26 in DP 361310 and Lots 57-65 in DP 9892.

Date of determination: 20 November 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.

The consent is given for a deferred commencement consent in accordance with the provisions of Clause 12 of Bankstown Local Environmental Planning 2001 as the panel is satisfied that the proposed development is of a nature warranting the use of Clause 12 to facilitate approval of the proposed development by reasons of its manner of operation. In that regard the Panel considers:

1. That the proposal, while increasing the number of persons using the flood affected site for functions will result in substantial reduction in flood related danger for currently permitted use of the site for a function centre.
2. The requirement for a detailed evacuation plan will reasonably ensure the use will be conducted in a manner and measures will be taken to protect users of the site from flood related dangers.
3. Required construction measures and standards will reasonably protect the proposed structure from flood related damage.
4. The Panel is satisfied the information given by the Council and the applicant's legal advice.
5. The use is otherwise consistent with the context in which it is to be conducted.
6. The Panel considers the proposed use is not inconsistent with the objectives of the 6(b) private recreation zone in which the site is located.
7. The Panel is informed by the Council assessment report that the development is not inconsistent with the provisions of any other environmental planning instruments.
8. The Panel was advised by Council at final briefing meeting the use of Clause 12 is proper and legal means of permitting the proposed work of the site.






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Reasons for the panel decision:

1. The proposal is consistent with the provisions of the State Environmental Planning Policies that apply and with the provisions of the Georges River Flood management study including the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and the NSW Floodplain Development Manual.
2. The proposed development arrangements construction requirements and evacuation requirements will provide effective measures to protect the users of the facility from flood related dangers and the proposed building from flood related damage.
3. The proposed development will facilitate more effective use of the long established club facility on the site more consistently with current recreation pursuits.
4. The proposed development will have no significant adverse impacts on the natural or built environments.
5. In consideration of conclusions 1-4 above the Panel considers the proposal is in the public interest.

Conditions: The development application was approved subject to the conditions in the Council Assessment Report with amendments to deferred commencement Condition 3 and amendments to foreshadowed Condition 100 with an additional Condition 65g amended at the meeting.

Panel members:

		
Mary-Lynne Taylor (Chair)	Bruce McDonald	Paul Mitchell
		
Ian Stromborg	Khal Asfour	

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SCHEDULE 1

1	JRPP Reference – 2014SYW050, LGA – Bankstown City Council, DA/224/2014
2	Proposed development: 2014SYW050 – Bankstown - DA-224/2014, A staged development under section 83B of the Environmental Planning and Assessment Act 1979 with Stage 1 comprising alterations and additions to the existing Deepwater Motor Boat Club building accommodating a first floor function centre, new restaurant, landscaping, car parking, emergency flood evacuation route through Webster Street and infrastructure services with Stage 2 comprising the construction of a new boatshed. The staged development is “Integrated Development” as defined in Section 91 of the Environmental Planning and Assessment Act 1979 requiring concurrence from the NSW Rural Fire Service and the NSW Office of Water under the Rural Fires Act 1997 and the Water Management Act 2000 respectively.
3	Street address: 30 and 31 Webster Street and 2 Maxwell Avenue, Milperra – Lot A in Deposited Plan (DP) 405225, Lot D in DP 391154, Lots B and C in DP 405225, Lots 1, 2, 25 and 26 in DP 361310 and Lots 57-65 in DP 9892.
4	Applicant/Owner: Applicant – Doltone House Deepwater Estate Pty Limited, Owner – Doltone House Deepwater Estate Pty Limited
5	Type of Regional development: Capital Investment Value > \$5M Council Interest (Council owned land)
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Bankstown Local Environmental Plan 2001 ○ Environmental Protection and Biodiversity Conservation Act 1999 ○ Threatened Species Conservation Act 1995 ○ Roads Act 1993 ○ Rural Fires Act 1997 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ NSW Floodplain Management Manual ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy 19 – Bushland in Urban Areas ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy 64 – Advertising and Signage ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • Draft environmental planning instruments: Draft Bankstown Local Environmental Plan 2014 • Development control plans: <ul style="list-style-type: none"> ○ Bankstown Development Control Plan 2005 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report with draft recommended conditions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Chris Thomas and Sofie Mason-Jones on behalf of the applicant.
8	Meetings and site inspections by the panel: 22 May 2014 - Briefing Meeting, 20 November 2014 - Site Inspection and Final Briefing meeting.

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9	Council recommendation: Approval as a deferred commencement Staged development
10	Conditions: Attached to council assessment report