

DA-757/2014 SUPPLEMENTARY REPORT

BACKGROUND

Development Application No. DA-757/2014 (JRPP Ref. 2014SYW106) proposes the demolition of existing dwellings and the construction of a 4-storey residential flat building containing 32 apartments and basement parking, under the provisions of SEPP (Affordable Rental Housing) 2009. The application was considered by the Sydney West Joint Regional Planning Panel at its meeting held on 11 December 2014. At this meeting the Panel took the following decision:

'The Panel resolves to defer the application because the Panel is concerned that there is non-compliance with the deep soil requirements of SEPP Affordable Rental Housing 2009, accordingly the Panel requires the basement to be redesigned to achieve compliance and to ensure retention of the neighbouring trees, by provision of a 3 metre setback of the building from the southern boundary.'

AMENDED PLANS

The applicant has submitted amended plans in response to the Panel's deferral decision. The amended plans provide a 3 metre setback from the basement car park to the southern property boundary. The layout of the basement car park has been amended to allow for the increased setback.

The proposed ground level treatment above the basement has also been amended, with the deep soil planting zone along the southern boundary increased in width to 3 metres, with the exception of some minor encroachments by timber decks (at which point a 2.3 metre width is provided).

SECTION 79C ASSESSMENT

Environmental planning instruments [section 79C(1)(a)(i)]

The amended plans improve the proposal's compliance with the relevant environmental planning instruments, specifically the deep soil requirements of *SEPP (Affordable Rental Housing) 2009*.

The SEPP requires that not less than 15% of the site area be provided as a deep soil zone. Each area forming part of the deep soil zone needs to have a minimum 3 metre depth and, if practicable, at least two-thirds of the deep soil zone needs to be located at the rear of the site.

The amended basement setback increases the proposed deep soil zone along the southern boundary. The combined deep soil planting zones with a 3 metre width is now 15% of the site area.

Only half of the deep soil zone is provided at the rear of the site. However given the design approach, which sets the building back from Marshall Street to preserve solar access to neighbouring properties to the south, providing two-thirds of the deep soil zone at the rear of the site is not practicable.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

The amended plans remain consistent with the provisions of the draft *Bankstown Local Environmental Plan 2014*.

Development control plans [section 79C(1)(a)(iii)]

The amended plans do not raise any non-compliances beyond those outlined in Council's original assessment report.

It is noted that, despite the amended basement car park layout, a compliant number of car parking spaces and vehicle manoeuvring is maintained.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development remains consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

The likely impacts of the development [section 79C(1)(b)]

The amended proposal remains acceptable with regard to its likely environmental, social and economic impacts on the locality, as discussed in Council's original assessment report.

Council's Tree Management Officer has previously advised that a 3 metre basement setback is required in order to manage impacts on the line of trees (*Casuarina spp*, She Oak) planted on the neighbouring property. The amended plans satisfy this advice.

Suitability of the site [section 79C(1)(c)]

The site remains suitable for the proposed development.

Submissions [section 79C(1)(d)]

The amendments made to the plans are minor in the context of the development, and do not warrant further public notification.

The public interest [section 79C(1)(e)]

The proposed amendments would not contradict the public interest.

RECOMMENDATION

It is recommended that the application be approved, subject to the conditions attached to Council's original assessment report, amended in italics as follows:

- 2) Development shall take place in accordance with Development Application No. DA-757/2014, submitted by TSA Management, accompanied by Drawing No. *A1.11I and A1.12H dated 12 December 2014*, A1.13F, A1.14B, A1.15B, A1.16D, A3.00C, A3.02C, A4.01A dated 20 October 2014, and A3.01D, A4.00E dated 17 November 2014, prepared by Custance and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) The waste storage area is to have minimum dimensions of 5m x 4.5m plus an additional 5m² for recycling bins.