

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Bankstown City Council on Thursday 15 October at 1.30pm

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell,
Cr Michael Tadros, Cr Ian Stromborg

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2015SYW049 – Bankstown – DA-983/2014 [1-3 Palomar Parade Yagoona] as described in Schedule 1.

Date of determination: 15 October 2015

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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel unanimously agrees to approve, subject to the conditions in the Council Assessment Report and as amended, the application for the following reasons:

1. The proposed development will add to the supply and choice of housing, including affordable housing, in the South West Metropolitan Subregion and the City of Bankstown in a location with ready access to the metropolitan transport services available at Yagoona Rail Station and the services and amenities offered by Yagoona Centre.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Housing) 2009, SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007 and SEPP 65 Design Quality Residential Flat Development. In that regard the Panel notes departures from the Residential Flat Design code associated with SEPP 65 in relation to building separation and setback distances but considers these acceptable in the circumstances of this case on this particular site. The Panel also notes that attempts were made to incorporate the adjoining land at 5 Palomar Road into the development proposal.
3. The Panel having queried the Council response to SEPP 55 Remediation of Land was supplied within an additional report identifying the manner in which the assessment had been made from Council records and the Panel was satisfied by the additional report that the site was suitable for the proposed use.
4. The proposal adequately satisfies the provisions and objectives of Bankstown LEP 2001 and Bankstown DCP 2005 Part D4.
5. The architectural treatment, site development treatment and the landscape treatment adopted for the proposal will adequately integrate the proposed development into the character and scale of the Yagoona Centre which it is located and which is undergoing transition to planned higher density housing/ building forms.
6. The proposed development, subject to the conditions imposed, will have no significant adverse impacts on the natural or built environments including the amenity of adjoining or nearby residential premises including loss of solar access, or the operation of local road network and parking availability. In this regard The Panel notes that the State Policy requires 29 parking spaces and this is exceeded.
7. The Panel has noted the documentation provided by the Developer and agrees with the Council Assessment that it complies with the planning principal relating to isolation. However, the Panel considered that the Applicant's response with a notional potential development for No5 Palomar and agrees that it not an isolated site and redevelopment under the existing planning controls is possible if assessed in the same manner as the assessment of the subject site.
8. Approval of this proposal in which there are variations of controls required the submission by the Applicant of written justification in the form required under the relevant provisions of the Local Environmental Plan. The written justification was assessed by the Council and found to be an appropriately worded objection to the controls and the Panel agrees that the written document is legally adequate to allow the variations.
9. In conclusion of 1-8 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.






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Conditions:

The Panel unanimously approves the application subject to the conditions outlined in the Council Assessment Report and with the following amendments / additions:

- 1) Remove Clause 3 & replace with *"The building must not exceed a maximum height of 63.88 metres AHD inclusive of all life over-runs, vents chimneys, aerials, antennas, lighting rods, and roof top plantings, exhaust fans and the like"*
- 2) Insert the following new clauses:
Clause 4 – *"The proponent is to inform Bankstown Airport Limited (BAL) of the finished building height prior to occupation."*
Clause 5 – *"This consent does not include any crane activity required during construction. Any such crane activity that exceeds a height of 52m AHD will require a separate assessment."*
- 3) Clauses to be renumbered accordingly.
- 4) Clause 67a amended to read *"at least 20% of the approved gross floor area must be used for the purposes of affordable housing, this includes unit numbers G03, G04, 102, 105, 106, 205, 206 and 305"*

Panel members:

		
Mary-Lynne Taylor (Chair)	Bruce McDonald	Paul Mitchell
		
Ian Stromborg	Michael Tadros	

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015SYW049 – Bankstown – DA-983/2014
2	Proposed development: Demolition of existing structures and construction of a six (6) storey, thirty-four (34) unit residential flat building with a three level basement car park under State Environmental Planning Policy (Affordable Rental Housing) 2009
3	Street address: 1-3 Palomar Parade Yagoona
4	Applicant: Gus Srour Owner: Saxico Pty Ltd
5	Type of Regional development:
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • State Environmental Planning Policy No 65—Design Quality of Residential Flat Developments • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No 55—Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment • Bankstown Local Environmental Plan 2001 • Draft BLEP 2015 • Bankstown Development Control Plan 2005 (Part D4 & D5). • 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 Environmental Planning and Assessment Act 1979 (EPA) or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 6 October 2015 Written submissions during public exhibition: 46 Verbal submissions at the panel meeting: Support – none; Against - Helen Mavro on behalf of the owner of No5 and some other residents of the area & Yolanda Wink; On behalf of the applicant- None; Steve Arnold, Team Leader Development Assessment Bankstown City Council, requested that the following statement be put on record: I wish to refute the comments made in respect to the conduct of Council staff where they were accused of having a vested interest in this application, had a bias towards the developer and had deliberately attempted to conceal information.
8	Meetings and site inspections by the panel: Site inspection, Final Briefing & Determination Meeting 15 October 2015
9	Council recommendation: Approved
10	Draft conditions: Attached to Council Assessment Report