

<b>DATE OF DETERMINATION</b>	11 July 2017
<b>PANEL MEMBERS</b>	Morris Iemma (Chair), Lindsay Fletcher, Nicole Gurran and Jane Fielding
<b>APOLOGIES</b>	Bruce McDonald and Peter Smith
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Hurstville Service Centre, Corner MacMahon and Dora Streets, Hurstville on Tuesday 11 July 2017 opened at 11.45 am and 12.20 pm.

#### **MATTER DETERMINED**

Panel Ref – 2015SYW073 - LGA – Canterbury-Bankstown, DA-220/2015, Address – 11-17 Cross Street, Bankstown (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to:

- (a) uphold the applicant's requests to vary Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio pursuant to Clause 4.6 Bankstown LEP 2015; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent as amended below pursuant to section 80 of the Environmental Planning and Assessment Act 1979 for the reasons set out below:

#### **REASONS FOR THE DECISION**

1. The Panel has considered the Applicant's requests to vary the development standards contained in Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio of Bankstown LEP 2015 and considers that:
  - i. the applicant's submissions adequately address the matters required under cl.4.6;
  - ii. the development remains consistent with the objectives of each standard and the objectives of the zone;
  - iii. there are sufficient environmental planning grounds to justify the variations; and
  - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations are acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that existing and planned for the locality.

For the above reasons, the Panel is satisfied that the variations from the LEP development standards is in the public interest.

2. The proposed development will add to the supply and choice of housing within the metropolitan South West District and the Bankstown local government area in a location with excellent access to services and amenities.
3. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.
4. The proposal adequately satisfies the applicable provisions and objectives of Bankstown LEP 2015 and Bankstown DCP 2015.
5. The proposed development is considered to be of appropriate scale and form, adequately consistent with the planned character of the locality in which it is placed.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby residential premises and the operation of the local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

The decision was unanimous.

## **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with 2 new conditions to read as follows:

### **Condition 2 b)**

Details of the materials and finishes to be used along the southern elevation, in relation to blank walls and/or walls to be constructed on the boundary, shall be provided to Council and the Principal Certifying Authority prior to the issue of a Construction Certificate. The walls shall be constructed of materials that have low-maintenance requirements.





### **Condition 31A)**

The following tree protection measures are to be complied with to protect the existing line of trees planted along the northern boundary of the adjoining site (7 Cross St), and shall comply with *Australian Standard AS4970-2009 Protection of trees on development sites*, together with the following:

- (a) The written requirements for tree protection detailed in the conditions of consent must be translated onto a "Tree Protection Plan and Drawing", with a copy to be provided to both Council (for information) and to the Principal Certifying Authority (for approval), prior to the commencement of demolition or construction works.
- (b) The trees to be retained and protected, together with their relevant fenced tree protection area, shall be marked on all demolition and construction drawings.
- (c) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- (d) A 1.8m high chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected on the boundary of the site

adjacent to the trees being protected. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.

- (e) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing clearly showing:
- The Development Consent number;
  - The name and contact number of the nominated consultant arborist and site manager;
  - Indication that access into the Tree Protection zone is not permitted.
- (f) The above notice is to be in place prior to commencement of demolition and/or construction.
- (g) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.
- (h) The tree protection area shall be maintained as per AS4970 - 2009, Section 4.6. Access to the tree protection area is permitted to undertake necessary maintenance such as mowing, watering, weed control
- (i) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced tree protection area.
- (j) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced tree protection area.
- (k) Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- (l) Excavation for the footings of the proposed development shall be carried out by hand within 3m of the southern boundary of the site.
- (m) If any tree roots are exposed during any approved works then roots smaller than 25mm are to be pruned. They shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). Any roots greater than 25mm are to be assessed by a qualified arborist before any pruning is undertaken.

PANEL MEMBERS	
 Morris Iemma (Chair)	 Lindsay Fletcher
 Nicole Gurran	 Jane Fielding

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2015SYW073 - LGA – Canterbury-Bankstown, DA-220/2015
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of two (2) residential flat buildings containing a total 150 units with new vehicular access from Cross Street.
3	STREET ADDRESS	11-17 Cross Street, Bankstown
4	APPLICANT/OWNER	Maxims Family Trust
5	TYPE OF REGIONAL DEVELOPMENT	Proposed development has a capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy N. 65 – Design Quality of Residential Apartment Development</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)</li> <li>• Bankstown Local Environmental Plan 2015</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Bankstown Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report, recommended conditions and relevant documents submitted as part of the DA.</li> <li>• Written submissions during public exhibition: two</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Andrew Magoffin</li> <li>○ On behalf of Council – Stephen Arnold and Nicholas Aley.</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site Inspection – 11 July 2017</li> <li>• Final Briefing Meeting – 11 July 2017</li> <li>• Public Meeting – 11 July 2017</li> </ul> Attendees:

		<ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Morris lemma, (Chair), Lindsay Fletcher, Nicole Gurran and Jane Fielding</li> <li>○ <u>Council assessment staff</u>: Stephen Arnold and Nicholas Aley.</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with report