

<b>DATE OF DETERMINATION</b>	15 February 2017
<b>PANEL MEMBERS</b>	Morris Iemma (Chair), Bruce McDonald, Stuart McDonald, Jane Fielding and Peter Smith
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at City of Canterbury-Bankstown Council Chambers, on Wednesday 15 February 2017 opened at 1.00 pm and closed at 3.30 pm.

#### **MATTER DETERMINED**

2016SYW097 – Canterbury-Bankstown Council – DA 333/2016, 116-124 Restwell 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 meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

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*. The decision was unanimous.

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






The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing including affordable housing within the Southwest District and the Canterbury-Bankstown local government area in a location with access to the essential service employment demands of Bankstown CBD, the services and amenities offered within the CBD and the metropolitan transport services including rail services available from Bankstown rail station.
2. The Panel has considered the applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) Bankstown LEP 2015 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is minor, will not generate unacceptable impacts on adjoining or nearby allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that in the locality. The variation will facilitate accommodation of the bonus FSR secured as a result of including affordable rental housing in the development.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing 2009), SEPP 55 Remediation of Land 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 2015 LEP 2011 and Bankstown DCP 2015.
5. The proposed development is considered to be of appropriate scale and form adequately consistent with the emerging 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 amenity of adjoining and nearby residential premises.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is suitable use of the site and approval of the proposal is in the public interest.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Morris Iemma (Chair)	 Bruce McDonald
 Jane Fielding	 Peter Smith
 Stuart McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW097 – Canterbury-Bankstown – DA333/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a six (6) storey residential development comprising eighty-seven (87) units above two (2) levels of basement car parking under State Environmental Planning Policy (Affordable Rental Housing) 2009
3	STREET ADDRESS	116-124 Restwell Street, Bankstown
4	APPLICANT/OWNER	Applicant: Design Cubicle Pty Owners: Ostar Development Pty Ltd and Da Shi Hong & Pingting Hong
5	TYPE OF REGIONAL DEVELOPMENT	The proposed development has an estimated Capital Investment Value (CIV) of \$19,163,002 which exceeds the capital investment threshold of \$5 million for Affordable Housing under Schedule 4A(6)(b) of the

		Environmental Planning and Assessment Act, 1979.
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 N. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report with recommended conditions, amended architectural plans, photomontages, schedule of finishes, landscape plans, storm water plans, storm water system report, survey plan, statement of environmental effects, SEPP 65 design quality report, Stage 1 contamination report, traffic and parking assessment report and clause 4.6 submission</li> <li>• Written submissions during public exhibition: 0</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 – Adam Burns</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 15 February 2017 – Site Inspection</li> <li>• 15 February 2017 – Final Briefing Meeting</li> <li>• 15 February 2017 – Public Meeting</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report

