

DATE OF DETERMINATION	6 June 2017
PANEL MEMBERS	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Peter Smith, Jane Fielding
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Canterbury-Bankstown Council Administration Office, 137 Beamish Street, Campsie on 6 June 2017, opened at 12:50 pm and closed at 3:20pm.

MATTER DETERMINED

2017SSH009 – Canterbury-Bankstown – DA-1369/2014/1 at 135-151 Hume Highway, Greenacre (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 96 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION




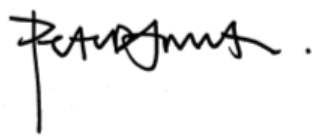

The reasons for the decision of the Panel were:

1. The Panel is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.
2. The Panel has considered the applicant request to vary the development standard contained in Clause 4.3 (Height of Buildings) Bankstown LEP 2015 and considers that the compliance with the standard is unreasonable and unnecessary in the circumstances of the case as the proposed variation is minor, will not generate unacceptable impacts on adjoining or nearby residential allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that planned in the locality.
3. The proposed development continues to adequately satisfy the relevant State Environment Planning Policies including SEPP (Infrastructure) 2007 and SEP 5 – Remediation of Land
4. The proposal adequately satisfies the provisions and objectives of Bankstown LEP 2015 and Bankstown DCP 2015
5. The proposed development amendments will have no more significant adverse impacts of the natural or built environments including the amenity of nearby established dwellings or the performance of the local road network than would the development for which the consent was originally granted

6. In consideration of the conclusion 1-5 above, the Panel considers the proposed development is a 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
 Nicole Gurran	 Peter Smith
 Jane Fielding	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH009 – Canterbury-Bankstown – DA-1369/2014/1
2	PROPOSED DEVELOPMENT	Excavation works and demolition of existing site structures, and construction of two (2) motor vehicle showrooms, service centre, car parking and associated landscaping works, and partial closure of Cahill Lane. Section 96(2) Application: Modifications to floor area, floor levels, roof design, service and plant, materials, access and other internal and external changes.
3	STREET ADDRESS	135-151 Hume Highway and 1Z Cahill Lane, Greenacre
4	APPLICANT/OWNER	Applicant: Art-Tec Building Owner: Proauto Group Property Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<p>7. Environmental planning instruments:</p> <ul style="list-style-type: none"> ○ Section 96(2) of Environmental Planning & Assessment Act, 1979 ○ Section 79C of Environmental Planning & Assessment Act, 1979 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Bankstown Local Environmental Plan 2015 <p>8. Draft environmental planning instruments: Nil</p> <p>9. Development control plans:</p> <ul style="list-style-type: none"> ○ Bankstown Development Control Plan 2015 <p>10. Planning agreements: Nil</p> <p>11. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</p> <p>12. Coastal zone management plan: Nil</p> <p>13. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>14. The suitability of the site for the development</p> <p>15. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>16. The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 24 May 2017 • Written submissions during public exhibition: Five (5) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Stephen Drane, Mark Blanchard, Andrew White
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 4 April 2017 • Final briefing meeting to discuss council's recommendation, 6 June 2017, 11:00 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald, Nicole Gurrán, Peter Smith, Jane Fielding ○ <u>Council assessment staff</u>: Daniel Bushby, Stephen Arnold, Samantha Mitchell
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report