

DATE OF DETERMINATION	Wednesday, 26 September 2018
PANEL MEMBERS	Bruce McDonald (Chair), Nicole Gurrán, Nadia Saleh, Bilal El-Hayek
APOLOGIES	Stuart McDonald
DECLARATIONS OF INTEREST	None

Public meeting held at Former Bankstown Council Chambers (Roundhouse), cnr Chapel Rd and The Mall, Bankstown on 26 September 2018, opened at 2.40pm and closed at 3.15pm.

MATTER DETERMINED

2017SSH041 – Canterbury-Bankstown – DA-922/2017 at 25A, 25, 27A, 27, 27c and 29B Rookwood Road, Yagoona (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will provide additional housing supply and choice within the Canterbury-Bankstown local government area and the Sydney South District. Further the proposal provides affordable housing in a location well placed to service the essential service employment demands of Bankstown and the Sydney South District more generally.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 - Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No2 - Georges River Catchment.
3. The proposal adequately satisfies the applicable objectives and provisions of Bankstown LEP 2015 and Bankstown DCP 2015.
4. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby buildings or the operation of the local road network and measures have been appropriately provided in the conditions to mitigate any impacts caused by the proximity of the development to the adjacent school.
5. The proposed development is considered to be of acceptable form and scale consistent with the planned residential apartment context within which the site is placed. The Panel notes the issue of

potential isolation of 29, 29A and 31 Rookwood Road and accepts the conclusion of the Council assessment that those lots remain capable of future amalgamation for the purposes of a residential apartment development.

In consideration of the conclusions 1-5 above, it is considered the proposal is an acceptable use of the land and approval is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments, to read as follows:





- 2A) Privacy screening is to be provided to the northern facing balcony and living areas of Block A and Block B and Units 53, 60 and 67 of Block C of the development. The structures are to be suitably articulated with the building, nominated on plans submitted with the construction certificate and installed prior to the issue of the occupation certificate.
- 2B) The glazing of the balustrades of the development are to consist of an opaque treatment. The details are to be nominated on plans submitted with the construction certificate and installed prior to the issue of the occupation certificate.
- 14) The landscape plan shall include the provision for the replacement of all boundary fencing (with the exclusion of the acoustic wall to Stacey Street). A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 59) All boundary fencing behind the building line, with the exclusion of the acoustic wall to Stacey Street, shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 30) Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, including the operation of the Bankstown North Public School and other requirements as specified below.

This plan shall include details of the following:

- a) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b) Proposed measures to ensure the continued safety and to limit disruption to attendees of the Bankstown North Public School during construction.
- c) Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- d) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.

- e) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- f) Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for review. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

PANEL MEMBERS	
 Bruce McDonald (Chair)	 Nicole Gurran
 Bilal El-Hayek	 Nadia Saleh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH041 – Canterbury-Bankstown – DA-922/2017
2	PROPOSED DEVELOPMENT	Consolidation of allotments, demolition of existing structures and tree removal. Construction of an in-fill affordable housing development under State Environmental Planning Policy (Affordable Rental Housing) 2009, comprising two (2) four-storey residential flat buildings with a total of eighty-seven (87) units and basement car-parking.
3	STREET ADDRESS	25A, 25, 27A, 27, 27c and 29B Rookwood Road, Yagoona
4	APPLICANT/OWNER	JR Bankstown Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>6. Environmental planning instruments:</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 - Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the associated Apartment Design Guide ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (a deemed SEPP) ○ Bankstown Local Environmental Plan 2015 <p>7. Draft environmental planning instruments: Nil</p> <p>8. Development control plans:</p> <ul style="list-style-type: none"> ○ Bankstown Development Control Plan 2015 <p>9. Planning agreements: Nil</p> <p>10. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</p> <p>11. Coastal zone management plan: Nil</p> <p>12. 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>13. The suitability of the site for the development</p> <p>14. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>15. 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: 30 August 2018 • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – William Lam ○ On behalf of the applicant – Brad Delapierre, Ian Conry
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing 8 November 2017 • Site inspection 11 September 2018 • Final briefing to discuss council's recommendation, 11 September 2018, 10.30am and 26 September, 2.10pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald (Chair), Nicole Gurran, Nadia Saleh, Bilal El-Hayek ○ <u>Council assessment staff</u>: Ryan Bevitt, Steve Arnold
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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