

DATE OF DETERMINATION	Tuesday, 9 April 2019
PANEL MEMBERS	Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Nadia Saleh, Charlie Ishac
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	Bilal El-Hayek

Public meeting held at Bankstown Library and Knowledge Centre, Lansdowne Room 2, 80 Rickard Road, Bankstown on 9 April 2019, opened at 10.50am and closed at 12.10pm.

MATTER DETERMINED

2017SSH043 – Canterbury Bankstown – DA957/2017 – 32 Kitchener Parade, 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 briefings 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

It is noted since the Panels' initial briefing on this application that the proposal has been substantially modified in a manner which has addressed the significant issues discussed at that time. In regard to the proposal as now being determined the Panel considers;

1. The proposed development will provide additional retail and commercial facilities within Bankstown CBD. The proposal will also provide additional housing supply and choice within the Canterbury /Bankstown local government area and the Sydney South District in a location with ready access to the amenities and services provided by Bankstown CBD and the and metropolitan transport services available from Bankstown Rail Station.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide and SEPP (Infrastructure) 2007
3. The proposal adequately satisfies the applicable objectives and provisions of Bankstown LEP2015 and Bankstown DCP 2015 Bankstown DCP 2015. The Panel notes that the application has been assessed as satisfying the LEP provisions relating to building height and floor space ratio.
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 residential premises or the utility of the local road system. It is noted that the proposal provides a through link between Meredith

Street and Kitchener Parade which will facilitate pedestrian movement from the western residential area to the Bankstown Civic Precinct, the services available within the CBD and the Bankstown Rail transport focus.

5. The proposed development is considered to be of acceptable form and scale consistent with its context at the western fringe of the Bankstown CBD. The provision of above ground parking is considered acceptable in this instance given that it is concealed from street presentation by retail and commercial occupancies and facilitates provision of readily accessed common open space on the carpark rooftop.

In consideration of conclusions 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 with the following amendments.

- Deletion of Condition 8 on the basis that any demand for traffic signals at this location, is not directly or wholly generated by this development; and traffic signals have not been required by the RMS in their review of the development proposal.
- New Conditions of Consent 21A) to read as follows:
A plan of management detailing the ownership, management, maintenance and public liability arrangements relating to the through-site link is to be prepared to the satisfaction of Council prior to the lodgement of a Construction Certificate.
- New Conditions of Consent 21B) to read as follows:
Nineteen (19) car parking spaces in the Ground Level 'retail' car parking area are to be clearly nominated and sign-posted for the exclusive use by users of the child care centre in Building 1. These spaces are to be located along the eastern, western or northern edges of the parking area, and not in the central parking aisles, to ensure that safe pedestrian access is available for child care centre users from the car parking spaces to the pedestrian access point at the through-site link.
- New condition 120) to be included within the Prior to Occupation Certificate, to read as follows:
Prior to the issue of an Occupation Certificate or any Subdivision Certificate, a Restriction on the Use of the Land and Positive Covenant shall be registered on the title of the subject property, in accordance with the provisions of the Conveyancing Act 1919, for the unrestricted access and entitlement to use of the communal open space area for residents of Building 1.

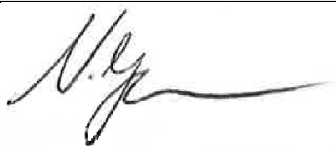
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Height of the proposed buildings and likelihood of views being obstructed
- Car parking requirements for residents, businesses, and people driving to the area.
- Design and dimensions of balcony

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes in addressing the issues raised by the speaker during the meeting, that the design of the balcony was clarified, and a condition imposed relating to parking for the childcare centre.

PANEL MEMBERS



Nicole Gurrán (Chair)



Bruce McDonald



Stuart McDonald



Nadia Saleh



Charlie Ishac

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH043 – Canterbury Bankstown – DA957/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures, associated site works including excavation, construction of a 14-storey mixed use development comprising of basement car-parking, 516 residential apartments, retail tenancies, health services facility, child-care centre, and associated landscaping.
3	STREET ADDRESS	32 Kitchener Parade, Bankstown
4	APPLICANT/OWNER	Applicant: Steve Wang – Kitchener 048 Owner: Scott Dickson and Brian Hilton
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 Remediation of Land ○ State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development ○ Bankstown Local Environmental Plan 2015 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bankstown Development Control Plan 2015 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 26 March 2019 • Written submissions during public exhibition: One (1) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Peter Jones ○ Council assessment officer – Daniel Bushby, Isabelle Albert ○ On behalf of the applicant – Ashleigh Ryan, Simon Blount, Hon Diec
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 06 December 2017 • Final briefing to discuss council's recommendation, 9 April 2019, 9.45am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Nadia Saleh, Charlie Ishac ○ <u>Council assessment staff</u>: Daniel Bushby, Steve Arnold, Isabelle Albert
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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