

DATE OF DETERMINATION	19 July 2021
PANEL MEMBERS	Helen Lochhead (Chair), Julie Savet Ward, Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	Stuart McDonald - I have a conflict as SJB has prepared 'Bankstown Urban design Study' for Council on this site.

MATTER DETERMINED

PPSSSH-24 – CANTERBURY BANKSTOWN – DA-528/2020 at 1 North Terrace, Bankstown – Demolition of the existing bus interchange and associated buildings near the north-west corner of the site, and the construction of a new mixed-use development comprising two eight-storey commercial office towers with rooftop plant and one part five/part six-storey commercial office tower, with ground levels containing retail, wellness and food & beverage uses in an 'Eat Street' configuration, along with changes to the existing shopping centre and existing at-grade car parking, as well as the provision of access, basement car parking, and associated public realm works and landscaping (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Bankstown Local Environmental Plan (BLEP 2015) that has demonstrated that:

- a) compliance with Clause 4.3 – Height of buildings is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl Clause 4.3 – Height of buildings of the LEP and the objectives for development in the B4 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

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

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- **Add the wording ‘*and approved by*’ in Condition 2) b) as noted below**

Updated plans shall be lodged *and approved by* Council which illustrate the stairwell on the eastern side of the pavilion building to be set back within the building line to allow for a minimum 6m separation between the eastern face of the stairwell/Pavilion Building and the western face of the proposed Tower 1. To facilitate no net loss of gross floor area (GFA) as part of this requirement, the updated plans to be lodged with Council can include a design modification to offset any loss of GFA, through either extending the pavilion building line northwards across four floors to a maximum extent of 0.75m and/or extending the enclosed part of the Pavilion Building at Level 4, with an overall maximum of 55sq m GFA to be permitted as part of this updated design.

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Julie Savet Ward
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-24 – CANTERBURY BANKSTOWN – DA-528/2020
2	PROPOSED DEVELOPMENT	Demolition of the existing bus interchange and associated buildings near the north-west corner of the site, and the construction of a new mixed-use development comprising two eight-storey commercial office towers with rooftop plant and one part five/part six-storey commercial office tower, with ground levels containing retail, wellness and food & beverage uses in an 'Eat Street' configuration, along with changes to the existing shopping centre and existing at-grade car parking, as well as the provision of access, basement car parking, and associated public realm works and landscaping.
3	STREET ADDRESS	1 North Terrace, Bankstown
4	APPLICANT/OWNER	Vicinity Centres PM Pty Ltd/ Vicinity Bankstown Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP) - State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) - State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) - State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP 2) - Bankstown Local Environmental Plan 2015 (BLEP 2015) - Draft Canterbury Bankstown Local Environmental Plan 2021 (DCBLEP 2021) - Draft environmental planning instruments: Nil - Development control plans: - Bankstown Development Control Plan 2015 (BDCP 2015) - Bankstown Development Contributions Plan - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clauses 92 and 98 - 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	- Council assessment report: 8 July 2021 - Bankstown Local Environmental Plan 2015 (BLEP 2015) - Clause 4.3 – Height of buildings - Zone B4 Mixed Use
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: Wednesday, 19 August 2021 <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton, Nadia Saleh, Bilal El-Hayek <u>Council assessment staff</u>: Nicholas Aley, Cassandra Gibbons <u>DPIE staff</u>: Sharon Edwards

		• Final briefing to discuss council's recommendation: Thursday, 15 July 2021 ○ <u>Panel members</u>: Helen Lochhead (Chair), Julie Savet Ward, Susan Budd, Bilal El-Hayek, Nadia Saleh ○ <u>Council assessment staff</u>: Nicholas Aley, Stephen Arnold ○ <u>DPIE staff</u>: Michelle Burns, Leanne Harris, Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report