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## Canterbury Bankstown Local Planning Panel - 19 November 2018

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### ITEM 3                      Planning Proposal - 167 Hume Highway Greenacre (The Palms Hotel)

AUTHOR                      Planning

### PURPOSE AND BACKGROUND

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Council is in receipt of an application to prepare a planning proposal for the site at 167 Hume Highway Greenacre, which forms part of the Hume Highway Enterprise Corridor. The application seeks to increase the maximum floor space ratio from 1:1 to 1.5:1, increase the maximum building height from 14 metres (four storeys) to 17 metres (five storeys), and reduce the minimum highway setback for dwellings from 20 metres to 10 metres.

Council's assessment indicates the proposal has strategic merit subject to implementing the recommendations of an urban design peer review. It is noted that the proposal to reduce the minimum highway setback for dwellings should similarly apply to the adjoining sites at 165 and 185 Hume Highway, which also form part of the enterprise corridor.

The assessment also identifies the need for additional information as part of the Gateway process to manage the likely effects of the proposal, namely a Social Impact and Community Needs Assessment, Air Quality and Noise Impact Study, and consultation with the Roads & Maritime Services.

### ISSUE

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In accordance with the Local Planning Panel's Direction, the Panel is requested to recommend whether a planning proposal for the sites at 165, 167 and 185 Hume Highway Greenacre should proceed to Gateway.

### RECOMMENDATION    That -

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1. The application to amend Bankstown Local Environmental Plan 2015 for the site at 167 Hume Highway Greenacre should proceed to Gateway subject to the following provisions:
  - (a) Permit a maximum 1.25:1 FSR for the site. Within the 1.25:1 FSR envelope, apply a maximum 0.75:1 FSR for the purposes of residential development.
  - (b) Permit a maximum building height of 17 metres (five storeys) to the north of the site, 14 metres (four storeys) in the centre of the site, and 11 metres (three storeys) along the southern boundary, as shown in Figure 11 of this report.
  - (c) Reduce the depth of the 11 metre building height control along the Hume Highway from 20 metres to 12 metres.

- (d) For consistency, the change recommended in (c) should also apply to the adjoining sites at 165 and 185 Hume Highway in Greenacre.
- 2. The Gateway process should require the following additional information:
  - (a) Social Impact and Community Needs Assessment
  - (b) Air Quality and Noise Impact Study
  - (c) Consultation with the Roads & Maritime Services.
- 3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
- 4. Council prepare a site specific DCP Amendment.

## **ATTACHMENTS**

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- A. Assessment Findings

## **POLICY IMPACT**

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This matter has no policy implications for Council.

## **FINANCIAL IMPACT**

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At this stage, this matter has no financial implications for Council.

## **COMMUNITY IMPACT**

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The recommendations of this report are considered to appropriately manage amenity impacts such as overshadowing, noise and air quality impacts. A Social Impact and Community Needs Assessment is also recommended to investigate social infrastructure needs arising from the proposal.

## DETAILED INFORMATION

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### SITE DESCRIPTION

The site at 167 Hume Highway Greenacre forms part of the Hume Highway Enterprise Corridor as shown in Figures 1 and 2.

Property Description	Site Area	Current Zone
Lot 402, DP 631754	11,750m <sup>2</sup>	Zone B6 Enterprise Corridor

The site is within Zone B6 Enterprise Corridor under Bankstown Local Environmental Plan 2015. The zone permits highway related land uses such as hotel or motel accommodation, business and office premises and light industries subject to consent. The zone also permits certain residential uses (residential flat buildings, seniors housing and multi dwelling housing) only if the uses form part of a mixed use development.

The site is currently occupied by the Palms Hotel and three other associated buildings used for accommodation, storage and a separate restaurant. The site is constrained by noise and air quality due to its interface to the Hume Highway. A small section of the site sits within the medium stormwater flood risk precinct. The site falls by approximately 5 metres from north to south.

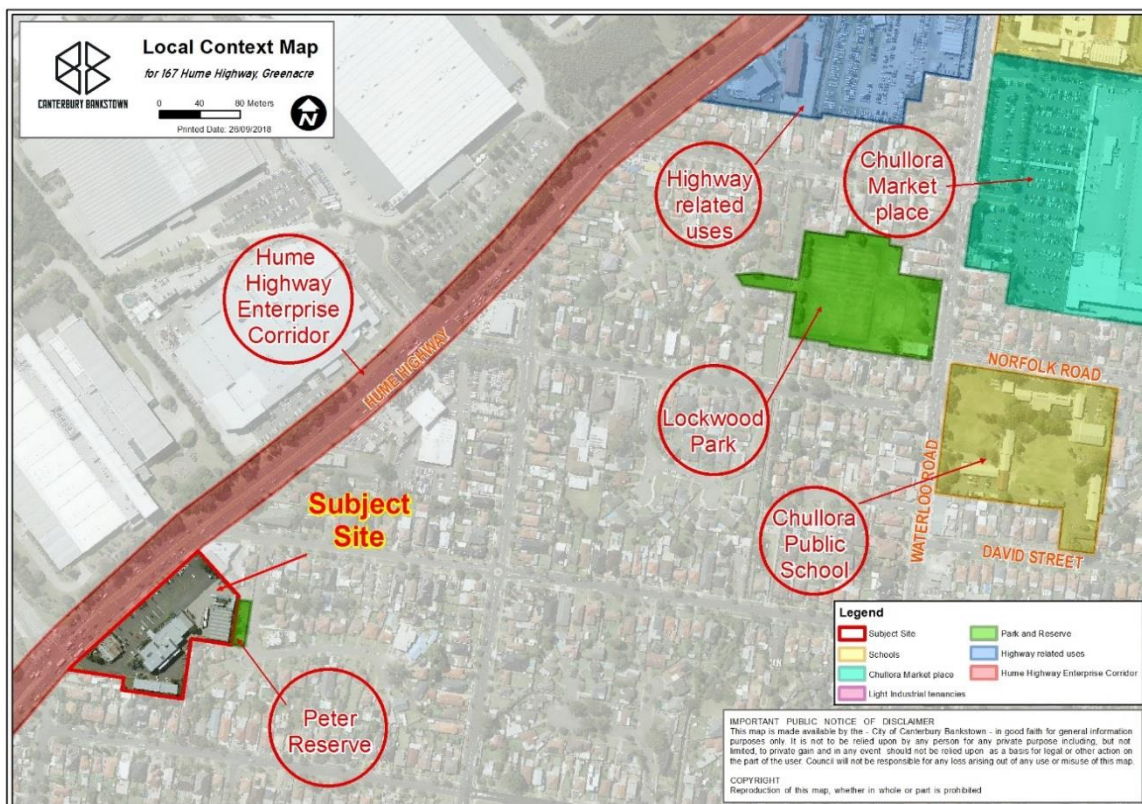
The site adjoins a single storey commercial building to the north, low density residential development to the south, and Peter Reserve (Zone RE1 Public Recreation) to the east.

In relation to local context, the site forms part of the Hume Highway Enterprise Corridor, which generally consists of industrial development on the northern side of the Hume Highway. The southern side of the Hume Highway consists of a mix of highway related businesses and low density residential development, predominantly houses. The nearest shopping centre is Chullora Marketplace (1.2km) to the north-east. Public transport is limited to bus services along the Hume Highway.

Figure 1: Site Map

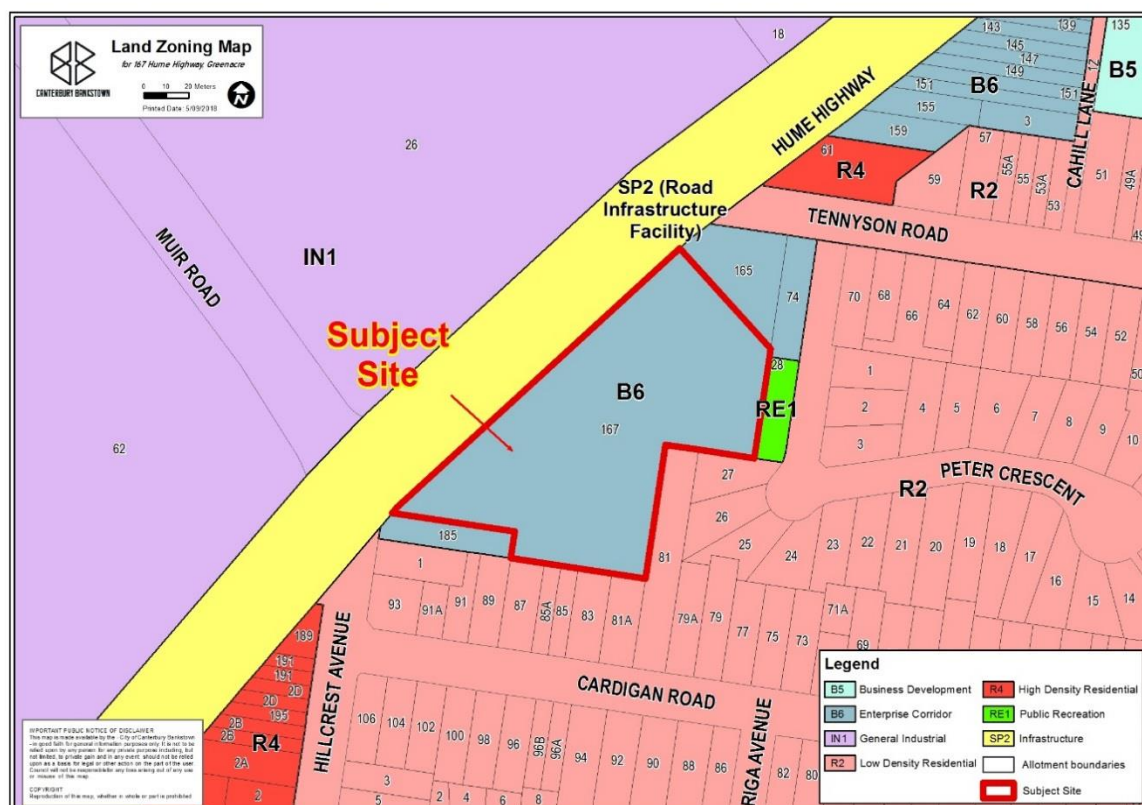


Figure 2: Locality Map





**Figure 3: Existing Zoning Map**



## BACKGROUND

### North East Local Area Plan

At the Extraordinary Meeting of 11 May 2016, the former Bankstown City Council adopted the North East Local Area Plan.

The intended outcomes of the North East Local Area Plan are to set out the vision and spatial context for the local area, specify the best ways to accommodate residential and employment growth to 2031 and outline the delivery of supporting infrastructure, facilities and open space.

### Desired character

Action L5 identifies the site as forming part of the Hume Highway Enterprise Corridor. It outlines the desired character for the Hume Highway Enterprise Corridor as follows:

*The Hume Highway Enterprise Corridor is a national and historical landmark that will continue to function as a significant economic asset for the City of Bankstown. The section of the corridor which runs through the North East Local Area will promote the image of the City of Bankstown by reinforcing the Remembrance Driveway landscape corridor.*

*Supporting housing (in the form of mixed use development) will be limited to selected sites that are compatible with the primary enterprise role of the corridor, can provide residents with good amenity (in terms of noise and air quality), and can provide an appropriate built form transition to the surrounding suburban neighbourhood. The built*

*form will supplement the landscape corridor, with low-rise enterprise activities facing the highway and low and medium-rise housing at the rear.*

### Review findings

To achieve the desired character, Council's review of the Hume Highway Enterprise Corridor identified the potential for some sites to accommodate some dwelling growth as part of mixed use development. This is due to these sites being significantly large in area, in single ownership or within property groupings where consolidation for development purposes is preferred. The sites included 165–185 Hume Highway in Greenacre.

As part of the review process, Council commissioned a FSR Review Report (JBA 2015). The report provided a high level review of the development potential of the above sites. It recommended it may be possible to increase the building envelope up to 1.5:1 FSR. The report also recommended a review of the current setback to the Hume Highway (from 20 metres to 10 metres) and a standardisation of current setbacks to neighbouring properties.

Action L5 incorporated the recommendations of the FSR Review Report provided:

- The proposed changes are consistent with the zone objectives and do not compromise employment activities on the site.
- There is appropriate amenity (noise and air quality) protection for future residents.
- There is appropriate amenity to neighbouring properties.

In relation to next steps, the planning proposal process to implement the North East Local Area Plan would have carried out a further review of the proposed changes.

### **North East Planning Proposal**

At the Ordinary Meeting of 24 July 2018, Council resolved not to proceed with a planning proposal to implement the North East Local Area Plan. In October 2018, the Department of Planning & Environment confirmed the planning proposal would not proceed.

## PROPOSAL

In response to Council's decision of 24 July 2018, the Iris Capital (proponent) submitted an application to increase the building envelope on the site at 167 Hume Highway in Greenacre, generally consistent with the recommendations of the North East Local Area Plan as follows:

167 Hume Highway	Current controls	Proposed controls
Zone	B6 Enterprise Corridor	No change
Maximum FSR	1:1	1.5:1
Maximum building height	11–14 metres (3–4 storeys)	14–17 metres (4–5 storeys)
Minimum highway setback for dwellings	20 metres	10 metres

The application includes a Planning Proposal Report (July 2018) with associated studies. These documents have been provided to the Local Planning Panel. The application seeks:

- *To facilitate redevelopment of an ageing hotel into a high-quality mixed use development;*
- *To facilitate urban renewal that aligns with local and State strategic planning objectives;*
- *To provide additional housing within 30-minutes by public transport to the strategic centre of Bankstown;*
- *To provide for high-amenity residential accommodation that improves housing choice and affordability and caters to the needs of the community; and*
- *To enable redevelopment with high-quality architectural design that responds to site constraints and is compatible with surrounding development (Planning Proposal Report, Mecone, page 9).*

The application proposes a concept design for a mixed use development consisting of a commercial building (Block A) and three residential flat buildings (Block B, C, and D) to accommodate approximately 167 dwellings (refer to Figures 4 and 5). The concept design also includes 413 basement parking spaces (comprising 84 commercial spaces, 294 residential spaces, and 35 visitor spaces). A landscape strategy includes a 5–7 metre landscape buffer along the Hume Highway and principal areas of communal open space.

**Figure 4: Application's proposed concept design (Urban Design Report, Squillace, June 2018)**





**Figure 5: Application's proposed built form viewed from the Hume Highway (Urban Design Report, Squillace, June 2018)**



**Figure 6: Existing Floor Space Ratio (1:1)**

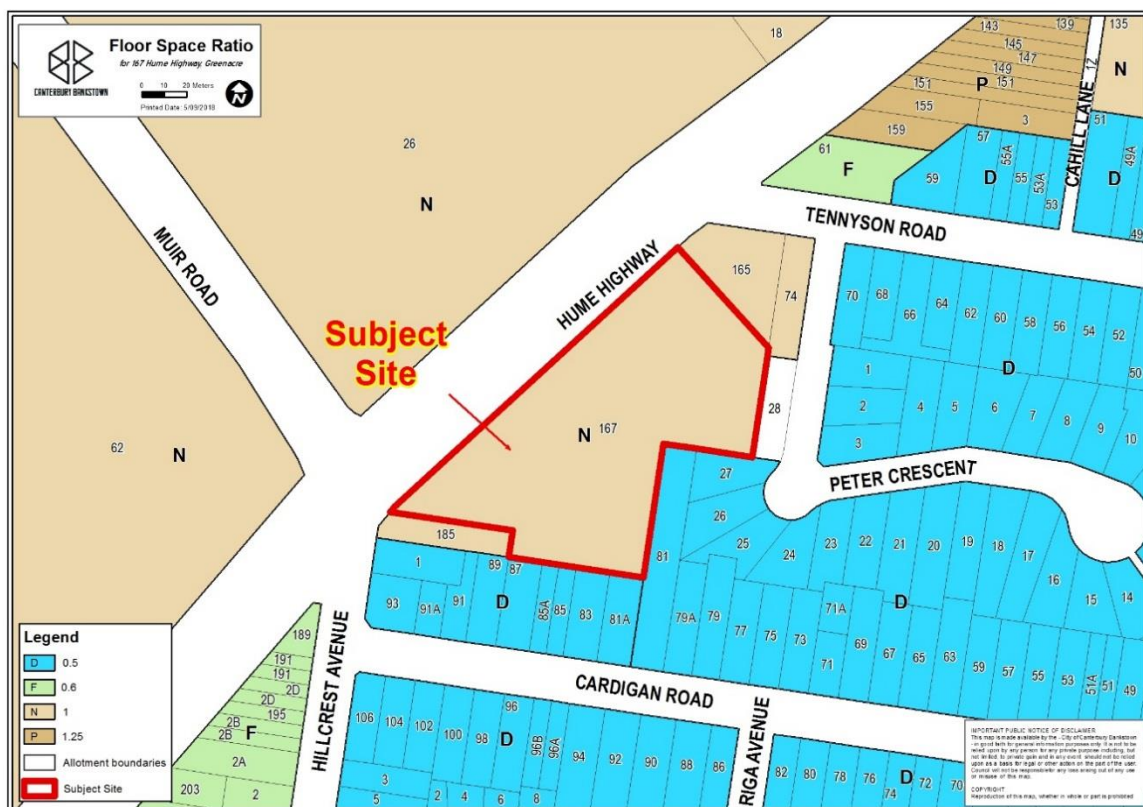


Figure 7: Application's Proposed Floor Space Ratio (1.5:1)

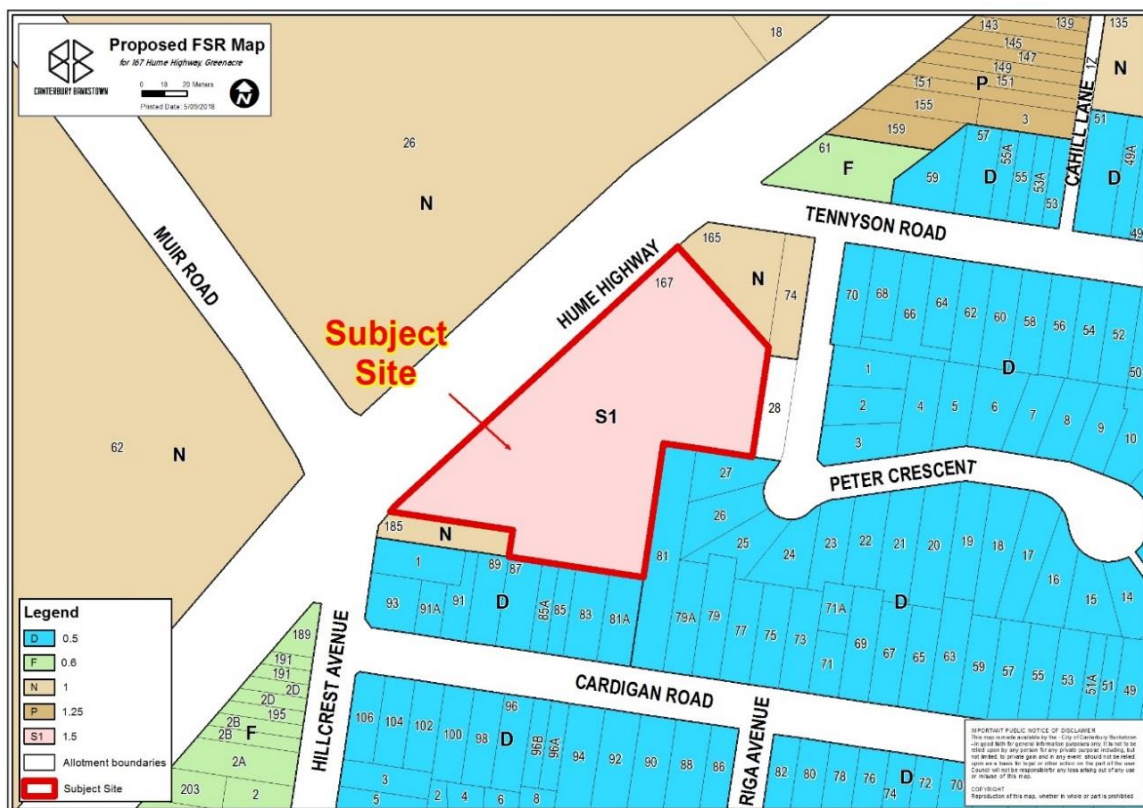


Figure 8: Existing Building Heights (11–14 metres)



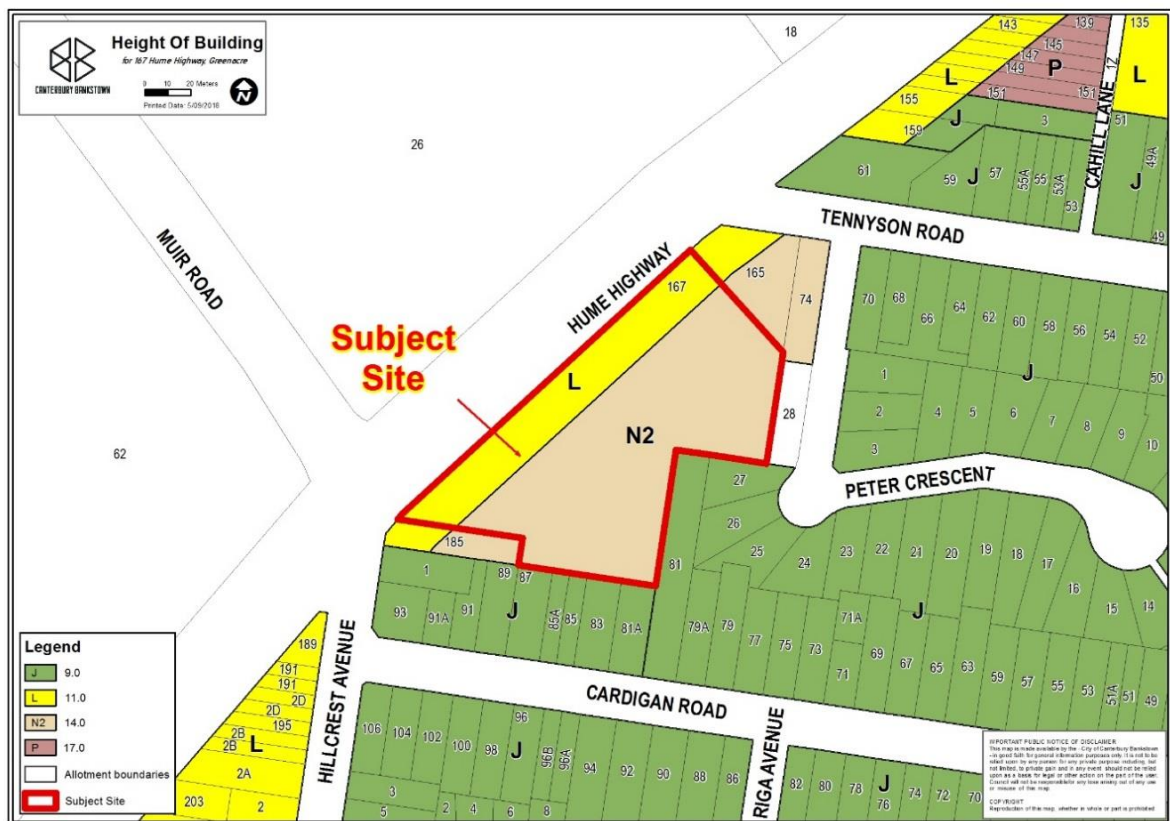
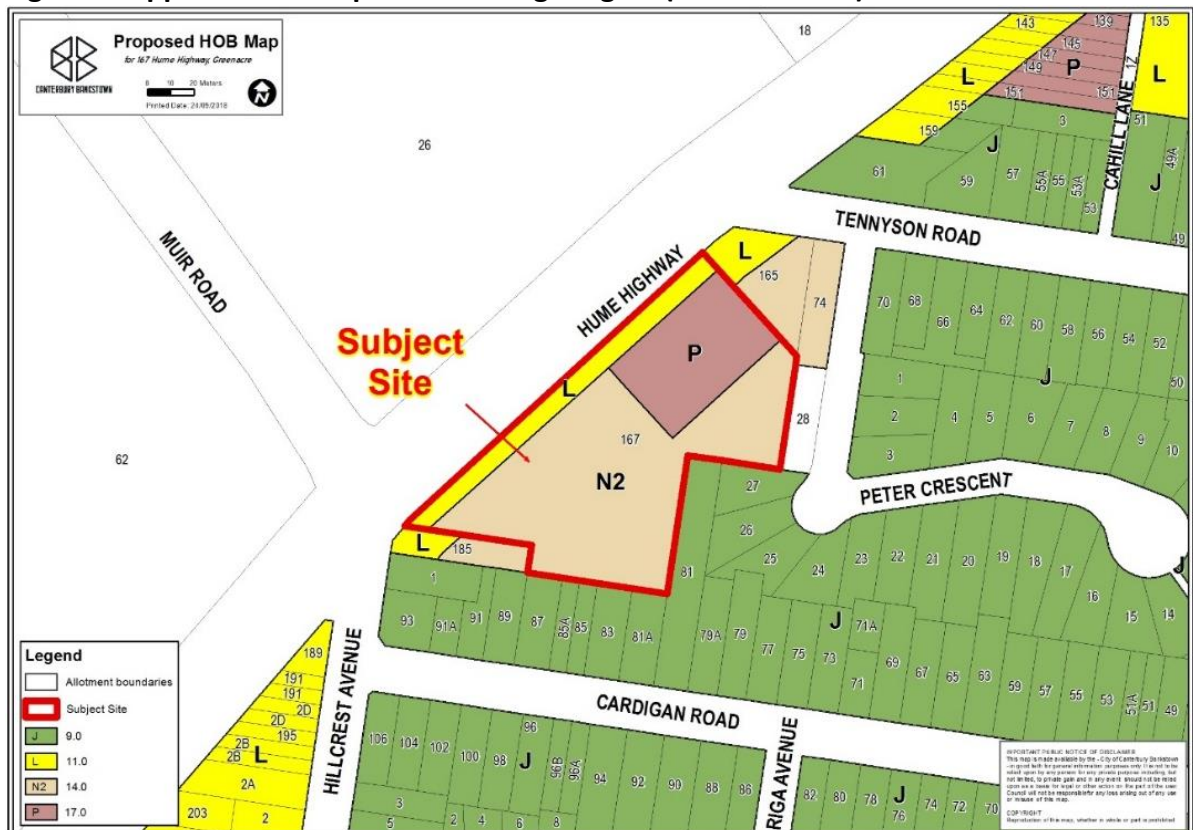


Figure 9: Application's Proposed Building Heights (11–17 metres)



## CONSIDERATIONS

Based on the Environmental Planning & Assessment Act 1979 and the Department of Planning & Environment's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan
- South District Plan
- Council's North East Local Area Plan
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development), Apartment Design Guide, NSW Government Architect's Better Placed Policy and the Ministerial Directions also require the proposal to be of good design.

On this basis, Council commissioned an independent specialist to undertake an urban design peer review consistent with the above state policies, and to recommend an appropriate building envelope for the site. It is noted the urban design peer review provides a more detailed analysis and testing of the site compared to the high level review commissioned by Council (FSR Review Report, JBA 2015) to inform the North East Local Area Plan.

## SUMMARY

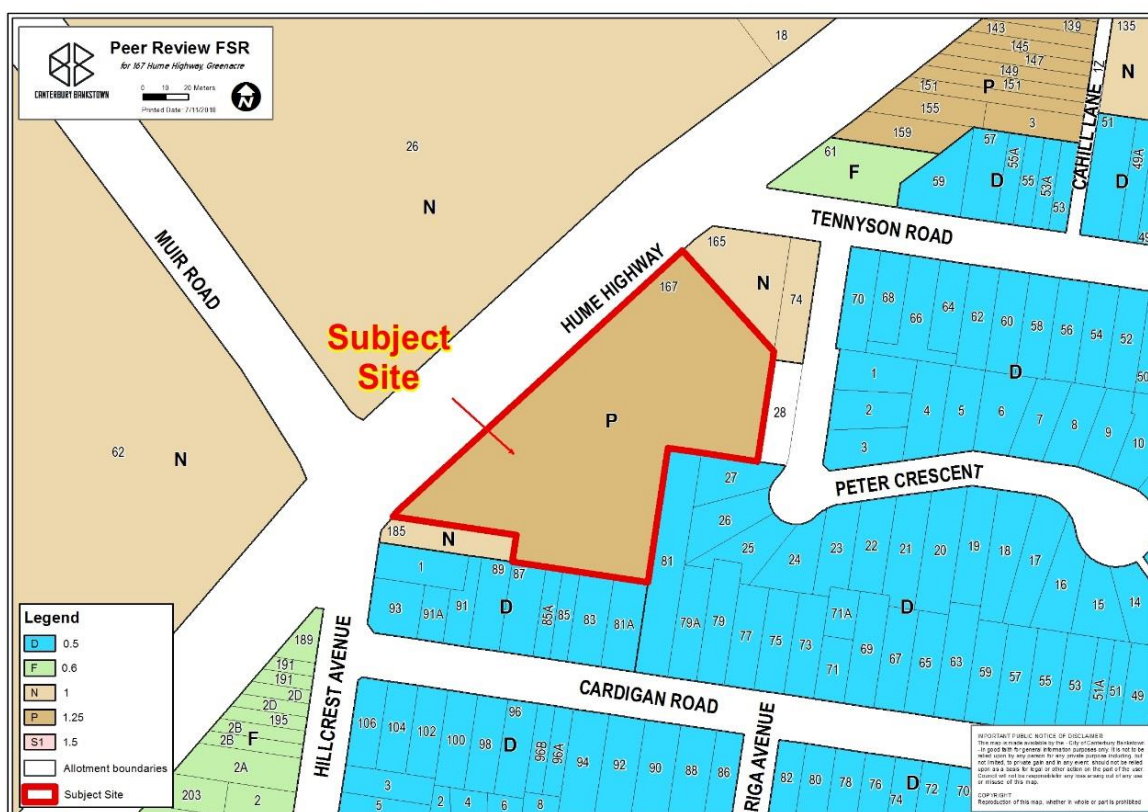
Council's assessment indicates the proposal has strategic merit subject to implementing the recommendations of the urban design peer review as follows (refer to Figures 10 and 11):

167 Hume Highway	Current controls	Recommended controls (urban design peer review)
Zone	B6 Enterprise Corridor	No change
Maximum FSR	1:1	1.25:1, including a maximum floor space ratio of 0.75:1 for the purposes of residential development
Maximum building height	11–14 metres (3–4 storeys)	11, 14 and 17 metres (3, 4 and 5 storeys)
Minimum highway setback for dwellings	20 metres	12 metres (subject to Air Quality and Noise Impact Study and consultation with RMS)

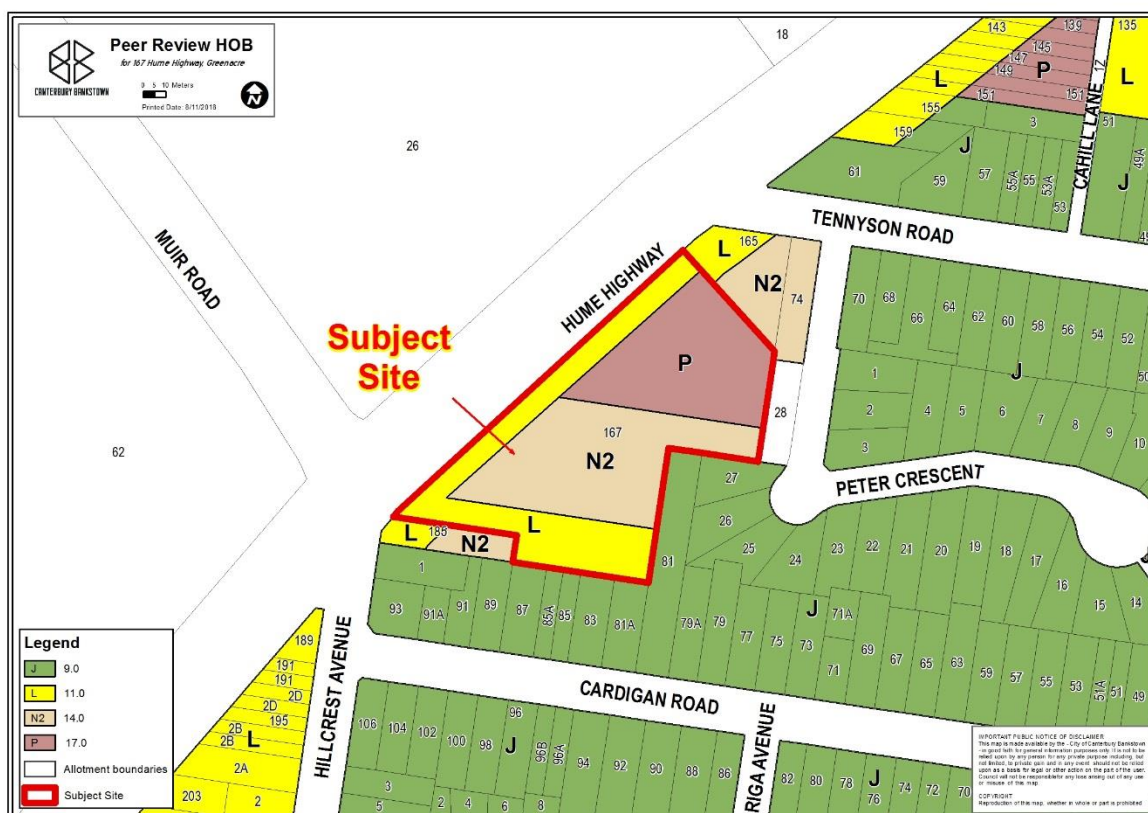
It is noted that the proposal to reduce the minimum highway setback for dwellings should similarly apply to the adjoining sites at 165 and 185 Hume Highway, which also form part of the Hume Highway Enterprise Corridor.

The Assessment Findings are shown in Attachment A and the urban design peer review is shown in Attachment B.

**Figure 10: Recommended Floor Space Ratio Map (1.25:1, including a maximum floor space ratio of 0.75:1 for the purposes of residential development)**



### Figure 11: Recommended Height of Buildings Map



## ASSESSMENT

## Urban Design Peer Review

The key findings of the urban design peer review are:

Enforcing the mixed use objective of Zone B6 Enterprise Corridor and providing a built form that is compatible with the surrounding context

The objectives of Zone B6 Enterprise Corridor are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

The application is considered to be inconsistent with the objectives of Zone B6 Enterprise Corridor as the proposal is predominantly residential in nature. The application seeks to increase the FSR from 1:1 to 1.5:1 with the following approximate floor areas: 13,600m<sup>2</sup> of residential use (equivalent to 1.16:1 FSR) and 4,040m<sup>2</sup> of commercial use (equivalent to 0.34:1 FSR).

Based on the urban design peer review, the residential uses would dominate the proposed built form and would result in amenity impacts such as overshadowing and privacy loss to adjoining low density residential development. Further, the proposed built form does not provide sufficient deep soil zones.

To ensure that the residential uses do not dominate the site, the urban design peer review tested the built form and recommends a maximum 1.25 FSR for the site. The recommended 1.25:1 FSR for the site allows 0.25:1 FSR more than the existing 1:1 FSR but less than the application's proposed 1.5:1 FSR.

Within the 1.25:1 FSR envelope, the urban design peer review also recommends setting a maximum 0.75:1 FSR for the purposes of residential development. This would result in the following approximate floor areas: 8,812m<sup>2</sup> of residential use (0.75:1 FSR) and at least 5,875m<sup>2</sup> of commercial use (0.5:1 FSR).

Limiting the maximum FSR for the purposes of residential development is considered a reasonable approach to ensure consistency with the Zone B6 objectives and to support business uses along the Hume Highway. The recommended floor space ratio also results in an improved overall built form by:

- Providing an 11 metre building height buffer along the southern boundary to minimise overshadowing and privacy loss to adjoining low density residential development.
- Providing opportunities for deep soil zones.

Protecting future residential amenity



Bankstown Local Environmental Plan 2015 currently requires dwellings on the site to be setback a minimum 20 metres from the Hume Highway. The intended outcome is to provide appropriate amenity (noise and air quality) protection for future residents. The application proposes to reduce this setback to 10 metres.

Whilst the urban design peer review supports a possible reduction of this setback to 12 metres, this is subject to:

- The preparation of an Air Quality and Noise Impact Study to consider any amenity impacts associated with the proposed 12 metre setback to the Hume Highway.
- Consultation with the Roads & Maritime Services under the State Environmental Planning Policy (Infrastructure) 2007. An objective of the SEPP is to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads (i.e. Hume Highway).

It is noted that the proposal to reduce the minimum highway setback for dwellings should similarly apply to the adjoining sites at 165 and 185 Hume Highway, which also form part of the Hume Highway Enterprise Corridor.

### **Other Considerations**

#### Previous FSR Review as part of the local area planning process

As part of the local area planning process, Council commissioned a FSR Review Report (JBA 2015). The report provided a high level review of the development potential of the above sites. It recommended it may be possible to increase the building envelope up to 1.5:1 FSR. The report also recommended a review of the current setback to the Hume Highway (from 20 metres to 10 metres) and a standardisation of current setbacks to neighbouring properties.

The North East Local Area Plan (Action L5) incorporated the recommendations of the FSR Review Report provided:

- The proposed changes are consistent with the zone objectives and do not compromise employment activities on the site.
- There is appropriate amenity (noise and air quality) protection for future residents.
- There is appropriate amenity to neighbouring properties.

For the purposes of the current application, Council commissioned an independent specialist to undertake an urban design peer review to address the above recommendations. The urban design peer review provides a more detailed analysis and testing of the site compared to the high level review commissioned by Council (FSR Review Report, JBA 2015) to inform the North East Local Area Plan.

Based on the analysis, and to ensure there is appropriate amenity to future residents and neighbouring properties, the preferred recommendation is to apply a maximum 1.25:1 FSR to the site. Within the 1.25:1 FSR envelope, it is also recommended to set a maximum 0.75:1 FSR for the purposes of residential development.

#### Peter Reserve and community needs

The site adjoins Peter Reserve, which is Council owned land (classified community) at 28 Peter Crescent in Greenacre. The reserve is within Zone RE1 Public Recreation and is 650m<sup>2</sup> in area.

Council's Open Space Strategic Plan and North East Local Area Plan recommended the divestment of the reserve to fund the acquisition of new neighbourhood parks in areas where there is open space shortage. The reserve is not considered to be in a strategic location, is difficult to access for the wider community, and is identified as having limited recreational, social or environmental value.

In light of the above, the urban design peer review investigated a possible scenario to expand Peter Reserve into the site to make it more user-friendly. However, it was decided not to proceed with this scenario as it is unlikely to achieve the required minimum size for a neighbourhood park (i.e. 3,500m<sup>2</sup>). This scenario would require the dedication of approximately 3,000m<sup>2</sup> from the site (one quarter of the site area), which would unreasonably impact on the feasibility of the site. The recommendation to divest Peter Reserve may be processed through Council's new LEP by reclassifying and rezoning the reserve.

In addition, the assessment identifies the need for a Social Impact and Community Needs Assessment to investigate social infrastructure needs arising from the proposal. In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The application does not include a planning agreement.

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD IN THE COUNCIL CHAMBERS  
BANKSTOWN**

**ON MONDAY 19 NOVEMBER, 2018**

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**PANEL MEMBERS**

**PRESENT:** Ms Jan Murrell - Chairperson  
Mr Grant Christmas - Expert Member  
Mr Richard Thorp AM- Expert Member  
Mr Allan Winterbottom- Community Representative Bankstown  
Mr Ian Stromborg OAM - Community Representative Revesby

**STAFF IN**

**ATTENDANCE:** Ms Maryann Haylock (Local Planning Panel Administration Officer)  
Mr Brad McPherson (Manager Governance, not present for the closed session)  
Mr Ian Woodward (Manager Development, not present for the closed session)  
Mr Mitchell Noble (Manager Spatial Planning, not present for the closed session)  
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)  
Mr Mauricio Tapia (Team Leader Strategic Planning, not present for the closed session)  
Mr William Hodgkinson (Senior Town Planner, not present for the closed session)  
Mr Warren Terry (Town Planner, not present for the closed session)  
Ms Amita Maharjan (Strategic Planner, not present for the closed session)  
Mr Aidan Harrington (Cadet Town Planner, not present for the closed session)

**THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.**

**INTRODUCTION**

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports and the recommendation from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) and determining the development applications and providing advice to Council on planning proposals.

**APOLOGIES**

There were no apologies received

**DECLARATIONS OF INTEREST**

The Chairperson advised that all Panel Members had submitted written Declarations of Interest returns prior to the meeting.

The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda. There were no declarations of interest.

## **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on Monday 5 November, 2018 be confirmed.

## **AGENDA ITEMS:**

### **ITEM 1**

#### **87 ELDRIDGE ROAD, CONDELL PARK: DEMOLITION OF EXISTING SITE STRUCTURES AND REMOVAL OF DRIVEWAY AND CONCRETE PATHS**

##### **Site Visit**

The Panel considered an inspection of the site was not necessary in the circumstances as the application was for demolition only.

##### **Public Addresses**

There was no public address for this item.

##### **Panel Assessment**

The Panel endorses the officer's report and recommendation and the Development Application for the demolition of structures on the subject site is approved.

##### **CBLPP Determination**

The Development Application DA-798/2018 is **APPROVED** in accordance with the Council staff report recommendation.

##### **Panel Reason**

It is noted that this site will provide an additional access handle and street frontage for existing open space to the rear and, together with the house to the east owned by the Council, will provide for a much better presentation to the street of a large, consolidated open space area

## **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 2**

#### **40 & 40A HOSKINS AVENUE BANKSTOWN, 78 & 80 MARSHALL STREET BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING OF 44 UNITS, BASEMENT CAR PARKING AND ASSOCIATED SITE WORKS**

##### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

##### **Public Addresses**

The following people addressed the meeting in relation to this item:

- Mr Tony Owen – Director Tony Owen Partners (representing applicant/owner)
- Mr Afif El-Choufani – (Applicant)

### **Panel Assessment**

The council officer's report and recommendation is endorsed by the Panel and the Development Application for a residential flat building comprising of 44 units is granted approval.

The Panel notes that in condition number 15 there is a typographical error and the section 94 contribution figure is to read \$173,437.80.

The Applicant agreed with the Panel that it would be appropriate for street trees to be planted along both frontages. The Panel notes that for Marshall Street there is the opportunity to plant large canopy trees, given there are no overhead electricity lines or cables.

The Hoskins Street frontage would also benefit by landscaping of the Council verge and the Applicant is prepared to carry out these works also. As such, a suitable condition is to be imposed requiring street trees and the species to be approved by Council's relevant landscape (tree) officer.

### **CBLPP Determination**

The Development Application DA-1241/2017 is **APPROVED** in accordance with the Council staff report recommendation and with the addition of a condition requiring the planting of street trees of an appropriate size and species along both street frontages and the correcting of the required Section 94 contribution amount in condition 15.

### **Panel Reason**

The Panel notes there were no written or verbal submissions on this matter and having considered the Council officers report, and with the benefit of the site inspection, the Panel is satisfied that the proposed development will sit comfortably in, and make a positive contribution to, the streetscape.

## **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 3**

#### **PLANNING PROPOSAL – 167 HUME HIGHWAY GREENACRE (THE PALMS HOTEL)**

### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

### **Public Addresses**

The following people addressed the meeting in relation to this item:

- Adam Coburn – (Planner representing Applicant)
- Vince Squillace - Director Squillace Architects - Architect (representing Owner/Applicant)

### **Panel Assessment**

The Panel has considered the submissions made on behalf of the applicant and also has the benefit of the site inspection and the Council officer's report and recommendation.

The Panel expressed concern that the objectives of the B6 enterprise zone contained in the LEP must be considered as a focus in the decision to amend the LEP. The Applicant submitted that the type of commercial use proposed, that is serviced apartments with a

hotel, will provide for a greater intensity of employment than many other commercial uses, for example; bulky goods and retail premises. The Panel, however, notes that there is no evidence to this effect or information provided by the Applicant to justify the extent of departure as requested and this analysis should be undertaken by the Applicant.

On balance the Panel also recommends it would be more appropriate to provide for a minimum non-residential area that must be provided on the site as opposed to providing a maximum for the residential use. This would also provide for flexibility in the future use of the site, having regard to changing markets.

#### **CBLPP Recommendation**

The Panel recommends to the Council for its consideration the adoption of the Council Officer's recommendation with the following changes and additions in bold:

1. The application to amend Bankstown Local Environmental Plan 2015 for the site at 167 Hume Highway Greenacre should proceed to Gateway subject to the following provisions:

**(a) Permit a minimum floor space ratio of 0.25:1 for non-residential purposes within a maximum FSR for the whole site of 1.25:1.**

(b) Permit a maximum building height of 17 metres (five storeys) to the north of the site, 14 metres (four storeys) in the centre of the site, and 11 metres (three storeys) along the southern boundary, as shown in Figure 11 of this report.

(c) Reduce the depth of the 11 metre building height control along the Hume Highway from 20 metres to 12 metres.

(d) For consistency, the change recommended in (c) should also apply to the adjoining sites at 165 and 185 Hume Highway in Greenacre.

2. The Gateway process should require the following additional information:

(a) Social Impact and Community Needs Assessment

(b) Air Quality and Noise Impact Study

(c) Consultation with the Roads & Maritime Services.

**(d) An economic investigation and analysis for the non-residential land uses proposed for the site that is a Hotel and Serviced Apartments, to explore the ratio of employees to FSR. The economic study is to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site**

3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.

4. Council prepare a site specific DCP Amendment.

#### **Panel Reason**

To ensure the B6 zone fulfils its purpose of employment generation

#### **DECISION**

**Vote: 4 – 0 in favour**



#### ITEM 4

##### **15 KITCHENER PARADE BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TEN STOREY MIXED-USE RESIDENTIAL/COMMERCIAL BUILDING COMPRISING ELEVEN RESIDENTIAL APARTMENTS, THREE LEVELS OF COLLEGE CLASSROOMS, A CAFÉ AND THREE LEVELS OF BASEMENT CAR PARKING**

###### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

###### **Public Addresses**

The following people addressed the meeting in relation to this item:

- Tony Legge - Architect (representing Applicant)
- Yasser Ibrahim - Applicant

###### **Panel Assessment**

The panel considers the development is well designed and endorses the Council Officer's report and recommendation. The panel enquired about the canopy trees in the verge recommended for removal, however, the panel is now satisfied that suitable replacement trees are now specified to ensure continuation of the significant canopy tree character of the street.

###### **CBLPP Determination**

The Panel has determined the Development Application by the granting of approval subject to the conditions contained in the officer's report, with the exception of an amendment to the wording of condition 69 to specify the appropriate replacement canopy trees being **2 X 400L LIRIODENDRON TULIPIFERA**, for the Council verge. This provides greater certainty to ensure the vegetated character of this tree lined street is maintained into the future.

###### **Panel Reason:**

The Panel considers the development has design merit and warrants approval.

#### **DECISION**

**Vote: 4 – 0 in favour**

#### ITEM 5

##### **17 LASCELLES AVENUE GREENACRE: CONVERSION OF AN EXISTING UNAUTHORISED OUTBUILDING TO A SECONDARY DWELLING**

###### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

###### **Public Addresses**

There was no public address for this item.

###### **Panel Assessment**

The Panel has considered the Council officers report on the development application that seeks approval for a secondary dwelling on the subject site. The panel also has the benefit of a site inspection to understand the constraint of flooding issues in the area.

### **CBLPP Determination**

The Development Application DA-730/2018 is **REFUSED** for the following reasons as contained in the Officer's report:

1. The submitted plans do not demonstrate compliance with the submitted BASIX Certificate (No. 9621725) having regards to the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. [Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979]
2. The development fails to comply with Clause 4.3(2B)(a) of the Bankstown Local Environmental Plan 2015 in relation to wall height [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979]
3. The development fails to comply with Clause 6.3 of the Bankstown Local Environmental Plan 2015 in relation to flood planning [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979]
4. The development fails to comply with Schedule 5 of the Bankstown Development Control Plan 2015 – Part B12 in relation to minimum habitable floor levels for a flood affected site [Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979] and
5. The development is not considered to be in the public interest [Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979]

### **Panel Reason**

The fundamental reason for refusal is the concern of the Panel about a potential danger and harm to people as the secondary dwelling does not provide sufficient free-board of the floor level above the ground, in the event of a flood with the dwelling being subject to inundation during flood periods. The dwelling would also not allow for the free flow of flood water in this floodway.

### **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 6**

#### **22 PRARIE VALE ROAD BANKSTOWN: DEMOLITION OF ALL EXISTING STRUCTURES AND REMOVAL OF ALL VEGETATION ON 22 PRARIE VALE ROAD BANKSTOWN**

### **Site Visit**

An inspection of the site was not considered necessary by the Panel as the Officer's report clearly shows the benefit of adding the site to the adjoining open space in the area.

### **Public Addresses**

There was no public address for this item.

### **Panel Assessment**

The Panel has considered the Council officers report and recommendation and the Development Application for the demolition of the structures on the subject parcel of land is approved.

The Panel notes that this additional parcel of land will be added to the existing open space area it adjoins.

### **CBLPP Determination**

The Development Application DA-799/2018 is **APPROVED** in accordance with the Council staff report and recommendation.

### **Panel Reason**

The demolition of structures on this Council owned parcel of land and consolidation with the adjoining open space is most appropriate

### **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 7**

### **PLANNING PROPOSAL – 353-355 WATERLOO ROAD GREENACRE (CHULLORA MARKETPLACE)**

#### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

#### **Public Addresses**

The following people addressed the meeting in relation to this item:

- David Ryan – Town Planner (representing Owner/applicant)
- Karla Castellanos – Urban Designer (representing Owner/applicant)

#### **Panel Assessment**

The Panel has considered the submissions and those made on behalf of the Applicant at the meeting.

It has been brought to the Panel's attention that there is a typographical error on page 151 of the officer's report and 1(a)(i) should say: "Rezone the site to Zone B2 Local Centre."

The Panel notes that the concept plans propose reducing the commercial parking and allocating additional parking for the residential units. This would be a matter for the Development Application stage, however the Panel is of the opinion that this should not occur, given the stand alone nature of this commercial site, and the full component of parking be allocated to the Commercial premises in accordance with Council's DCP.

It is noted that the Applicant raised no issue with the residential limit of 0.65:1 for residential component on the subject site

### **CBLPP Recommendation**

The Panel endorses the Council Officer's report with minor amendments shown in bold and the panel recommends to the Council adoption of the recommendation to proceed to Gateway as follows:

1. The application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following:
  - (a) For the site at 353 Waterloo Road Greenacre:
    - (i) Rezone the site to Zone B2 Local Centre .
    - (ii) Permit a maximum 1:1 FSR for the site. Within the 1:1 FSR envelope, apply a maximum 0.65:1 FSR for the purposes of residential development.

- (iii) Permit a maximum building height of 14 metres (four storeys).
- (iv) Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre.

(b) For site at 355 Waterloo Road Greenacre:

- (i) Apply a maximum 0.65:1 FSR for the purposes of residential development, while retaining the existing 1:1 FSR for the site.
- (ii) Permit a maximum height of 11 metres (three storeys) along the southern boundary, 14 metres (four storeys) along the eastern and western boundaries, and 20 metres (six storeys) for the remainder of the site, as shown in Figure 11 of this report.

- 2. The Gateway process should require the following additional information:
  - (a) Social Impact and Community Needs Assessment
  - (b) Heritage Study for the site at 355 Waterloo Road Greenacre
  - (c) Revised Traffic Study for the purposes of consultation with the Roads & Maritimes services
  - (d) Economic Impact Study to analyse potential impacts on the Greenacre Small Village Centre as a result of the proposal.
- 3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
- 4. Council prepare a site specific DCP Amendment.

**Panel Reason**

Given the location and context of this large site the panel agrees with the Officer's recommendation of the need for a site specific DCP and the provision of additional information that must be provided to ensure orderly development of the site.

**DECISION**

**Vote: 4 – 0 in favour**

The meeting closed at 8:40 p.m.