

In accordance with these directions, Council must satisfy itself that the proposal for the site is appropriate in the context of its very close proximity to Bankstown Airport and associated aircraft movements. Given the importance of this issue when considering the merits of the proposal, it is essential that a prescribed airspace study be prepared to provide clarity about this issue early in the process. Confirmation from Bankstown Airport on the maximum height for the site will allow Council to determine the max. FSR for the site.

The Panel is of the opinion that the height should now be determined with Bankstown Airport Limited, together with the VPA offer so that the matter can then proceed to Gateway determination with the Department.

CBLPP Recommendation

The Panel is of the opinion that the applicant should now:

- (a) carry out the required airspace study in conjunction with Bankstown Airport Limited so that a height limit can be determined for the site;
- (b) provide a Voluntary Planning Agreement (VPA) offer to the Council, outlining the traffic and pedestrian matters that would be included in the VPA.

Further, the Panel agrees that any planning proposal would be a site specific proposal for a hospital, and that any new FSR and height controls would relate only to a hospital use on this site, to avoid any undesirable precedents for other sites.

Upon the submission of this information to the satisfaction of the Council, the matter could then proceed to a Gateway determination.

Vote: 4 – 0 in favour

DECISION

- 2 280 CHAPEL ROAD, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A THREE STOREY MIXED COMMERCIAL-RESIDENTIAL DEVELOPMENT, COMPRISING TWO RESTAURANTS AND CAR PARKING AT GROUND FLOOR LEVEL, WITH SIX COMMERCIAL TENANCIES AT FIRST FLOOR LEVEL AND THREE RESIDENTIAL UNITS AT SECOND FLOOR LEVEL**

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 Colin De Lore (applicant/architect)
- Mr Paul Lam (representing owner)

Panel Assessment

Mr Allan Winterbottom was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation, subject to some changes to the conditions.

The Panel raised questions with regard to BCA compliance, in relation to exiting through the fire stairs, past the kitchen and down the right of way.

The approval will be subject to a deemed condition requiring strict compliance with the BCA. In the event that changes are required upon further BCA assessment for a Construction Certificate then a modification application may be required.

CBLPP Determination

THAT Development Application DA-562/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend the deferred commencement condition to read as follows:
“A Voluntary Planning Agreement (VPA) to provide for deficient seven (7) car parking spaces in accordance with the offer made by the Applicant in their letter dated 18 March 2018 to the Council shall be entered into prior to the issue of an operational consent.

The development contributions required to be paid in the operative part of the consent are not to be taken into account in the VPA, and the VPA payments are in addition to the Section payments in the operative part of the consent.

The VPA rates for the parking spaces are to be determined in accordance with the rates for parking in Bankstown Development Control Plan 2015 – Part B5, and indexed in the same way as those rates are indexed under that plan.”

2. Amend advisory note 5 to read as follows:
“The consent will lapse in two years if the deferred commencement consent is not satisfied and five years from the date the consent operates after the deferred commencement condition is satisfied.”
3. Amend condition 2 by amending the date “24/01/18” in row 5 of the table to read “27/02/18”.
4. Amend condition 3 by inserting the words “any of” after the words “for the use of” in the second sentence.
5. Amend condition 14 by inserting an additional point (h) as follows:
“h) This condition is to be read in conjunction with condition 23.”
6. Amend condition 46 by inserting the words “An operational” prior to the words “Closed Circuit Television”.
7. Delete condition 47.

Vote: 4 – 0 in favour