

DETERMINATION AND STATEMENT OF REASONS
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	31 January 2017
PANEL MEMBERS	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Jane Fielding and Peter Smith
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at City of Canterbury-Bankstown, Former Bankstown City Council Chambers, Corner of Chapel Road and The Mall, Bankstown on Tuesday 31 January 2017, opened at 10.45 am

MATTER DETERMINED

2016SYE070 – Canterbury-Bankstown, DA104/2016, Demolition of all existing structures and construction of Infill Affordable Housing development totaling 19 multi dwellings with associated landscaping and basement parking, 47, 49 & 51 Chapel Street, Roselands (Lot 30 DP 555773, Lot 40 DP 561045 & Lot 5 DP 37301).

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 determined to refuse the development application as described in Schedule 1 pursuant to section 80/96 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

REASONS FOR THE DECISION

The majority of the Panel (B McDonald, P Smith and J Fielding) having considered legal advice and submissions provided by the parties and the report prepared by Council's planning assessment staff concludes that the subject site is not situated in an "accessible area" as defined by Clause 4 of State Environmental Planning Policy (Affordable Rental Housing) 2009 and accordingly the use is not permitted under the terms of the SEPP.

A minority of the members of the panel (N Gurran and M Iemma) were of the view that the proposal meets the substantive accessibility requirements of the SEPP due to the number of bus stops and movements in close proximity to the development and therefore is able to be assessed under the provisions of AHR SEPP.

However irrespective of the issue of applicability of the AHR SEPP, the entire panel noted areas of non-compliance with the residential amenity provisions of the SEPP which would need to be addressed before the proposal could be approved.

PANEL MEMBERS

	
Morris Iemma (Chair)	Bruce McDonald
	
Nicole Gurran	Peter Smith
	
Jane Fielding	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE070 – Canterbury-Bankstown, DA104/2016
2	PROPOSED DEVELOPMENT	Demolition of all existing structures and construction of Infill Affordable Housing development totaling 19 multi dwellings with associated landscaping and basement parking.
3	STREET ADDRESS	47, 49 & 51 Chapel Street, Roselands (Lot 30 DP 555773, Lot 40 DP 561045 & Lot 5 DP 37301).
4	APPLICANT/OWNER	Mssrs J & P Katernis, C/-Minto Planning Pty Ltd V & M Halias
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$5m Private and Infrastructure Community Facilities
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Affordable Rental Housing) 2009 - Seniors Living Policy: Urban Design Guidelines for Infill Development • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development - Apartment Design Guide • State Environmental Planning Policy(Building Sustainability

		Index – BASIX) 2004 • Canterbury Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: Canterbury Development Control Plan 2012 No planning agreement relates to the site or proposed development. Regulations: • Environmental Planning and Assessment Act Regulation 2000 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. List any coastal zone management plan: Nil The suitability of the site for the development. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council supplementary report Written submissions: two Verbal submissions at the panel meeting: • Object – Nil • On behalf of the applicant – Graham Mckee and Andrew Minto • On behalf of Canterbury-Bankstown – George Gouvatsos, Shona Porter and Ian Woodward
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	31 January 2017 – Site Inspection and Final Briefing Meeting
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	N/A