

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EAST JOINT REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	10 November 2016
<b>PANEL MEMBERS</b>	John Roseth (Chair), Sue Francis, Clare Brown, Peter Smith Jane Fielding
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christies Conference Centre, 3 Spring Street, Sydney on Thursday, 10 November 2016, opened at 12:30PM and closed at 1:30PM.

#### MATTER DETERMINED

2016SYE071 – Canterbury-Bankstown DA193/2016 -265-267 King Georges Road, Roselands (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposal responds to an important social need by providing affordable housing.
- The proposal fits into the scale and character of the area.
- The proposal complies with all relevant planning controls.
- The Panel has considered the concerns of the objector living in the adjoining property in relation to possible structural damage and has imposed the council's standard condition requiring the applicant to document the current condition of the property as well as its condition after construction. As concerns the objector's request to remove all landscaping from the common boundary, the Panel considers that, on balance, the landscaping provides more benefits than drawbacks.

#### CONDITIONS

The development application was approved subject to the conditions recommended in the Council's assessment report plus two additional condition, ie

Condition 55(l) Deep soil landscape is to be provided in the central courtyard that consists of four garden areas 2.5m wide by 5m long, located around the base of the four pyrus trees. This will require removal of tree grates and planter boxes shown on the approved plans.

New condition: "Dilapidation


85. All precautions must be taken to prevent any damage likely to be sustained to adjoining property.

Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.

85. (a) The applicant shall prepare a dilapidation report/photographic survey prepared by an appropriately qualified consultant for the adjoining property at 261 King Georges Road detailing the physical condition of the property, both internally and externally, including items such as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

(b) On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made to the affected person/s as soon as practical and prior to the occupation of the development. All costs associated with achieving compliance with this conditions shall be borne by the applicant."

In addition, Conditions 69 and 70 are amended by deleting reference to basement pump-out facilities. Condition 44 is amended by deleting the Table part of the condition.

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis
 Clare Brown	 Peter Smith
 Jane Fielding	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE071 – Canterbury-Bankstown DA193/2016
2	PROPOSED DEVELOPMENT	Demolition of all existing structures and construction of a new generation boarding house.
3	STREET ADDRESS	265-267 King Georges Road, Roselands
4	APPLICANT: OWNER:	Stimson and Baker Planning Evolve Housing and Pacific Link Housing Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy 55 – Contaminated Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>○ Canterbury Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Canterbury Development Control Plan 2012</li> <li>○ Canterbury Development Contributions Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 27 October 2016 <ul style="list-style-type: none"> <li>○ Written submissions during public exhibition: Submissions from four households have been received (including a total of five submissions from one household)</li> </ul> </li> <li>• Verbal submissions at the panel meeting 10 November 2016: <ul style="list-style-type: none"> <li>○ Support – nil</li> <li>○ Object – Paul Perriman</li> <li>○ On behalf of the applicant – Warwick Stimson</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing Meetings: 3 August &amp; 10 November 2016</li> <li>• Panel Meeting: 10 November 2016</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report