

DATE OF DETERMINATION	Wednesday, 16 December 2020
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Nadia Saleh, Bilal El-Hayek
APOLOGIES	Heather Warton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 2 December 2020.

MATTER DETERMINED

2018SSH006 – CANTERBURY-BANKSTOWN – DA-1213/2017

27 Bullecourt Avenue, Milperra

Construction of a seniors housing development comprising of four buildings including a residential care facility, self-contained dwellings, community facilities, sealed road, car parking and associated earthworks under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (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 2015 (LEP) that has demonstrated that:
 - a) there are sufficient environmental planning grounds to justify contravening the development standards
 - b) compliance with cl. 4.3 (Height) of Bankstown Local Environmental Plan 2015 (LEP) and cl 40 of the SEPP (Housing for Seniors or People with a Disability) 2004 is unreasonable and unnecessary in the circumstances; and

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 cl. 4.3 (Height) of the LEP and the objectives for development in the R2 zone; and the SEPP (Housing for Seniors or People with a Disability) 2004
- 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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Visual privacy to neighbouring properties
- Parking and traffic

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues the distance from the neighbouring properties mitigates the impacts.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Bilal El-Hayek	 Nadia Saleh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSH006 – CANTERBURY-BANKSTOWN – DA-1213/2017
2	PROPOSED DEVELOPMENT	Construction of a seniors housing development comprising five buildings including a residential care facility, self-contained dwellings, community facilities, sealed road, basement and at-grade car parking and associated earthworks under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3	STREET ADDRESS	27 Bullecourt Avenue, Milperra NSW 2214
4	APPLICANT/OWNER	Applicant: Anglican Community Services Owner: Anglican Retirement Village
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Draft Canterbury Bankstown Local Environmental Plan 2020 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Canterbury Bankstown Local Environmental Plan 2020 Development control plans: <ul style="list-style-type: none"> Draft Canterbury Bankstown Local Environmental Plan 2020 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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	<ul style="list-style-type: none"> Council assessment report: 28 October 2020 4.6 variation requests: <ul style="list-style-type: none"> Bankstown Local Environmental Plan 2015 Written submissions during public exhibition: 5

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 21 March 2018 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Helen Lochhead (Chair), Bruce McDonald, Jane Fielding, Peter Smith ○ <u>Council assessment staff:</u> Samantha Mitchell • Final briefing to discuss council's recommendation: 9 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal El-Hayek ○ <u>Council assessment staff:</u> Steve Arnold, Warren Terry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report