

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	Thursday, 15 August 2019
PANEL MEMBERS	Helen Lochhead (Chair), Bruce McDonald, Julie Savet Ward, Allan Winterbottom, Karl Saleh
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	<p>Bilal El-Hayek, Nadia Saleh, Rachelle Harika, Charlie Ishac and Clare Raffan all declared a conflict of interest. All voted on determining the Planning Proposal for 677-687 Canterbury Rd and 46-48 Drummond St, Belmore at a Council meeting on 26 June 2018. As such, they did not participate in the panel for this matter.</p> <p>Karl Saleh noted that while he does not have a conflict to declare, he requested the record note he was a Councillor in Canterbury City council from 2004 to 2015, and during 2014 the former Canterbury Council initiated a planning proposal seeking to increase density along Canterbury Road.</p>

Public meeting held at Former Bankstown Council Chambers (Roundhouse), corner Chapel Road and The Mall, Bankstown on 15 August 2019, opened at 11.45am and closed at 1.20pm.

MATTER DETERMINED

2019SSH007 – Canterbury Bankstown – DA-70/2019 at 677-687 Canterbury Road and 48 Drummond Street, Belmore – Concept development application for a high density mixed use development for three x six storey building envelopes (as amended) with retail/commercial tenancies and basement car parking. This application is made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with 50% of apartments to be dedicated as affordable housing (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.

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

Development application

The panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous to refuse the application.

REASONS FOR THE DECISION

- The Panel accepts the recommendation of the planning assessment report to refuse the application and concurs with the reasons for refusal offered in support of that recommendation. Since the application was lodged, the Site Compatibility Certificate (SCC) has expired which means for the purposes of determination today the proposed uses are prohibited
- The Panel notes that the applicant has applied for a new SCC but there is no certainty that a new SCC will be issued by the Department of Planning Industry and Environment.
- Further the Panel recognises that significant changes to the strategic planning context of Canterbury Road, including the subject site, have occurred in May 2018 with the adoption of the Canterbury Road Review as Council Policy and so considers that any further proposals for the development of the site should be consistent with the final planning outcome of the Canterbury

Road Review, The Greater Sydney Regional Plan, South District Plan and Sydenham to Bankstown Urban Renewal Corridor Strategy

- Accordingly, the Panel concludes that the proposal is not a permitted or otherwise a suitable form of development for this site.

CONDITIONS





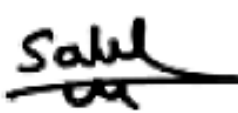
Not applicable

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:

- Site impacts including overshadowing, privacy and noise concerns
- Setbacks
- Value of surrounding properties impacted
- Permissibility of development – expired SCC
- Traffic and parking issues
- Site isolation
- Height of building and FSR

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.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Bruce McDonald
 Julie Savet Ward	 Allan Winterbottom
 Karl Saleh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SSH007- Canterbury Bankstown – DA-70/2019
2	PROPOSED DEVELOPMENT	Concept development application for a high density mixed use development for three x six storey building envelopes (as amended) with retail/commercial tenancies and basement car parking. This application is made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with 50% of apartments to be dedicated as affordable housing.
3	STREET ADDRESS	677-687 Canterbury Road and 48 Drummond Street, Belmore
4	APPLICANT/OWNER	Pacific Planning / Belmore Linx Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Affordable Housing) 2009 State Environmental Planning Policy (Infrastructure) State Environmental Planning Policy 55 Remediation of Land Canterbury Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 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: 2 August 2019 Clause 4.6 variation request - Height Written submissions during public exhibition: 14 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – Anne Nolan, Leonie Hope, Barbara Coorey, Vasoula Vasil Council assessment officer – Shona Porter On behalf of the applicant – James Matthews, Matthew Daniels
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 15 August 2019 Briefing: 19 June 2019 Final briefing to discuss council's recommendation, 15 August 2019, 11am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Julie Savet Ward, Allan Winterbottom, Karl Saleh <u>Council assessment staff</u>: Shona Porter

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Supplied