

SYDNEY SOUTH PLANNING PANEL -SUPPLEMENTARY REPORT

Panel Reference	PPS-2019SSH009
DA Number	440/2018
LGA	Canterbury Bankstown Council
Proposed Development	Demolition of existing structures and construction of a four storey in-fill affordable housing development over a basement car park pursuant to the Affordable Rental Housing SEPP 2009
Street Address	71-83 Graham Road & 35-37 Karne Street South Narwee
Applicant/Owner	<u>Applicant:</u> Pavlakos Capital Pty Ltd (Mr. Constantine Pavlakos) <u>Owner/s:</u> Pavlakos Capital Pty Ltd, Evriklia and Constantine Pavlakos, Evangelo Pavlakos and George Pavlakos.
Date of DA lodgement	10 October 2018
Number of Submissions	Five (5) Submissions
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Part 4, Clause 20(1) of the SEPP (State and Regional Development) 2011 the application is declared as regionally significant development. Schedule 7 includes 'Private infrastructure and community facilities over \$5 million. The proposal has a capital investment value of \$10,685,425.00 and provides affordable housing and therefore falls within this category.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). • State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65). • State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX). • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. • Canterbury Local Environmental Plan 2012 • Canterbury Development Control Plan 2012 • Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 - Council's Assessment Report
Clause 4.6 requests	<ul style="list-style-type: none"> • Canterbury Local Environmental Plan 2012 (CLEP 2012); • The Clause 4.6 relates to Clause 4.3 Height of Buildings of the CLEP 2012 • The subject site is in an R4 High Density Residential Zone
Summary of key submissions	<ul style="list-style-type: none"> • Four storey building not in keeping and in character with the adjacent buildings/street, Proposal should be three-storeys. • Loss of privacy to western side of Graham Road.

	<ul style="list-style-type: none"> • Traffic congestion to the number of apartments. • Car parking on site is not enough. • Access to M5 is difficult. • Access to mow the park will be difficult as there will be more cars parked in the street. • Area is too small for a four-storey block of units. The site is located in a cul-de-sac and not appropriate for high density dwellings.
Report prepared by	Haroula Michael – Senior Town Planner
Report date	11 December 2020

SUMMARY

This supplementary report is the second report on this proposal. This report provides a background in response to the Panel's deferral of the development application on the 11 November 2020.

The key issue that needs to be considered by the Panel relates to the background since the matter was deferred and payment of the outstanding application fee.

BACKGROUND

The Panel on the 11 November 2020 deferred the matter for the following items to be addressed:

The decision was to defer this matter pending additional information.

The Panel was of the view that the Development Application was not appropriately made. The full DA fees have not been paid to date to enable full consideration of the material lodged and subsequent amended plans. The Panel recommends that the applicant complete payment of the fees so a full and complete assessment of all their documentation and amended documents can be made.

The Panel has determined to refer the matter back to Council for assessment and requires that the applicant lodge the outstanding fees within 7 days of the publication of this hearing. Pending Council feedback, which is to be provided within 21 days from the date of payment, any additional material to be prepared and submitted to Council by the applicant is to be received by Council by mid-January 2021. The application needs to be assessed by Council and resubmitted to the Panel no later than March 2021.

If the applicant does not make the payment the application will remain undetermined.

3 December 2020, the Panel's minutes are published.

3 December 2020, Council writes to the applicant (via email) advising that the Panel's minutes are published and as per the minutes, payment of the outstanding application fee is due within 7 days of the publication of the hearing. The applicant was advised that the outstanding application fee of \$8324.35 was to be paid to Council by the close of business 10 December 2020.

8 December 2020, the Coordinator Planning East speaks to the applicant advising him of the Sydney South Planning Panel minutes and any disputes he has with the Panel's minutes should be taken up directly with the Panel. The applicant advised that he will express his concerns in writing directly to the Panel.

9 December 2020 (8.51am), Applicant responds to Council's email of 3 December confirming receipt of Council's letter and Sydney South Planning Panel minutes. The applicant also expressed concern that the minutes were not accurate in that "*the agreed action was to defer the application back to Council to discuss and resolve the matter of the development application fees with the applicant*". The applicant advises that "*this matter be deferred pending discussions with the Sydney South Planning Panel*".

9 December 2020 (1.17pm), Council responds to the Applicant's email outlining Council's position, in that, as per the Sydney South Planning Panel's minutes the outstanding fees must be paid within seven days of the publication of the hearing. The outstanding fee was to be made by the close of business 10 December 2020. Council's email also advised the applicant that any disputes they had regarding the content of the Panel's minutes should be referred to the Panel Secretariat. The applicant was also requested to advise Council if they intended on paying the outstanding fees.

9 December 2020 (4.41pm), The applicant reiterated that "*we are currently disputing the inaccurate minutes directly with the Planning Panel*".

The applicant has not made any correspondence if they intend on paying the outstanding application fee. The time has now lapsed, and the application fee has not been paid and the matter is now referred to the Panel for determination.

RECOMMENDATION

It is recommended that the Panel support Council's recommendation to refuse the application subject to the reasons of refusal outlined in Council's Assessment Report which is provided within Attachment 1 to this supplementary report.