

DATE OF DETERMINATION	Wednesday, 8 April 2020
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Bilal El-Hayek, Nadia Saleh
APOLOGIES	None
DECLARATIONS OF INTEREST	None. Heather Warton noted she is a former colleague of Ms. Lynne Sheridan, who addressed the Panel on behalf of the Applicant. Heather did not consider this a conflict of interest. The Chair agreed the association did not constitute a conflict and Heather remained on the Panel for this matter.

Due to Coronavirus precautions the public meeting was held via teleconference on 8 April 2020, opened at 11am and closed at 12pm.

MATTER DETERMINED

2019SSH010 – Canterbury Bankstown – DA303/2019 - 24-28 Viccliffe Avenue, Campsie - Demolition of existing structures, consolidation of lots and construction of a residential flat building (comprising 28 units) pursuant to Division 1 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, basement car parking and associated site works (Crown Development) (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Canterbury Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.6 (development standard) is unreasonable or unnecessary in the circumstances; and

the panel is not 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 of cl. 4.6 of the LEP and the objectives for development in the R4 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to refer the development application to the Minister of Planning and Public Spaces as per the requirements under section 4.33 of the *Environmental Planning and Assessment Act 1979 (The Act)*, as the Panel recommends refusal pursuant to section 4.16 of The Act.

The decision was unanimous.

REASONS FOR THE DECISION






- height breach contributes unacceptable overshadowing of the properties next door and across the street
- unacceptable presentation of the development to the street, including the excessive driveway width, bin presentation area and minimal landscape that detract from the existing streetscape and future neighbourhood character
- inadequate solar access to the communal open space (non-compliant with ADG requirements).
- some balconies are under sized (non-compliant with ADG requirements)

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:

- Height and scale of development inconsistent with existing and future character
- Insufficient on-site car parking and impacts on street parking
- Impact of additional traffic and safety concerns from increase in vehicles
- Privacy and overlooking to neighbouring properties
- Affordable housing being out of character with the local area and potential impacts on surrounding property values
- Construction noise and air pollution

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)	 Stuart McDonald
 Heather Warton	 Nadia Saleh
 Bilal El-Hayek	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SSH010 – Canterbury Bankstown – DA303/2019
2	PROPOSED DEVELOPMENT	Demolition of existing structures, consolidation of lots and construction of a residential flat building (comprising 28 units) pursuant to Division 1 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, basement car parking and associated site works (Crown Development)
3	STREET ADDRESS	24-28 Viccliffe Avenue, Campsie
4	APPLICANT/OWNER	Applicant: Mono Constructions Owner: Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development 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 (State and Regional Development) 2011 ○ State Environmental Planning Policy 55 – Contaminated 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) ○ Canterbury Local Environmental Plan 2012 (CLEP 2012) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Canterbury Development Control Plan 2012 (CDCP 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: 27 March 2020 • Final set of Draft Conditions submitted 7 April 2020 • Applicant's response to draft Conditions, and Solar Analysis submitted 7 April 2020 • Clause 4.6 variation request - Height • Written submissions during public exhibition: 7 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Kaiying Cao ○ Council assessment officer - Haroula Michael, George Gouvatsos

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Lynne Sheridan, Brad Delapierre, Ambrose Marquart
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Papers circulated electronically between 27 September 2019 and 4 October 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Bilal El-Hayek, Nadia Saleh ○ <u>Council assessment staff</u>: Haroula Michael • Site inspection: Due to Corona Virus precautions, the Panel were provided with a package of detailed site and locality images. • Final briefing to discuss council's recommendation, 8 April 2020, 10am Attendees: <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>: Haroula Michael, George Gouvatsos
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Draft non-prejudice conditions submitted 7 April 2020