

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	8 February 2021
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Bilal El-Hayek, Nadia Saleh
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>None.</p> <p>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.</p>

Papers circulated electronically on 3 February 2021.

#### 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.

#### Development application

Pursuant to the Minister for Planning and Public Spaces' direction received on Thursday, 28 January 2021, the Panel determined to approve the development applicant.

The decision was unanimous.

#### REASONS FOR THE DECISION

On 8 April 2020 the Panel determined to refer the development application to the Minister for 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 recommended refusal pursuant to section 4.16 of the Act.

Subsequently the Department of Planning, Industry and Environment reviewed the Panel's determination and statement of reasons, including its reasons for refusal and the City of Canterbury Bankstown Council's assessment report.

On 6 May 2020, the Department requested the Applicant review its application in response to the Panel's reasons for refusal. In response the Applicant submitted an amended Crown DA to:

- Reduce the building height to 3 storeys with a maximum height of 10 metres
- Reduce the number of units from 28 to 21
- Reduce the proposed floor space ratio (FSR) from 1.15:1 to 0.88:1

The Panel was directed to approve the development application pursuant to a Ministerial direction under section 4.34 of the Act.

#### CONDITIONS





The Minister's direction required the development application be approved subject to conditions attached to the Minister's letter of 28 January 2021.

#### CONSIDERATION OF COMMUNITY VIEWS

In referring the matter to the Minister, 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
- Residential amenity
- 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 Council's assessment report and that no new issues requiring assessment were raised during the public meeting.

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

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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)</li> <li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)</li> <li>○ State Environmental Planning Policy 65 – Design Quality of</li> <li>○ Residential Apartment Development (SEPP 65)</li> <li>○ State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX)</li> <li>○ Canterbury Local Environmental Plan 2012 (CLEP 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 (CDCP 2012)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: [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 March 2020</li> <li>• Final set of Draft Conditions submitted 7 April 2020</li> <li>• Applicant's response to draft Conditions, and Solar Analysis submitted 7 April 2020</li> <li>• Crown DA Conditions of Consent</li> <li>• Clause 4.6 variation request - Height</li> <li>• Written submissions during public exhibition: 7</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Kaiying Cao</li> <li>○ Council assessment officer - Haroula Michael, George Gouvatsos</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ On behalf of the applicant – Lynne Sheridan, Brad Delapierre, Ambrose Marquart.</li> <li>• Amended design plans submitted 6 August 2020.</li> <li>• Letter received 28 February 2021 from Minister for Planning and Public Spaces directing the Sydney South Planning Panel to approve the amended proposal.</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Papers circulated electronically between 27 September 2019 and 4 October 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Bilal El-Hayek, Nadia Saleh</li> <li>○ <u>Council assessment staff</u>: Haroula Michael</li> </ul> </li> <li>• Site inspection: Due to Corona Virus precautions, the Panel were provided with a package of detailed site and locality images.</li> <li>• Final briefing to discuss council's recommendation, 8 April 2020, 10am Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal El-Hayek</li> <li>○ <u>Council assessment staff</u>: Haroula Michael, George Gouvatsos</li> </ul> </li> <li>• Electronic Determination: Papers circulated electronically 3 February 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Bilal El-Hayek, Nadia Saleh</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Draft conditions submitted 28 January 2021