

<b>DATE OF DETERMINATION</b>	Wednesday, 11 December 2019
<b>PANEL MEMBERS</b>	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher, Ned Attie and Michael Zaiter
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on 11 December 2019, opened at 12:11pm and closed at 2.54pm.

**MATTER DETERMINED**

PPSSCC-14– Cumberland – DA-171-2019 at 69 and 71 Pegler Ave, South Granville – affordable housing 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.

**Development application**

The majority of the Panel (P Mitchell) L Fletcher, M Zaiter and N Attie determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

**REASONS FOR THE DECISION**

1. The proposal is permissible in the R4 High Density Residential Zone, is consistent with relevant zone objectives and is generally satisfactory with respect to the provisions of the Affordable Rental Housing SEPP.
2. The proposal will add to the stock of affordable housing in the area, thus helping to address the pressing demand for such housing and being socially beneficial.
3. The proposal will not unreasonably adversely affect neighbouring and nearby properties and the “character test” has shown that it will be compatible with the desired future character for the locality.
4. The Panel has carefully considered the matters raised by objectors and believes they are either addressed by the design of the development or by conditions to be imposed. Some of the issues raised are not relevant to the proposal or are not legitimate planning considerations.
5. For the reasons given above approval of the application is in the public interest.

Mary-Lynne Taylor dissented from the above decision and she does not accept that the character test has been satisfied in relation to the existing development in the locality, in terms of bulk, scale and design. She does not agree that the shadow imposed on neighbouring property is acceptable.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with an additional condition 4a in relation to privacy screens to read as follows –

- The balconies of the northern building elevation (unit numbers, 8, 9, 14, 15) are to provide minimum 1.5m high from finished floor level, sliding stackable privacy screens with a minimum 50% transparency and minimum width of 1m (each). Such privacy screens are to redesign in place until such time as No. 67 Pegler Avenue is redeveloped.






Reason: to protect the privacy of the adjoining development to the north.

**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:

- Insufficient number of car parking spaces;
- Traffic congestion;
- Privacy impacts;
- Economic value;
- Bin allocation.

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	
 Paul Mitchell (Chair)	 Mary-Lynne Taylor
 Lindsay Fletcher	 Ned Attie
 Michael Zaiter	

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSSCC-14– Cumberland – DA-171-2019
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Demolition of existing dwellings and construction of a 3 storey residential flat building comprising 18 units over one level of basement car parking for 11 vehicles, associated landscaping and land consolidation pursuant to SEPP (Affordable Rental Housing) 2009 on 69-71 Pegler Avenue, South Granville and associated stormwater works on 70 Gordon Avenue, South Granville
<b>3</b>	<b>STREET ADDRESS</b>	69 and 71 Pegler Ave, South Granville
<b>4</b>	<b>APPLICANT/OWNER</b>	NSW Land and Housing Corporation (LAHC)
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Crown development over \$5 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<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 No. 55 – Remediation of Land</li> <li>○ Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>○ Parramatta Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft State Environmental Planning Policy (Environment)</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Parramatta Development Control Plan 2011</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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 26 November 2019</li> <li>• Written submissions during public exhibition: three (3)</li> </ul>

		<ul style="list-style-type: none"> <li>• Addendum Council assessment: 6 December 2019</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Mrs Saki on behalf of Mr Mohamed Shehata</li> <li>○ Council assessment officer – Michael Lawani and Rennie Rounds</li> <li>○ On behalf of the applicant – Lynne Sheridan and Ambrose Marquart</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: 11 December 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Lindsay Fletcher. Councillor Ned Attie and Councillor Michael Zaiter advised that they have inspected the site previously.</li> <li>○ <u>Council assessment staff</u>: Rennie Rounds, William Attard and Sifa KC</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 11 December 2019, 11.45am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher, Ned Attie and Michael Zaiter</li> <li>○ <u>Council assessment staff</u>: Rennie Rounds and Michael Lawani</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report