

<b>DATE OF DETERMINATION</b>	23 October 2024
<b>DATE OF PANEL DECISION</b>	23 October 2024
<b>DATE OF PANEL MEETING</b>	17 October 2024
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Alice Spizzo and Glennis James
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by teleconference on 17 October 2024, opened at 2.31pm and closed at 3.42pm.

#### **MATTER DETERMINED**

PPSSEC-327 – Canada Bay – DA2024/0064 – 25 George Street, North Strathfield – Application under State Environmental Planning Policy (Housing) 2021 for three additional storeys to Building A (street facing) and an additional storey to both Building B and C with 41 units (24 units allocated to affordable housing) and amendments to internal basement layout to provide 41 additional residential car spaces. The additional units under this application will sit atop the building approved under DA2020/0143 (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 Council assessment report recommended the provision of 50 additional car spaces. However, in response to the community concerns about traffic impact, the number of spaces has been reduced to an additional 41 car parking spaces in accordance with the State Environmental Planning Policy (Housing) 2021. The total of car parking spaces on site is 182 spaces as 141 spaces are to be provided under DA2020/0143.

#### **Application to vary a development standard:**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Canada Bay Local Environmental Plan 2013 (LEP) and State Environmental Planning Policy (Housing) 2021 (SEPP(Housing)), it has been demonstrated and the Panel is satisfied that:

- a) compliance with cl. 4.3 (Height of Buildings) of the LEP and cl. 18 of the SEPP (Housing) is unreasonable or unnecessary in the circumstances because the proposal is consistent with the objectives of the height of buildings development standard and is in the public interest by providing additional affordable rental housing in the area; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as the built form achieves a better outcome for the site that is well articulated, within the required setbacks from adjoining properties to not result in any unreasonable additional overshadowing or impacts on views, and results in the retention of the existing large and mature trees in George Street.

#### **Development application**

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

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to uphold the Clause 4.6 variations to building height and approve the application for the reasons outlined in the Council Assessment Report.

## CONDITIONS

The Development Application was approved subject to the amended conditions attached to the Council Assessment Report (amended/uploaded to the portal on 16/10/2024) with the following amendments.

- Amend Condition 8 – Sydney Water – Required Conditions, to remove the following words from the condition:

### **'Building Plan Approval**

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.'

- Amend Condition 11(a) – to read as follows:

(a) 182 car spaces shall be provided on the development site. This shall comprise of:

- 167 residential spaces and
- 15 visitor spaces.

Of these, 25 car parking spaces are to be for people with mobility impairment, in accordance with approved plans.

- Amend Condition 12 to read as follows:

### **12. Electric vehicle circuitry and electric vehicle charging point requirements**

An accurate electrical plan and specifications for all off-street car parking (excluding visitor parking) must be prepared by a suitably qualified person, demonstrating the following;

- a) That each off-street car parking space (excluding visitor parking) will be provisioned for the future installation of electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:
  - Identify the power capacity that is provisioned to each car parking space.
  - Identify the load management system on each level of parking such as a distribution board.
  - Install the cable pathway / containment to permit the future installation of electrical cabling necessary to enable the provision of an electrical vehicle charging point for each designated parking space. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).
- b) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) **prior to the issue of the construction certificate.**

**Note:** The minimum electric circuitry provisioning requirements for 'Level 2' electric vehicle charging points are: a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power 1

**Condition reason:** Access to EV charger infrastructure

- Amend Condition 25, to insert new part (j), which reads as follows:

### **25j) Site Complaint Details**

- A clear and legible sign (minimum size of A3) is to be placed on the front construction safety fence and is to identify the full name of the contact person/s and their mobile phone number who are to be contactable 24/7.
- The Construction Management Plan is to be updated to reflect this requirement and is to ensure the sign's installation at the front of the property.




- Amend Condition 29, to insert new part (c), which reads as follows:  
29c) This condition relates to the twenty-four (24) affordable housing apartments approved under this consent via the provisions of the SEPP (Housing).

#### 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:

- Building height/bulk and scale/view impact
- Streetscape/urban character
- Overdevelopment/density/impact on infrastructure and additional noise
- Acoustic and visual privacy/setbacks
- Overshadowing
- Traffic and parking – street and on-site increased congestion noise and pollution from additional traffic
- Building safety – structural integrity of additional floors
- Construction noise, safety and waste
- Insufficient community engagement consultation
- Flooding from new development
- Property value
- Construction work complaints from the public not being dealt with

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. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-327 – Canada Bay – DA2024/0064
2	PROPOSED DEVELOPMENT	Application under State Environmental Planning Policy (Housing) 2021 for three additional storeys to Building A (street facing) and an additional storey to both Building B and C with 41 units (24 units allocated to affordable housing) and amendments to internal basement layout to provide 41 additional residential car spaces. The additional units under this application will sit atop the building approved under DA2020/0143
3	STREET ADDRESS	25 George Street, North Strathfield
4	APPLICANT/OWNER	Sid Mawad (on behalf of UPG Halston 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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>Canada Bay Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Draft Homebush Transport Orientated Development Rezoning Proposal (Homebush TOD Rezoning)</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Canada Bay Development Control Plan 2017</li> </ul> </li> <li>Planning agreements: No planning agreement has been entered into under this application (Note: A planning agreement with Council was entered into under the original consent DA2020/0143 and satisfactory arrangements certification – SVPA-2020-42) issued by DPIE which is applicable to the site)</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 3 October 2024</li> <li>Clause 4.6 variation: Cl.4.3 (Height of Buildings) and State Environmental Planning Policy (Housing) 2021, Clause 18 – Affordable housing requirements for additional building height</li> <li>Written submissions during public exhibition: 86</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Cathryn Maree Coles, Rob Kimble, Ning Cai, Supratik Ganguly, Edward Vinod, Divya Vinod</li> <li>Council assessment officer – Peter Giaprakas, Shannon Anderson</li> <li>On behalf of the applicant – Chris Ferreira and Tony Jreige</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 84</li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 10 September 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Anthony Bazouni</li> <li>○ <u>Council assessment staff</u>: Peter Giaprakas and Shannon Anderson</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>• Site inspection: 17 October 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair) and Alice Spizzo</li> <li>○ <u>Council assessment staff</u>: Peter Giaprakas and Shannon Anderson</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 17 October 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Glennis James</li> <li>○ <u>Council assessment staff</u>: Peter Giaprakas and Shannon Anderson</li> <li>○ <u>Department staff</u>: Carolyn Hunt</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended/uploaded to the portal on 16/10/2024