

DATE OF DETERMINATION	21 March 2022
DATE OF PANEL DECISION	21 March 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Sue Francis, Kevin Hoffman
APOLOGIES	John Brockhoff
DECLARATIONS OF INTEREST	None

Determined by circulation of papers. Papers circulated 17 February 2022.

MATTER DETERMINED

PPSSEC-52 – Canada Bay - DA2020/0143 - 25 George Street North Strathfield - Demolition of existing structures and construction of a residential apartment building with three towers of 4-6 levels containing 145 apartments (including affordable housing dedicated to Council) with two levels of basement and 126 car parking spaces (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.

Application to vary a development standard

The Panel notes that the applicant has submitted a without prejudice Clause 4.6 variation request in respect of the floor space ratio development standard on the basis that the disputed 15 visitor carparking spaces are beyond the maximum cap anticipated by Council's DCP and thus become GFA. The Panel accepts that the permissible amount of carparking spaces is 126 unit spaces plus an additional 15 visitor carparking spaces (the DCP being silent on visitor spaces).

In the circumstances of this case the Panel has determined to allow the 15 visitor carparking spaces within the maximum parking allowed and therefore no Clause 4.6 variation is required.

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 approve the application for the reasons outlined in the Council Addendum Assessment Report.

- The Panel deferred this matter to get clarification on the solar impact of the proposal both internally and externally and is satisfied that the additional information provided addresses the Panel's concern and achieves an acceptable level of amenity for future residents and existing surrounding properties.
- The removal of the air conditioning units from individual balconies is noted and desirable.
- The Panel accepted the advice from the applicant's planning and traffic expert that the council's DCP in relation to carparking does not include in its maximum cap visitor parking. The Panel considers that given that the DCP is silent on the relationship between resident parking and visitor parking that the parking cap can be interpreted as not being exceeded.

- Given the ambiguity in the DCP the Panel recommends the Council review the DCP to ensure its intentions are clear and substantiated in respect of visitor parking.
- The Panel is also satisfied that there is a clear distinction between the visitor parking and the secured residential.

CONDITIONS

The development application was approved subject to the conditions in the Council Officer's assessment report and addendum assessment report with the following amendments.



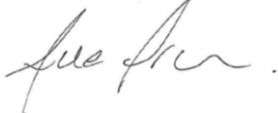

- Amend Condition 34(v) and Condition 42 to properly reflect the Panels decision regarding visitor parking.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Excess density/Overdevelopment
- Bulk and scale and building height
- Setbacks
- Impact on Metro
- Traffic and parking/Impacts on public transport/Safety/Impact on local schools
- Building quality
- Environmental issues – Construction, damage to adjoining property, noise
- Safety and security for public
- Privacy/Overlooking/Light spill
- Overshadowing
- Information

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)	 Jan Murrell
 Sue Francis	 Kevin Hoffman

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-52 – Canada Bay – DA2020/0143
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a residential apartment building with three towers of 4-6 levels containing 145 apartments (including affordable housing dedicated to Council) with two levels of basement and 126 car parking spaces.
3	STREET ADDRESS	25 George Street North Strathfield
4	APPLICANT/OWNER	North Strathfield One Pty Ltd (Applicant) North Strathfield One Pty Ltd (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 (SEPP55) – Remediation of Land State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings State Environmental Planning Policy – Building Sustainability Index (2004) State Environmental Planning Policy (Vegetation in Non-Rural Areas) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> City of Canada Bay Development Control Plan 2013 Canada Bay Special Precincts Development Control Plan Planning agreements: Ref: 738885:24822479_1 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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 January 2022 Revised Conditions: 9 February 2022 Cl 4.6 Variation request to cl. 4.4 – Floor Space Ratio (FSR) of the LEP: 10 February 2022 Council memorandum assessment of clause 4.6 Variation request: 10 February 2022 Council addendum assessment report: 25 February 2022 Applicant response to deferral: 22 February 2022 Solar Diagrams: 18 February 2022 Written submissions during public exhibition: <ul style="list-style-type: none"> Initial notification - 28 (including 20 objections and 8 in support) Re-notification - 4 (including 3 objections and 1 in support)

		<ul style="list-style-type: none"> • Total number of unique submissions received by way of objection: 23.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 11 August 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, John Brockhoff ○ <u>Council assessment staff</u>: Peter Giaprakis • Site inspection: Panel members visited the site independently, prior to 10 February 2022 • Public meeting: 10 February 2022 (Decision Deferred) <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Jan Murrell, John Brockhoff, Kevin Hoffman ○ <u>Council assessment staff</u>: Peter Giaprakis, Shannon Anderson ○ <u>On behalf of the applicant</u> – Greg Dowling, Nigel Farquhar, Alain Assoum, Brett Maynard ○ Verbal submissions at public meeting: nil • Final briefing to discuss council's recommendation: 17 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Jan Murrell, Kevin Hoffman ○ John Brockhoff was an apology for the final briefing ○ <u>Council assessment staff</u>: Peter Giaprakis ○ <u>Applicant representatives</u>: Greg Dowling, Brett Maynard, Nigel Farquhar, Fuse Architects
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council addendum assessment report