

<b>DATE OF DETERMINATION</b>	25 March 2025
<b>DATE OF PANEL DECISION</b>	25 March 2025
<b>DATE OF PANEL BRIEFING</b>	24 March 2025
<b>PANEL MEMBERS</b>	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Karl Saleh, Khal Asfour
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 17 March 2025 and the final conditions were circulated electronically on 21 March 2025.

#### **MATTER DETERMINED**

PPSSSH-177 - CANTERBURY-BANKSTOWN - DA-951/2024 - 175 – 177 Wellington Road, Sefton (Lot 1 & 2 DP 35610) - Construction of a 2-storey and 4-storey residential flat building comprising 20 affordable housing units, basement parking for 9 vehicles, associated site works, landscaping and fencing, and lot consolidation. (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:**

Following consideration of written requests from the applicant, made under cl 4.6 (3) of the Canterbury-Bankstown Local Environmental Plan 2023 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (height of building) and cl. 4.4 (floor space ratio) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards for the reasons outlined in the clause 4.6 written document.

#### **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 variation to building height and floor space ratio and approve the application for the reasons outlined in the Council Assessment Report.

- The council planner's assessment report has considered the relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*
- The proposed development is not permissible within the R3 Medium Density Residential Zone and gains it permissibility through the site compatibility certificate issued by the Department of Planning and Environment on 18 February 2022. The proposed development is consistent with the requirements of this certificate.

- It complies with the applicable *State Environmental Planning Policies* and satisfies the relevant provisions of the *Canterbury Bankstown Local Environmental Plan 2023* and the *Canterbury Bankstown Development Control Plan 2023*.
- The proposed development appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity
- All outstanding issues have been satisfactorily resolved.

## CONDITIONS

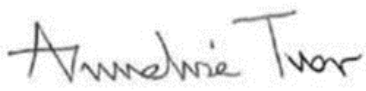

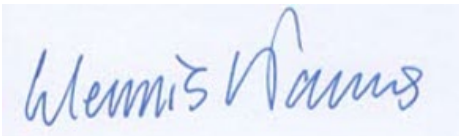


The Development Application was approved subject to the conditions agreed between Council and the applicant and uploaded to the ePlanning portal on 21 March 2025.

## CONSIDERATION OF COMMUNITY VIEWS

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

- Trespassing, rubbish or debris during construction.
- Easement adjoining site boundary.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	 Khal Asfour
 Karl Saleh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-177 - CANTERBURY-BANKSTOWN - DA-951/2024
2	PROPOSED DEVELOPMENT	Construction of a 2-storey and 4-storey residential flat building comprising 20 affordable housing units, basement parking for 9 vehicles, associated site works, landscaping and fencing, and lot consolidation.
3	STREET ADDRESS	175 – 177 Wellington Road, Sefton (Lot 1 & 2 DP 35610)
4	APPLICANT/OWNER	NSW 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 (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazard) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Canterbury-Bankstown Local Environmental Plan 2023</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Canterbury-Bankstown Development Control Plan 2023</li> </ul> </li> <li>• Planning agreements: Nil</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: 17 March 2025</li> <li>• Request to depart from the development standards in cl. 4.3 (height of building) and cl. 4.4 (floor space ratio) of the Canterbury-Bankstown LEP 2023</li> <li>• Updated draft conditions of consent received 21 March 2025</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: 11 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Karl Saleh</li> <li>○ <u>Council assessment staff</u>: Fiona Kordahi, Stephen Arnold</li> </ul> </li> <li>• Briefing: 11 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour, Karl Saleh</li> <li>○ <u>Council assessment staff</u>: Fiona Kordahi, Daniel Bushby, Stephen Arnold</li> <li>○ <u>Applicant representatives</u>: Frances Beasley (Homes NSW), Carolyn Howell (FACS NSW), Deborah Gilbert (FACS NSW), Mano Manoharan (FACS NSW), Yudhi Setiawan (FACS), Matthew Gallagher (Homes NSW), Nuno do Vale (Shakeup Architecture NSW)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>DPHI</u>: Joel Burgess</li> <li>• Final briefing to discuss council's recommendation: 24 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour, Karl Saleh</li> <li>○ <u>Council assessment staff</u>: Fiona Kordahi, Stephen Arnold</li> <li>○ <u>Applicant representatives</u>: Frances Beasley (Homes NSW), Carolyn Howell (Homes NSW), Deborah Gilbert (Homes NSW), Mano Manoharan (Homes NSW), Yudhi Setiawan (Homes NSW), Matthew Gallagher (Homes NSW), Nuno do Vale (Shakeup Architecture)</li> <li>○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report and final conditions uploaded to the portal on 21 March 2025.