

DATE OF DETERMINATION	15 April 2025
DATE OF PANEL DECISION	15 April 2025
DATE OF PANEL BRIEFING	14 April 2025
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour, Karl Saleh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 April 2025.

MATTER DETERMINED

PPSSSH-178 – CANTERBURY-BANKSTOWN – DA-1049/2024 at 171 Weston Street & 2, 4 & 6 Hinemoa Street, Panania (Lot 42,43,44,45 DP 35211) – Demolition of existing structures and construction of a 4 storey and 5 storey affordable housing residential flat building comprising 42 apartments over basement carparking (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 the site inspection listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Canterbury Bankstown Local Environmental Plan 2023 (LEP) and State Environmental Planning Policy (Housing) 2021 (SEPP(Housing)) the Panel is satisfied that the applicant has demonstrated that:

- 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; and
- there are sufficient environmental planning grounds to justify contravening the development standard for the reasons outlined in the clause 4.6 written request

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 the building height; 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 permissible with development consent within the R4 High Density Residential zone and is consistent with the relevant zone objectives, it complies with the applicable State Environmental Planning Policies and satisfies the relevant provisions of the *Canterbury Bankstown Local Environmental Plan 2023*

- The proposed development appropriately responds to the site, is compatible with the desired future character of the surrounding area and does not result in unreasonable impacts on residential amenity
- All outstanding issues have been satisfactorily resolved
- The proposal will have positive social and economic benefit by increasing housing supply in the Canterbury Bankstown area
- The panel has carefully considered all the relevant issues raised in submissions and concludes they have been resolved through design and the imposition of conditions

CONDITIONS

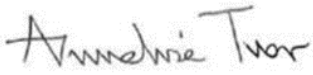

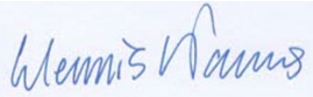
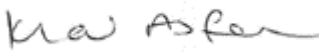

The Development Application was approved subject to the conditions agreed between council and the applicant and uploaded to the ePlanning portal on the 10 April 2025.

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:

- Parking
- Obstruction of views
- Character of the area
- Apartment diversity
- Visual privacy
- Solar access
- Building height

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and through the conditions of consent as imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-178 – CANTERBURY-BANKSTOWN – DA-1049/2024
2	PROPOSED DEVELOPMENT	171 Weston Street & 2, 4 & 6 Hinemoa Street, Panania (Lot 42,43,44,45 DP 35211)
3	STREET ADDRESS	Demolition of existing structures and construction of a 4 storey and 5 storey affordable housing residential flat building comprising 42 apartments over basement carparking
4	APPLICANT/OWNER	Applicant: NSW Land and Housing Corporation 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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Canterbury-Bankstown Local Environmental Plan 2023 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canterbury-Bankstown Development Control Plan 2023 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 7 April 2025 List any clause 4.6 variation: Canterbury Bankstown Local Environmental Plan 2023 cl. 4.3 (Height of Buildings) and State Environmental Planning Policy (Housing) 2021, cl. 18 (Affordable housing requirements for additional building height) Written submissions during public exhibition: 4 Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 11 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor, Glennis James <u>Council assessment staff</u>: Nicholas Aley, Stephen Arnold, Fiona Kordahi Briefing: 3 December 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor, Penelope Holloway, Khal Asfour, Karl Saleh <u>Applicant representatives</u>: Karl Harb (Homes NSW), Mano Manoharan (Homes NSW), Carolyn Howell (Homes NSW),

		<p>Deborah Gilbert (Homes NSW), Yudhi Setiawan (Homes NSW), Peter Morson (Morson Group)</p> <ul style="list-style-type: none"> ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 14 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor, Penelope Holloway, Glennis James, Karl Saleh, Khal Asfour ○ <u>Council assessment staff</u>: George Telo, Stephen Arnold ○ <u>Applicant representatives</u>: Karl Harb (Homes NSW), Mano Manoharan (Homes NSW), Yudhi Setiawan (Homes NSW), Peter Morson (Morson Group), Carolyn Howell (Homes NSW), Mathew Gallagher ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report