

| | |
|---------------------------------|--|
| DATE OF DETERMINATION | 10 June 2021 |
| PANEL MEMBERS | Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Bilal El-Hayek, Nadia Salah |
| APOLOGIES | Heather Warton |
| DECLARATIONS OF INTEREST | None |

MATTER DETERMINED

PPSSSH-26 – CANTERBURY BANKSTOWN – DA757/2020 at 17-21 Pennsylvania Road, Riverwood – Construction of a part 3 and part 4 storey residential flat building for affordable rental housing, basement car parking and associated site works (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 listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, *Canterbury Local Environmental Plan 2012* and *Canterbury Development Control Plan 2012* and all other relevant environmental planning instruments and policies.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the council assessment report as it generally complies with the development standards and is unlikely to have any significant impacts. The proposal results in minor variations to the landscape requirement under the ARH SEPP, visual privacy requirement under the ADG and the articulation control within CDCP 2012, however the variations are considered to have negligible impacts on the amenity of the development and neighbours.

The development is supported under the principle of delivering affordable housing, whilst protecting the amenity for occupants and positively contributes to the streetscape and the local built environment.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the amended final conditions developed in consultation with the Applicant following a review of the conditions in dispute. These conditions were amended primarily to respond the conditions regarding Restriction on title, Timing of Construction Certificates and other operational issues (multiple conditions), and amendments to the Landscape Plan.

The request for a relaxation of the Developer contributions requirement was not agreed to as, while it is acknowledged that there are social benefits of the development, there are also impacts that will occur as a result of the increased population of the development. It is also the view of the Panel that there is no discretion to reduce it under the circumstances as there is no additional material public benefit beyond the affordable housing being provided and the developer contributions apply to this development under the Canterbury Development Contributions Plan 2013.

In addition, the following condition is to be included:

- Prior to issue of the Occupation Certificate, the proponent must submit a detailed validation report to Council and the principal certifying authority.

The validation report must be prepared in accordance with:

- i. 'State Environmental Planning Guideline (SEPP) 55 – Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA, 1998);
- ii. Relevant EPA Guidelines, noting the 'Guidelines for Consultants Reporting of Contaminated Land 2020 and
- iii. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The validation report must be prepared or reviewed and approved by an appropriately qualified environmental consultant.






The validation report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan, prepared by JBS&G Australia Pty Ltd, titled St George Community Housing Remedial Action Plan, 17-21 Pennsylvania Road, Riverwood NSW, dated 19 March 2021, Reference 59058/130987 (Rev 2).

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:

- Construction noise and vibration (during school hours)
- Construction traffic and parking during school pick up and drop off times
- Privacy impacts on the school from the western balconies overlooking the school
- Insufficient parking spaces and impacts on the surrounding road network as a result

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 addressing construction noise and traffic management, and the development meets appropriate development standards and policies regarding CPTED.

| PANEL MEMBERS | |
|---|---|
|  Helen Lochhead (Chair) |  Susan Budd |
|  Stuart McDonald |  Bilal El-Hayek |
|  Nadia Saleh | |

| SCHEDULE 1 | | |
|------------|---|---|
| 1 | PANEL REF – LGA – DA NO. | PPSSSH-26 – CANTERBURY BANKSTOWN – DA757/2020 |
| 2 | PROPOSED DEVELOPMENT | Construction of a part 3 and part 4 storey residential flat building for affordable rental housing, basement car parking and associated site works |
| 3 | STREET ADDRESS | 17-21 Pennsylvania Road, Riverwood Lot 376 DP 225388, Lot 377 DP 225388, Lot 378 DP 225388, 379 DP 225388, Lot 380 DP 225388 |
| 4 | APPLICANT/OWNER | St George Community Housing Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | CIV > \$5M - Private infrastructure and community facilities |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 – Contaminated Land (SEPP 55) State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (State and Regional Development) 2011 Canterbury Local Environmental Plan 2012 (CLEP 2012) Canterbury Development Contributions Plan 2013 (Contributions Plan 2013) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 (CDCP 2012) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 10 June 2021 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: Thursday, 17 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton, Bilal El-Hayek <u>Council assessment staff</u>: Kaitlin McCaffery, George Gouvatsos <u>DPIE staff</u>: Michelle Burns Final briefing to discuss council's recommendation: Thursday, 10 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Bilal El-Hayek, Nadia Saleh <u>Council assessment staff</u>: Kaitlin McCaffery, George Gouvatsos |

| | | |
|----|-------------------------------|--|
| | | <ul style="list-style-type: none"> ○ <u>Applicant representatives:</u> Gareth Williams, Angus Nguyen, Michael Woodland, Sammy Hamilton, Nick Byrne, Ian Lim ○ <u>DPIE staff:</u> Michelle Burns, Leanne Harris, Carolyn Hunt |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |