

DATE OF DETERMINATION	18 October 2021
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Bilal El-Hayek
APOLOGIES	Nadia Saleh
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 October 2021.

MATTER DETERMINED

PPSSSH-33 – CANTEBURY BANKSTOWN – DA-861-2020 - 48 WELLINGTON ROAD CHESTER HILL 2162 - Construction of a 5-storey residential flat building including 37 affordable housing units with basement car parking.

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.

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 assessment report. It should be noted that solar non-compliance was a consequence of the high proportion of 1 bedroom units in the development that respond to the Land and Housing Corporation client needs. The Panel noted that in this circumstance with some minor design changes conditioned including clerestory roof windows that this would be satisfactory.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments as agreed by Land and Housing Corporation:

- Condition 1.2 (a) was amended to provide dimensions and construction requirements related to the required Clerestory windows for units 402 and 403 to read as follows:
 - The plans are to be amended and a Clerestory window proposed in place of the skylights shown for units 402 and 403. The clerestory window should be a minimum dimension of 1.5 (high) x 2.5m (length) x 2.0m (width) and integrated into the western elevation of the roof plan to sit above the living and/or kitchen area of unit 402 and 403. The clerestory window must not exceed the approved height of the development and be suitably integrated into the overall roof design.*
- Conditions 2.28F and 4.17 were amended to include the need for consultation with the local school regarding heavy vehicle movements as part of the required Construction Traffic Management Plan as follows:

Amended Condition 2.28F

Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads.

Alternate longer routes will only be considered in order to bypass school zones during school zone hours.

If school zones cannot be avoided a Traffic Management Plan is to be prepared in consultation with and agreement from the Local School to ensure safe operation of the site and school access is maintained. Should transportation be required during these times, it should be minimised and include adequate measures and noticed to ensure the school can suitably inform staff and parents of the occurrence.

An Agreement with Council, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to any works commencing onsite. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work in consultation with Council.

Amended Condition 4.17

Any heavy vehicle movements associated with demolition, construction or the delivery of materials that are intended to arrive or depart the site during school zone periods (i.e. from 8.00am – 9.30am and 2.30pm – 4.00pm on school days) will be subject to a Traffic Management Plan, prepared in consultation with the Local School.




- A new condition 1.3 was added to require further design consideration to the proposed screening of the building adjacent to the railway corridor as follows:
Any screening required to achieve/maintain railway corridor safety and acoustic privacy shall be designed with materials to maximise transparency and useability of the space, such as glazed louvers or equivalent, but must not compromise the usability of the space or ability to achieve natural light and ventilation. The design and selection of the materials must not compromise safety of future occupants, and where possible the screening is to be operable.

CONSIDERATION OF COMMUNITY VIEWS

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

- Impacts of construction traffic and safety of school children during construction

The panel considers that concerns raised by the community have been adequately addressed in the assessment report with a condition of consent requiring a Construction Management Plan.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-33 – CANTEBURY BANKSTOWN – DA-861-2020
2	PROPOSED DEVELOPMENT	Construction of a 5-storey residential flat building including 37 affordable housing units with basement car parking.
3	STREET ADDRESS	48 WELLINGTON ROAD CHESTER HILL 2162
4	APPLICANT/OWNER	Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>The development application has been assessed in accordance with the provisions of Section 4.15(1) of the <i>Environmental Planning and Assessment Act, 1979</i> requiring, amongst other things, assessment against:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011, • State Environmental Planning Policy No. 55 – Remediation of Land, • State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Affordable Rental Housing) 2009, • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, • State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017, • Bankstown Local Environmental Plan 2015, Bankstown Development Control Plan 2015 and • Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020.
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 30 September 2021 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 17 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal El-Hayek ○ <u>Council assessment staff</u>: Casandra Gibbons, Stephen Arnold <p>Site inspection: Panel members visited the site individually on different days due to Covid – 19 precautions.</p> <ul style="list-style-type: none"> • Applicant Briefing: 14 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal El-Hayek ○ <u>Applicant representatives</u>: Georgia Sedgmen, Casandra Gibbons, Danielle Lopez, Mano Manoharan, Dustin Gentle, Mark Reynolds, Floriane Trazic, Ambrose Marquart ○ <u>DPIE</u>: Leanne Harris <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues OR to respond to the recommendation in the council assessment report</p> • Final briefing to discuss council's recommendation: 14 October 2021

		<ul style="list-style-type: none">○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Bilal El-Hayek○ <u>Council assessment staff</u>: Casandra Gibbons, Stephen Arnold○ <u>DPIE</u>: Leanne Harris
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report