

<b>DATE OF DETERMINATION</b>	20 July 2022
<b>DATE OF PANEL DECISION</b>	19 July 2022
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Heather Warton, Susan Budd,
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Bilal El Hayak and Charlie Ishac declare a conflict of interest for this matter as they had previously voted on matters related to the site in Council.

Papers circulated electronically on 12 July 2022.

#### **MATTER DETERMINED**

PPSSSH-80 – Canterbury-Bankstown – DA-512/2021 - 165 – 171 Milton Street, Ashbury 2193 for, excavation, site remediation, new road, removal of 23 trees, site landscaping and construction of 138 units with 62 terraces and residential flat buildings for 76 units over a single level basement car park.

#### **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 and supplementary information provided post the deferral of the matter on 7 June 2022.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Draft Notice of Determination with the following amendments, primarily typographical errors and duplication:

- Condition 1.5 replace 'eiaustralia' with 'El Australia'
- Condition 1.6, replace condition with 'An easement under section 88B or 88E of the Conveyancing Act permitting access by Council and pedestrians over the internal road including footpaths shall be registered on title prior to OC. The new internal road and footpaths shall be maintained by private ownership for the longevity of the development'
- Condition 1.12, replace 'building' with 'buildings'
- Condition 1.13 to include trees 51 and 55 in dot point 4
- Condition 1.14, delete first 2 lines, 'Approval is granted for the removal of the following trees: T51, T55, as per (Arboricultural Impact Assessment, Date: 5/5/2021, By: Naturally Trees.'
- Condition 1.16 to be deleted as it duplicates Condition 1.14
- Condition 2.4, delete 'and the consenting authority'
- Condition 4.4, insert 'drainage excavation works be required'
- Condition 4.24, replace condition with 'The Certifier must ensure that detailed plans which form part of the Construction Certificate are consistent with the requirements of the traffic management plan and loading lock management plan that are referred to in the document titled "Re: 165-175

Milton Street, Ashbury Response to RFI (Ref: DA-512/ 2021)" prepared by Bernard Lo from Transport and Traffic Planning Associates and dated 14 April 2022 (and identified by the author's reference "Ref: 21308")




- Condition 5.20 to be replaced with 'The proponent is to formulate and implement a long-term traffic management strategy that ensures suitable and equitable loading dock access, basement access and traffic management for both the site which is the subject of this development consent (165 Milton Street, Asbury) and the northern adjoining property (known as 149-163 Milton Street, Ashbury). Such a plan is to be developed in consultation with the owners of 149 – 163 Milton Street Ashbury and submitted to Council for information. Should it be that the long-term strategy triggers a need to modify any interim arrangement, such modifications are to be to Council's satisfaction and at no cost to Council.

#### 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 at the public meeting held on 7 June 2022. The panel notes that issues of concern included:

- Removal of significant trees on site.
- Loss of on-street parking along Milton Street
- Privacy impacts from roof top terraces
- Overshadowing of private open space of existing neighbouring dwelling

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 additional information was provided that satisfied the Panel that these matters have been addressed.

PANEL MEMBERS	
Helen Lochhead (Chair) 	 Susan Budd
Heather Warton 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-80 – Canterbury-Bankstown – DA-512/2021
2	PROPOSED DEVELOPMENT	Excavation, site remediation, new road, removal of 23 trees, site landscaping and construction of 138 units with 62 terraces and residential flat buildings for 76 units over a single level basement car park.
3	STREET ADDRESS	165-171 Milton Street, Ashbury 2193
4	APPLICANT/OWNER	Mecone / The Ashbury Developments Unit Trust
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Water Management Act 2000</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)</li> <li>• State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX)</li> <li>• Canterbury Local Environmental Plan 2012 (CLEP 2012)</li> <li>• Canterbury Development Control Plan 2012 (CDCP 2012)</li> <li>• Canterbury Development Contributions Plan 2013 (Contributions Plan 2013)</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 24 May 2022 (dated 7 June)</li> <li>• <b>Council Supplementary Report: 4 July 2022</b></li> <li>• Written submissions during public exhibition: 31</li> <li>• Verbal submissions at the public meeting 7 June 2022: <ul style="list-style-type: none"> <li>○ Jane Williams, Matt Burke</li> <li>○ Council Assessment Staff – Kaitlin McCaffrey, George Gouvatsos</li> <li>○ On behalf of the applicant – Wesley Grunsell, Chris Gorton, Daniel Bafsky, Josephine Gowty, Aras Labutis, Adam Coburn, Ian Cady</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 31</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 2 August 2021, 16 September 2021, 9 December 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Susan Budd, Heather Warton</li> <li>○ <u>Council assessment staff</u>: Stephen Arnold, Aidan Harrington</li> <li>○ <u>DPIE</u>: Leanne Harris, Carolyn Hunt, Holly McCann</li> </ul> </li> <li>• Site inspection: Panel members visited the site individually on different days due to Covid-19 precautions.</li> <li>• Briefing to discuss council's recommendation: 7 June 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Susan Budd, Heather Warton</li> <li>○ <u>Council assessment staff</u>: George Gouvatsos, Ian Woodward, Kaitlin McCaffrey</li> </ul> </li> </ul> <p><u>DPIE</u>: Leanne Harris, Sharon Edwards</p> <ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 18 July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Susan Budd, Heather Warton</li> <li>○ <u>Council assessment staff</u>: Ian Woodward,</li> </ul> </li> </ul> <p><u>DPIE</u>: Leanne Harris, Carolyn Hunt</p>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Draft Notice of Determination