

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Tuesday 19 August 2014 at 10.30am

Panel Members: David Furlong, Sue Francis, Stuart McDonald, Brian Robson and Gillian Dawson

Apologies: Nil - Declarations of Interest: Nil

Determination and Statement of Reasons

2013SYE081 – Canterbury - 301/2013 - Demolition of all existing structures and construction of a mixed development containing 224 residential apartments, commercial tenancies, communal facilities, basement carparking and associated strata subdivision - 717-727 Canterbury Road, Belmore as described in Schedule 1.

Date of determination: 19 August 2014

Decision:

The panel determined to refuse the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The panel notes the merit issues raised in the council assessment report. The panel resolves unanimously to refuse the application, based on Justice Sheahan's judgement dated 14 August 2014 that due to a number of the proposed units being located on the ground floor they are not "shop top housing", rendering this development application prohibited.

Panel members:


David Furlong (chair)


Stuart McDonald


Sue Francis


Brian Robson


Gillian Dawson

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2013SYE081 – Canterbury - 301/2013
2	Proposed development: Demolition of all existing structures and construction of a mixed development containing 224 residential apartments, commercial tenancies, communal facilities, basement carparking and associated strata subdivision
3	Street address: 717-727 Canterbury Road, Belmore
4	Applicant/Owner: Troy Pestano Douglas & Andrew Hrsto Belmore 88 Pty Ltd
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP 65 – Design Quality of Residential Flat Development ○ State Environment Planning Policy (Building Sustainability Index) BASIX 2004 ○ SEPP 55 – Remediation of Land ○ SEPP (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Canterbury LEP 2012 • Draft environmental planning instruments: Nil • Development control plans: Canterbury DCP 2012 • Planning agreements: Nil • Regulations: 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 5 August 2014 Written submissions during public exhibition: 0 Verbal submissions at the panel meeting: Support- Nil; Against- Nil; On behalf of the applicant- Nil
8	Meetings and site inspections by the panel: Briefing Meeting 14 November 2013
9	Council recommendation: Refusal
10	Draft conditions: N/A