

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 4 February 2015 at 1:00 pm

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Gillian Dawson and Brian Robson

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014SYE109 Canterbury LGA DA363/2014 [at 98 Payten Avenue, Roselands] as described in Schedule 1.

Date of determination: 4 February 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 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 proposal complies with the objectives of the zone and the desired future character of the area.

The proposal generally complies with the relevant planning controls, except for a minor non-compliance with the FSR control, which is justified by a submission under clause 4.6 of the Canterbury LEP 2012.

The proposal's impact on the privacy and sunlight of nearby development is acceptable.

The future apartments will have good amenity.

Conditions: The development application was approved subject to the conditions recommended in the in the planning assessment report, except as follows:

Condition 9 is amended so that the requirement for screens is replaced by a requirement for planter boxes at the height of the balustrades, the planter boxes being a minimum of 400mm in width. A strip of opaque glass, 300mm in height, is to be inserted above the solid balustrade. The reason for this amendment is that the requirement for screens would deprive all the northern balconies of sunlight, thus cancelling out any benefit of northern orientation. The aim to provide privacy to adjoining properties will be achieved by the planter boxes and the strip of opaque glass, which will prevent the occupants of the apartments from overlooking adjacent dwellings, which are some 20m away, as well as the adjoining child care centre to the east.



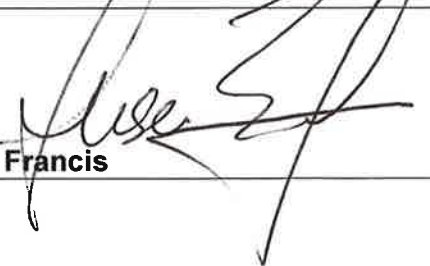


Conditions 36, 39, 41, 67, 74, 75 and 76 are deleted, as they are either not related to planning matters or are duplications.

A new condition is added: "The applicant shall confer with council's waste services co-ordinator to ensure the maximum compaction rates are applied through the waste compaction unit to reduce the number of bins required for collection. The waste storage area shall be reduced in size accordingly. Details to be provided before the submission of the application for a Construction Certificate."

A new condition is added requiring the parking space to be deleted in the driveway, to be replaced with landscaping.

In Condition 8b the words "up to 2m in height" shall be inserted after the words "such as brick".

Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Gillian Dawson	 Brian Robson	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE109 Canterbury DA363/2014
2	Proposed development: Demolition of the existing structures on site and the construction of four (4), 3 storey over basement, residential flat buildings, comprising 67 units and 91 car parking spaces
3	Street address: 98 Payten Avenue, Roselands
4	Applicant/Owner: Charles Payten Pty Ltd / Charles Payten Pty Ltd
5	Type of Regional development: Development with a Capital Investment Value of more than \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy 2004 BASIX • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • Canterbury Local Environmental Plan 2012 • Canterbury Development Control Plan 2012 • Canterbury Development Contributions Plan 2013 • 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 27 January 2015 Written submissions during public exhibition: 14, including five (5) petitions Verbal submissions at the panel meeting: Against- Bob Bartley, Sharon Faulkner on behalf of Ponyara Preschool, Margarita Kospetas, Anthony Rehayem and Jean Cyoil-Laurent; On behalf of the applicant- John Kavanagh and Clare Swan
8	Meetings and site inspections by the panel: Briefing Meeting on 22 October 2014
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report dated 27 January 2015