

**RECORD OF DEFERRAL  
SYDNEY EAST JOINT REGIONAL PLANNING PANEL  
MEETING HELD AT CHRISTIE CONFERENCE CENTRE  
ON WEDNESDAY 19 AUGUST 2015 AT 1:30 PM**

Panel members:

John Roseth - Chair  
David Furlong – Panel Member  
Sue Francis – Panel Member  
Brian Robson – Panel Member  
Gillian Dawson – Panel Member

Council staff in attendance:

Rita Nakhle  
Spiro Stavis

Apologies: None

Declarations of interest: None

Matter deferred:

**2014SYE136 Canterbury DA-505/2014: Mixed Use Development:  
Demolition of existing structures and construction of a 6 storey mixed  
use development containing 10 commercial tenancies and 102  
residential units and 3 levels of car parking (207 car spaces) at 364-374  
Canterbury Road, Canterbury**

**Public submissions made at this meeting:**

On behalf of the applicant: Garry Chapman and Dugald Mackenzie

**Panel Decision:**

The Panel resolves unanimously to defer the determination of the application in order to allow the applicant an opportunity to submit amended drawings which provide for 18m separation between the fifth and sixth floors, comply with the 45 degree height plane control from Onslow Lane, reduce the lift overrun to 2.4m and provide a residential floor to floor height of at least 3m.

Despite the recommendation of the assessment report and the submission by the applicant that it complies with the requirements of the Residential Flat Design Code, the Panel concludes that the amenity of some of the proposed apartments on the upper two floors is unacceptable. This is because, in order to overcome the lack of adequate separation between the northern and the southern building, the applicant has chosen to introduce highlight windows with obscure glass to bedrooms and permanent screens to balconies to single-aspect south-facing apartments, thus ensuring that the living rooms of those apartments are permanently dark.

The Panel notes also that the proposal does not comply with the requirement to set back at 45 degrees from Onslow Lane. A major purpose of that control is to reduce the apparent height of the

building, when viewed from the other side of the lane. The apparent height of this proposal to the lane is six storeys.

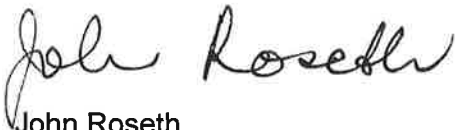
Finally the Panel does not accept that the residential floor to floor height of 2.9m will produce a floor to ceiling height of 2.7m. The minimum acceptable is 3m floor to floor. Particularly in the absence of other features which would increase the amenity of apartments, an adequate floor to ceiling height is important in this case.

In the Panel's opinion, the above problems could be resolved by the deletion of apartments 82, 83, 99 and 100 and the repositioning of the top floors to achieve a separation of 18m and compliance with the 45 degree height plane control from the lane.

The Panel requests the applicant to submit, before 9 September 2015, amended drawings which respond to the above concerns. The Panel requests the council's assessment officer to prepare, by 23 September 2015, a supplementary report on whether the amended drawings have responded to these concerns. A re-exhibition of the amendments is not required as they will result in reducing the impact of the proposal. Following receipt of the supplementary report the Panel will decide whether another public meeting is required or whether the matter can be determined by communicating by electronic means.

Should the applicant fail to respond to the invitation for amended drawings, the Panel will determine the application by refusal, as, in its present form, it is unacceptable.

Endorsed by

A handwritten signature in black ink, appearing to read 'John Roseth', written in a cursive style.

John Roseth  
Chair, Sydney East Joint Regional Planning Panel  
Date: 19 August 2015