

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 3 June 2015 at 10:00 am

Panel Members: John Roseth (chair), Sue Francis, Julie Savet Ward, Gillian Dawson and Brian Robson

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015SYE031 Canterbury 164/2012/C [at 1A, 1, 2, 3 Charles Street and 12 Robinson Street, Canterbury] as described in Schedule 1.

Date of determination: 3 June 2015

Decision:

The panel determined to accept the recommendation of the assessment report to refuse the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:


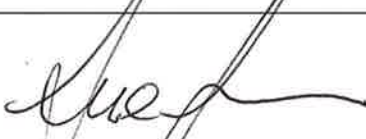



The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The original development approval, granted by the Land and Environment Court, already involves a breach of the height control, as the building is either 13.4m or 13.8m (depending on whether the Panel relies on the council's or the applicant's figures) against a control of 11m. This s96 application seeks an additional variation of 2.1m over the variation already granted.
2. The original development approval complies with the FSR control, as the FSR is 2.73:1 against a control of 2.75:1. This s96 application seeks a FSR of 2.83:1.
3. While the council has been flexible about height in the past, flexibility has not been to the extent now applied for. In the Panel's opinion, there is no justification for additional variations.
4. The Panel also notes that there is an amenity issue in three of the five proposed additional apartments, as the rooms called "Study" can be used as bedrooms and they have no opening windows. This reason, by itself, is not determinative.

Conditions: not applicable

Panel members:

 John Roseth (chair)	 Sue Francis	 Julie Savet Ward
 Gillian Dawson	 Brian Robson	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015SYE031 Canterbury 164/2012/C
2	Proposed development: Section 96 modification to amend the layout and design of an approved mixed use development including alterations to fire stairs, re-location of car parking spaces and additional five (5) residential apartments on level three (3).
3	Street address: 1A, 1, 2, 3 Charles Street and 12 Robinson Street, Canterbury
4	Applicant: Modern Developments 8 Pty Ltd
5	Type of Regional development: s96(2) modification of development determined by a Joint Regional Planning Panel
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Section 96(2) of The Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy 2004 – BASIX • Canterbury Local Environmental Plan 2012 • Canterbury Development Control Plan 2012 • 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: 20 May 2015 Written submissions during public exhibition: none Verbal submissions at the panel meeting: On behalf of the applicant- Adam Coburn
8	Meetings and site inspections by the panel: Briefing Meeting on 6 May 2015
9	Council recommendation: Refusal
10	Draft conditions: N/A