

**RECORD OF DEFERRAL
SYDNEY EAST JOINT REGIONAL PLANNING PANEL
MEETING HELD AT CHRISTIE CONFERENCE CENTRE
ON WEDNESDAY 21 OCTOBER 2015 AT 10.30AM**

Panel members:

John Roseth – Panel Chair
David Furlong – Panel Member
Sue Francis – Panel Member
Gillian Dawson – Panel Member
Fadwa Kebbe – Panel Member

Council staff in attendance:

Hassan Mourad
Spiro Stavris

Apologies: None

Declarations of interest: None

Matter deferred:

2015SYE060 Canterbury DA72/2015: Demolition of the existing structures on site and the construction of a ten (10) storey residential flat building, with 91 residential units, all over 3 levels of basement parking accommodating 128 car parking spaces at 10b Charles Street, Canterbury

Public submissions made at this meeting: None

On behalf of the applicant: Jim Apostolou and Andrew Robinson.

Panel Decision:

1. The Panel resolves unanimously to defer the application for the submission of an amended Clause 4.6 variation request.

The proposal exceeds the relevant residential floor space ratio and the building height control. While a request to vary the standards under Clause 4.6 of the Canterbury LEP was submitted, it failed to justify the variations in terms of the issues raised in the recent Court matter '*Four2Five v Ashfield Council*'.

The Panel requires demonstration that compliance with the relevant controls is unreasonable or unnecessary in the circumstances of the site.

Accordingly, the Panel requests that

2. The applicant provide an amended Clause 4.6 variation request dealing with the matters raised in the *Four2Five* decisions. This information should be submitted to Council by Monday 26 October 2015.

3. Council provide a supplementary assessment report by Friday 30 October 2015 indicating whether the revised clause 4.6 request complies with the matters contained in point 2 above.

Following receipt of the supplementary report, the Panel will determine the application by communicating by electronic means, unless the Panel Chair considers it necessary to hold another public meeting.

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

