

<b>DATE OF DETERMINATION</b>	16 May 2017
<b>PANEL MEMBERS</b>	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Jane Fielding and Peter Smith
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at City of Canterbury-Bankstown Council Chambers, on Tuesday 16 May 2017 opened at 2.00 pm and closed at 3.00 pm

#### **MATTER DETERMINED**

Panel Ref – 2015SYE166 - LGA – Canterbury-Bankstown, DA-516/2015, Address - 2-12 Harp Street and 1-5 Alfred Street, Clemton Park (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

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.






The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

#### **REASONS FOR THE DECISION**

While the Panel notes the proposed development would add to the supply and choice of housing within the Sydney South District and the Canterbury-Bankstown local government area in a location with access to transport services and the services offered by Clemton Park centre and is consistent with the zoning of the land under Canterbury LEP 2012, the application is refused for the following reasons:

1. The proposal fails to adequately satisfy the provisions of SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide.
2. The proposal fails to adequately satisfy the provisions of Canterbury LEP 2012 or the provisions of Canterbury DCP 2012 as noted in Council's assessment report.
3. The request to vary the development standard contained in Clause 4.3 (2) Height of Buildings Canterbury LEP 2012 is not considered acceptable as the resulting development would be inconsistent with the objectives of the standard and there are not sufficient environmental planning grounds provided to justify the contravention.
4. The proposal as a consequence of its failure to adequately satisfy the applicable planning provisions would result in development of the site providing inadequate residential amenity and a built form inconsistent with the intended future scale of development and character of the locality in which it is placed.

5. Further the Panel considers the detailed reasons contained in the Council assessment report recommendation for refusal are valid and support the decision of the Panel.
6. It is also noted that the application fails to provide sufficient material and analysis to determine if the proposal constitutes Integrated Development.
7. In consideration of these factors the Panel considers the proposed development is an inappropriate development of the site and approval of the proposal would not be in the public interest.

PANEL MEMBERS	
 Morris Iemma (Chair)	 Bruce McDonald
 Jane Fielding	 Peter Smith
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2015SYE166 - LGA – Canterbury-Bankstown, DA-516/2015
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of two, four to five storey residential flat buildings providing a total of 100 apartments with associated landscaping, basement car parking and Strata subdivision.
3	STREET ADDRESS	2-12 Harp Street and 1-5 Alfred Street Clemton Park (Lot 1, DP 124196, Lot 4, DP 345913, Lots A & B, DP 379354, Lot 1, DP 8240, Lot 7, DP 20173, Lot 3 DP 8240, Lot 1, DP 20173, Lots A & B, DP 432872)
4	APPLICANT/OWNER	Applicant: Tony Jreigh, CI-Urban Link Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Proposed development has a capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments:</li> <li>State Environmental Planning Policy No. 55 – Remediation of</li> </ul>

		<p>Land</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy N. 65 – Design Quality of Residential Apartment Development</li> <li>• Canterbury Local Environmental Plan 2012</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Canterbury Development Control Plan 2012</li> <li>• Canterbury Development Contributions Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report, architectural plans and relevant documents submitted as part of the DA.</li> <li>• Written submissions during public exhibition: 4</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Dominic Vartuli (supported by a cadastral record showing his property)</li> <li>○ On behalf of the applicant – Tony Dreigh - Architect</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 16 May 2017 – Site Inspection</li> <li>• 16 May 2017 – Final Briefing Meeting</li> <li>• 16 May 2017 – Public Meeting</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	N/A