

JRPP Ref. No.	2016SYE065
D/A No.	DA-172/2016
Property	Lot 1 DP124328, Lot 31 DP3846 and Lot 1 DP959068 at No. 46 – 48 South Parade, Campsie
Proposal	Demolition of existing structures and construction of a mixed use development comprising three levels of basement parking, ground floor commercial tenancies and thirteen residential levels incorporating 68 residential apartments
Zoning	B2 Local Centre under Canterbury Local Environmental Plan 2012
Applicant/Owner	CD Architects on behalf of the owners BH and CY Choi (Lot 1 DP959068) and Canterbury City Council (Lot 1 DP124328 and Lot 31 DP3846)
Supplementary Report by	SJB Planning for Canterbury Bankstown Council

EXECUTIVE SUMMARY

- The subject development application was considered by the Panel at its meeting of 21 September 2016.
- The Panel in considering the matter deferred the determination of the application to allow time for Council to formally communicate its agreement as to whether it accepts or rejects an amended application, and for the Council to clearly communicate its decision and reasons to the applicant in writing.
- Council by letter dated 22 September 2016 advised the applicant that pursuant to Clause 55 of the Environmental Planning and Assessment Regulation 2000 would not be agreeing to the lodgement of an amended application and confirmed that assessment and determination would proceed on the basis of the application lodged with Council on 19 April 2016.
- Council advised that were the amendment to have been accepted Council would have required:
 - The payment of any required fees
 - Updated BASIX certificate
 - Updated Design Verification Statement, and
 - Provision of notification plans and associated fees.

SEPP (Infrastructure) 2007 referral

The assessment report previously considered by the Panel indicated that referral of the application under clause 85 and 85 of SEPP (Infrastructure) 2007. It has since been clarified that the application has been referred to Sydney Trains. Sydney Trains will not issue any comment or response until the concurrence fee of \$320 has been paid. Council notified the applicant and confirmed this position on 24 October 2016.

CONCLUSION

Council has exercised its discretion under Clause 55(1) of the Environmental Planning and Assessment Regulation 2000 to not accept an amended development application and has advised the applicant in writing accordingly.

The assessment report considered by the Panel at its meeting of 21 September 2016 recommended refusal of the application and this assessment and recommendation remains appropriate. The application as lodged relies upon a substantial non-compliance to the Height of Buildings development standard at clause 4.3 of Canterbury LEP 2012 which is not considered to be justifiable and results in unacceptable impacts and outcomes for the locality.

Accordingly the recommendation for refusal remains.

RECOMMENDATION:

THAT the Joint Regional Planning Panel refuse DA-47/2012 for the Demolition of existing structures and construction of a mixed use development comprising three levels of basement parking, ground floor commercial tenancies and thirteen residential levels incorporating 68 residential apartments for the following reasons:

1. The proposed development does not comply with the requirement of Clause 4.3 of Canterbury Local Environmental Plan 2012, Height of Buildings, being approximately 260% greater than the development standard. The variation request submitted pursuant to Clause 4.6 of the Canterbury Local Environmental Plan 2012 to support the Development Application has failed to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
2. The proposed development will have adverse impacts upon adjoining land in terms of overshadowing and privacy resulting from excessive height and inadequate boundary setbacks
3. The plans as submitted do not satisfy the provisions of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development nor a range of development controls within Canterbury Development Control Plan 2012, requiring significant plan amendments to address these deficiencies.
4. The loss of the existing at grade public car parking and its replacement predominately within the basement of the development, is not in the public interest because the proposed replacement car parking will be less visible and more difficult to access therefore diminishing its value to the general public.

ATTACHMENT

Assessment report to Sydney East JRPP meeting of 21 September 2016.